

## **Planning and Licensing Committee**

**Tuesday, 26 April 2016 at 10:30**

**County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP**

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### **AGENDA**

- |    |  |           |
|----|--|-----------|
| 1  | Minutes of the last Meeting held on 22 March 2016  | 3 - 6     |
| 2  | Apologies for Absence  |           |
| 3  | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |           |
| 4  | Declarations of lobbying   |           |
| 5  | Public Bridleway Creation Order at Bevercotes Pit Wood   | 7 - 14    |
| 6  | Coneygre Farm, Thurgaton Lane Hoveringham  | 15 - 38   |
| 7  | Land off Welshcroft Close Portland Industrial Estate Kirkby-in-Ashfield  | 39 - 106  |
| 8  | Response to Department for Communities and Local Government Consultation on Planning Changes   | 107 - 120 |
| 9  | Corrospondance on Planning Applications  | 121 - 122 |
| 10 | Development Management Report  | 123 - 144 |
| 11 | Work Programme   | 145 - 148 |

## **Notes**

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **22 March 2016 (commencing at 10.30 am)**

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

John Wilkinson (Chair)  
Sue Saddington (Vice-Chair)

Roy Allan	Andy Sissons
Andrew Brown	Keith Walker
Steve Calvert	Jacky Williams
Jim Creamer	Yvonne Woodhead
A Rachel Madden	

**OFFICERS IN ATTENDANCE**

David Forster – Resources Department  
Jonathan Smith – Place Department  
Ruth Kinsey – Place Department  
Sue Bearman - Resources Department

**MINUTES OF LAST MEETING HELD ON 23 FEBRUARY 2016**

The minutes of the meeting held on 23 February 2016 having been circulated to all Members were taken as read and were confirmed and signed by the Chair.

**APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

There were no declarations of interest

**DECLARATIONS OF LOBBYING OF MEMBERS**

There were no declarations of Lobbying

**CHANGE IN ORDER OF BUSINESS**

With the agreement of the Committee agenda item 6 was taken before item 5 on the agenda

**SCROOBY SOUTH QUARRY, GREAT NORTH ROAD, SCROOBY  
VARIATION OF CONDITION 1 OF PLANNING PERMISSION 1/14/00537/CDM  
TO ENABLE MINERALS DEVELOPMENT TO BE COMPLETED BY  
31/12/2023**

Mr Smith introduced the report and gave a slide presentation. During his introduction he highlighted the following:-

- Firstly plan 1 attached to the report should show that the application site is not tight up to the Railway line but should be some 60 meters back
- Conditions set out in the appendix attached to the report highlight any issues with regard to groundwater issues e.g. contamination or water loss due to the fishery located nearby
- There are 3 stages of extraction starting from North to South with approximately 740,000 tonnes being removed.
- The nearest property is some 320 Meters to the south of the application and therefore the noise issue will be at a minimum

Following the introductory remarks of Mr Smith there was one speaker and a summary of his speech is set out below.

Mr J Standen, agent for the applicant, spoke in favour of the application and highlighted the following:-

- Rotherham Sand and Gravel (RS&G) is a long established independent local business that supplies North Notts with aggregates and asphalt
- The development of the site is wholly consistent with the adopted and emerging Nottinghamshire Minerals Local Plan
- RS&G ensure that good operational practice is undertaken throughout the company.
- The extension in time proposed will enable RS&G to continue to meet local requirements for aggregate and building supplies in the area.

There were no questions

Mr Smith responded to comments made by Members as follows:-

- The application does form part of the Landbank for Nottinghamshire and not approving the proposal would reduce the landbank by around 4 months.
- If there was any effect on the fishing lakes then the conditions agreed in appendix 1 would take account of this.

On a motion by the Chair seconded by the Vice Chair it was:-

**RESOLVED 2016/021**



That planning permission be granted subject to the conditions set out in Appendix 1 attached to the report.

**BILSTHORPE HIGHWAYS DEPOT BILSTHORPE BUSINESS PARK  
EAKRING ROAD BILSTHORPE**

Mr Smith introduced the report and gave a slide presentation. During his introduction he highlighted the following:-

- The application is to add additional office space on the Bilsthorpe site
- The three local Parish Councils (Bilsthorpe, Rufford and Eakring) have not responded to the application

In response to a comment Mr Smith informed members that he will speak with Corporate Property with regard to Solar Panels and other energy saving systems.

On a motion by the Chair seconded by the Vice Chair it was:-

**RESOLVED 2016/022**

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1 attached to the report.

**DEVELOPMENT MANAGEMENT PROGRESS REPORT**

On a motion by the Chair seconded by the Vice Chair it was:-

**RESOLVED 2016/023**

That the Development report be noted

**WORK PROGRAMME**

On a motion by the Chair seconded by the Vice Chair it was:-

**RESOLVED 2016/024**

That the Work Programme be noted

**CHAIRMAN**



26<sup>th</sup> April 2016

Agenda Item:5

**REPORT OF CORPORATE DIRECTOR - PLACE****PROPOSAL: PUBLIC BRIDLEWAY CREATION ORDER AT BEVERCOTES  
PIT WOOD****Purpose of the Report**

1. To inform Committee about a Public Path Creation Order (made in March 2015) relating to Bevercotes Pit Wood which has been made and subsequently objected to. The main purpose of the Order is to record a public bridleway into and around the Wood on existing paths and tracks. The wood, a former colliery site, is now owned by Nottinghamshire County Council and is leased to the Forestry Commission for 999 year term. The site was restored by Nottinghamshire County Council and the Forestry Commission working in partnership through the 'Greening the Coalfield' project. Public access to the wood is currently permitted on foot only. A plan of the site is shown at Appendix 1.
2. The Order was made following a request by horse riders wishing to use the wood for off-road recreational riding. A series of photographs highlighting features around the wood are shown at Appendix 2.

**Information and Advice**

3. Nottinghamshire County Council has powers under Section 26 of the Highways Act 1980 to make Public Path Creation Orders for footpaths and bridleways. When determining such matters the authority must have regard to the extent to which the path being created would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and to the effect it would have on the rights of persons interested in the land (i.e. the landowner or tenant).
4. Consideration must also be given to the provisions contained in Section 28 of the Highways Act 1980 where compensation can be claimed by persons with an interest in the land who are disadvantaged by the creation of rights of way (i.e. such as a loss in land value).
5. Equestrian access into the wood would be made at point 'D' by the creation of a public bridleway along Gravel Pit Lane (an existing access track) which then connects to West Drayton Bridleway No.2.
6. Three new definitive footpath links (from points A,B,C) are also proposed which provide additional pedestrian access into the wood.

## Consultation

7. As is standard procedure prior to the Order being made, consultation was carried out with interested parties including Nottinghamshire County Council's Property Division who were believed to be the only affected landowner. As no comments or objections were received, the Order was made and then publicised with notices being posted on site and in the local newspaper. Publicising the Order in this way provides an opportunity for people to raise formal objections. However, during this objection period it emerged that two other landowners had an interest in the affected land i.e. the Forestry Commission (as lease holders to the wood) and George Woodcock and Son (owners of Gravel Pit Lane).
8. Consequently, George Woodcock and Son of Haughton Park House Farm, Bothamsall **objected** to the Order on the following grounds:
- *Failure by the County Council to notify them of the making of the Order*
  - *Danger to horse riders owing to a steep dyke running alongside the proposed route which cannot be fenced off*
  - *Disturbance of pheasant pens by the passing public*
  - *Horses rearing and bolting when shooting is taking place on adjacent land*
  - *Potential theft or damage to premises, farm machinery, fuel and crops if gates cannot be kept locked*
  - *Danger to the public posed by farm machinery*
  - *There is already sufficient public access over our land*
9. The Forestry Commission also **object** to the Order on the following grounds:
- *The Commission does not wish to see any bridleways created as it needs to retain complete control in order to effectively manage the site for various users*
10. The occupiers of The River House, Avenue Lodge, West Drayton also **object** to the order on the following grounds;
- *We live very close to these proposals and can foresee people coming past our property.*
  - *We already get people walking, riding and cycling past our property (a private road).*
  - *There is a shoot on this land and there could be dangerous consequences*
  - *We are disappointed that we have not been informed by letter of this proposal being neighbours to the bridleway*
  - *There is already a perfect walking area situated in the old Bevercotes Pit area*
11. Letters of **support** were received from 19 horse riders and from the British Horse Society (East Midlands Region). The main points raised were;
- Safety – riders currently use the existing road network. The local roads are narrow and have blind bends. Speeding traffic is posing a danger to on-road horse riders. This proposal would provide a safe off-road route.
  - Bevercotes Pit Wood is currently underused as a public amenity

- The proposal would benefit nearby livery yards
  - An historic bridleway which crosses the site was never recorded on the definitive map
  - The proposal would require little resource to implement
  - The proposal would benefit horse riders and cyclists for enjoyment of the countryside
12. However, regardless of the pros and cons of the proposal, some technical issues which came to light after the making of the Order, effectively render it invalid, namely;
- As per paragraph 7 above, not all landowners were notified of the making of the Order as is required under Schedule 15(3)(2)(b)(i) of the Wildlife and Countryside Act 1981.
  - Land belonging to a government department (such as the Forestry Commission) cannot be subject to a Creation Order made under the Highways Act 1980 (S.26) unless an agreement under S.327(2) is made. No such agreement was in place when the Order was made, and there appears no prospect of any agreement being forthcoming as the Commission are actively opposed to the Order.
13. Furthermore, in light of the discovery that the land is not solely owned by the County Council, no consideration was given to potential claims for compensation from other landowners/tenants due to the creation of public rights of way (para. 4) as is required by the statutory test.

### **Reason(s) for Recommendation(s)**

14. In situations where a Creation Order has been made and no objections are received, it is normally the case that the authority will exercise its statutory powers and confirm the Order. However, owing to the technical points identified in paragraphs 12 and 13, it is recommended that the Order is not confirmed.
15. To keep Committee members, objectors and supporters informed about the reasons for not progressing the Creation Order.

### **Other Options Considered**

16. Some horse riders claim there is an unrecorded 'historic' bridleway leading into the Bevercotes Pit Wood from Lound Hall. This raises the question as to whether an alleged public bridleway ought to be recorded on the definitive map. However, archive research into this matter was carried out by Officers in 2007 who found insufficient evidence to support the making of a Modification Order to record a public bridleway.

### **Statutory and Policy Implications**

17. This report has been compiled after consideration of implications in respect of crime and disorder, 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, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

1) It is **recommended** that Committee resolve **not** to confirm the Order referred to in the report namely; The Nottinghamshire County Council (Bothamsall Footpath Nos. 2 & 5 and Footpath Nos. 3 & 4) Creation and Definitive Map and Statement Modification Order 2015.

**Neil Hodgson**  
**Interim Service Director Highways**

**For any enquiries about this report please contact:**  
Eddie Brennan (0115 9774709)  
Definitive Map Officer

### **Constitutional Comments (SJE 14/03/2016)**

18. This decision falls within the Terms of Reference of the Planning and Licensing Committee to whom, by virtue of Full Council Resolution 2014/027, responsibility for the exercise of the Authority's regulatory functions relating to public rights of way has been delegated.

### **Financial Comments (SES 15/03/16)**

19. There are no specific financial implications arising directly from this report.

### **Background Papers and Published Documents**

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.

- Bevercotes Pit Wood Creation Order case file

### **Electoral Division(s) and Member(s) Affected**

- Tuxford      Councillor John Ogle



# APPENDIX 1



Nottinghamshire  
County Council

Scale 1:10000

Produced by: e b40

Date: 08/02/2016

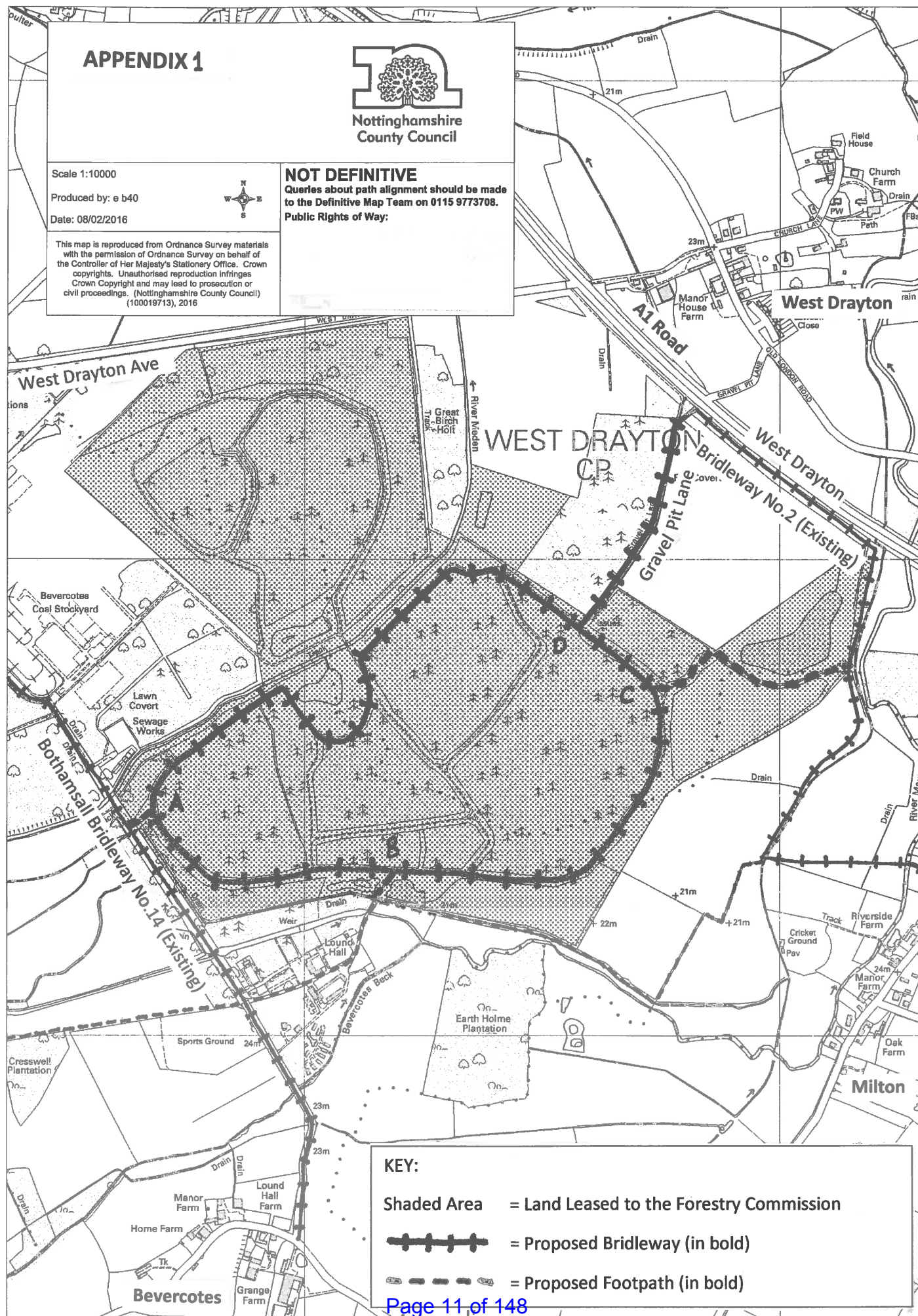


## NOT DEFINITIVE

Queries about path alignment should be made  
to the Definitive Map Team on 0115 9773708.

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(100019713), 2016



## KEY:

Shaded Area = Land Leased to the Forestry Commission

= Proposed Bridleway (in bold)

= Proposed Footpath (in bold)







Entrance from Bothamsall Bridleway No.14 (Point A on plan)



Public Information Board



26<sup>th</sup> April 2016

Agenda Item:6

**REPORT OF CORPORATE DIRECTOR – PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/00081/CMA**

**PROPOSAL: VARIATION OF CONDITIONS 4 AND 5 OF PLANNING PERMISSION 3/06/00893/CMA TO EXTEND THE LIFE OF THE FACILITY FOR A FURTHER FIVE YEARS AND VARIATION OF CONDITION 9 TO ALLOW MAXIMUM HEIGHT OF STOCKPILES TO BE INCREASED TO 8M.**

**LOCATION: CONEYGRE FARM, THURGARTON LANE, HOVERINGHAM**

**APPLICANT: CF AND JM LEE**

**Purpose of Report**

1. To consider a planning application to extend the duration of the waste recycling and disposal operations at Coneygre Farm for a further five year period and increase the height of stockpiles at the site to 8m.
2. The planning application has been reported to committee because the annual quantity of material inputted into the site (around 47,000 tonnes per annum) exceeds the level which can be determined under delegated powers (30,000 tonnes per annum). The recommendation is to grant planning permission subject to planning conditions.

**The Site and Surroundings**

3. Coneygre Farm is located within a countryside location approximately 1km to the north-east of the village of Hoveringham and 1.7km to the south-west of Bleasby village (see plan 1). The site is immediately to the south of the former Hoveringham Quarry plant site.
4. Coneygre Farm is a working farm. It incorporates a residential property and associated farm buildings, a series of three lakes which encircle the farm buildings to the north, east and west and areas of agricultural land.
5. Access to the site is obtained from the A612 (Lowdham to Southwell road) and Station Road which in turn lead to a 1km length of private access track. The first 300m section provides a shared access to the application site and Hoveringham Sailing Club, the remainder of the private road provides sole access to the application site.
6. The planning application site itself is identified on Plan 2. The site extends to 10.7 hectares in area. On-going tipping works within the site have sub-divided



the original large single lake (known as the quarry lake) into three smaller water bodies. These lakes are surrounded by improved grassland and areas where soils have recently been tipped. The lakes are approximately 6m in depth in their centres. The application site also incorporates an area of land to the east of the lake which is used as a stockpile and treatment area for inert waste material processing.

7. The land surrounding Coneygre Farm is predominantly agricultural in character. Historically the area has been extensively quarried for sand and gravel which supplied mineral through the former Hoveringham Quarry with most of the quarry voids being backfilled with ash originating from the former Staythorpe coal fired power station to restore the land back to original level.
8. The site forms part of a larger Local Wildlife Site (LWS) designation which incorporates the Hoveringham Gravel Pits. The area is noted for its botanical and ornithological interest.
9. The application site is remote from residential property. The nearest residential property, New Farm is situated on Main Street adjacent to the site access. A number of industrial buildings with associated open storage are situated on Station Road between the site access and the Nottingham to Newark railway line.

## **Planning History**

### Historical Planning Permissions

10. Planning permission was originally granted in 1982 for tipping operations at Coneygre Farm to facilitate the restoration of former sand and gravel workings created by Hoveringham Quarry. The planning permission permitted tipping within the lake near the farm buildings of Coneygre Farm to address erosion of the shore lines of the lake.
11. Permission was subsequently granted in May 1991 for an extension of inert waste disposal on land situated to the north of the farm buildings. The development sub-divided the existing lake into two lakes. Subsequently planning permission was granted in 1996 for the operation of an inert waste grading plant and recycling station to operate ancillary to the waste disposal facilities at Coneygre Farm.

### Extant Planning Permission

12. Planning permission was granted in February 2007 under planning reference 3/06/00893/CMA for a further extension to the inert landfill at Coneygre Farm and the continuation of use of the inert waste grading plant and recycling facility. The planning permission was issued for a ten year period expiring on 1st June 2017. The approved scheme allowed the importation of inert waste at an annual rate of 20-22,000 cubic metres per year to further re-engineer the lake by sub-dividing the larger mill lake into two smaller water-bodies (now complete), reduce the size of the lakes, reduce the water depth to improve the fish environment, cover previously restored banks where soil had eroded leaving exposed concrete beams and posts, make the remaining banks of the lakes safe and accessible to fishermen and shallow the gradients on the lake

margins of the northern and western shores of the fishing lake to the west of Coneygre Farm.

13. The application also permitted the continuation of the inert treatment centre for a further twelve years (ten years for importation, and two years to sell remaining stock). The approved scheme requires all imported material to be deposited and stockpiled in the treatment area to the west of the main lake. The treatment facility utilises a concrete crusher and screen on a campaign basis to separate soils, stone and other inert material. Processed material is sold, material which is not saleable is used for restoration purposes within the lake. Combined import volumes to the site are therefore approximately 47,000 tonnes annually (comprising of 22,000tpa for lake restoration & 25,00tpa material for resale).

## **Proposed Development**

14. Planning permission is sought to extend the duration of the waste recycling and disposal operations at Coneygre Farm (3/06/00893/CMA) for a further five year period until 1<sup>st</sup> June 2022 and increase the height of top soil, sub soil and other material storage stockpiles to 8m (currently limited to 3m, 4m and 5m). The application has been submitted as a Section 73 submission, seeking to vary requirements of Planning Conditions 4, 5 & 9 of 3/06/00893/CMA.
15. In a supporting statement the applicant advises that the extension of time would enable the completion of the approved restoration works at Coneygre Farm. Insufficient materials are currently available within the site to complete restoration works in accordance with the approved timescale. The planning application is supported by phasing plans.
16. The planning application to increase the height of all storage stockpiles within the inert processing area to 8m effectively regularises on-going storage activities in this area which currently breach the height limits set out within Condition 9 (see below). The applicant states that the enlargement of storage heights would assist with the operation of the site.

### Condition 9 – Material Storage

No top soil mound shall exceed 3 metres in height, no subsoil mound shall exceed 4m in height and any other material stockpile shall not exceed a height of 5 metres unless otherwise previously agreed in writing by the WPA. Material shall only be stored within the treatment plant and stockpile area identified on drawing H03871/6 and not on any other locations of the site unless the material is being placed for final disposal. The boundary of the stockpile/processing area shall be pegged out within 28 days of the date of commencement of the development, as notified under Condition 2. The pegging out shall thereafter be maintained at all times during the operational life of the site.

## **Consultations**

17. **Newark and Sherwood District Council:** *Raise no objections.*
18. **Hoveringham Parish Council:** *Raise no objections.*

19. **NCC (Nature Conservation):** *Raise no objections subject to the areas where tipping has been completed being seeded/planted at the earliest practicable opportunity.*
20. **NCC (Reclamation):** *Raise no objections.*
21. **NCC (Highways):** *Raise no objections.*
22. **NCC (Noise Engineer):** *Raise no objections.*
23. **Environment Agency:** *Raise no objections. The Agency note that Coneygre Farm is regulated by an Environmental Permit which amongst other matters regulates stockpile heights to 6m and therefore if planning permission is successful the operator will also be required to alter the requirements of the Permit.*
24. **Thurgarton Parish Council, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas):** *No representations received. Any response shall be orally reported.*

## **Publicity**

25. The application has been advertised by a press notice and a site notice. A neighbour notification letter has been posted to the occupier of Thurgarton Station House in accordance with the County Council's Adopted Statement of Community Involvement Review. No representations have been received.
26. Councillor Roger Jackson has been notified of the planning application.

## **Observations**

27. The application site has been operated as an inert landfill site since 1982, with aggregates re-cycling operations commencing in 1996. During this period the site has provided a useful inert disposal/treatment facility which is in close proximity to the Nottingham conurbation. The site has historically operated with minimal environmental disturbance.
28. The current application seeks to extend the duration of the previously consented inert disposal operations to complete the approved restoration scheme for the site and alongside this permit the continuation of the ancillary aggregates recycling facility albeit with an enlargement to the storage heights to 8m to assist with the efficient operation of these activities.
29. Policy WCS1 of the Nottinghamshire and Nottingham Waste Core Strategy (WCS) incorporates a presumption in favour of sustainable development. The key way that sustainable development is achieved is through Policy WCS3. This encourages waste management in accordance with the waste hierarchy and establishes a target of 70% recycling/composting of all waste by 2025. The policy gives priority to waste management through recycling/composting /Anaerobic Digestion then energy recovery with disposal being least favoured. Whilst least favoured, the WCS acknowledges that there is a need to provide disposal facilities to manage waste which cannot be economically recycled or recovered. The WCS identifies that existing consented inert disposal capacity is

unlikely to provide sufficient capacity throughout the life of the plan and a shortfall equivalent to 3,200,000 cubic metre of inert disposal capacity is identified with shortages anticipated in future years if no new capacity is brought on stream. Since the WCS was adopted a number of planning permissions have been issued which have reduced the size of this shortfall.

30. The facility at Coneygre Farm ensures that all wastes entering the site are screened and processed. This screening process aims to recover value from the waste stream, enabling soils and hardcore to be screened out the process and sold as a recycled aggregate and ensuring that only materials which are not suitable for recycling are disposed of. The development therefore is compliant with the objectives of WCS1 and WCS3 since it ensures that any waste that is disposed of is genuinely residual in nature.
31. WCS Policy WCS5 relates to the provision of waste disposal sites within Nottinghamshire. The policy priorities the Nottingham and the Mansfield/Ashfield urban areas with Plan 4 of the WCS identifying the 'disposal shortfall areas'. The application site is outside the shortfall areas but Policy WCS5 supports development outside these areas where it can be shown that there is no reasonable closer alternative. The policy incorporates a sequence of search to identify new development giving preference to the extension of existing sites and the use of waste to assist with the reclamation of mineral voids. The continuation of inert waste disposal at Coneygre Farm is therefore partially supported by WCS Policy WCS5 on the basis that it represents an extension of an existing site which is a former mineral void. Whilst falling outside the 'disposal shortfall area', the site is known to manage waste produced in the Nottingham area. Waste disposal at Coneygre Farm is also supported by WCS Policy WCS7 which identifies that landfill is appropriate in countryside locations and on land that was formerly used for quarrying.
32. The key policy relating to the siting of waste transfer facilities is WCS Policy WCS4. This policy promotes a pattern of facilities that are appropriately sized to the area they are located within, indicating that a 'medium' scale facility such as at Coneygre Farm with a 25,000tpa throughput should be sited in or close to the built up areas of Nottingham, Mansfield/Ashfield, Newark, Retford or Worksop, but also acknowledging that support may be given for waste transfer facilities in the open countryside where the location is justified by a clear local need. Furthermore Policy WCS7 (General Site Criteria) indicates that employment land is most suited to aggregates recycling facilities, and does not readily support the development of these facilities in open countryside.
33. Paragraph 7.38 of the WCS identifies that *'temporary aggregates recycling facilities may be appropriate at quarries or landfill sites where this can encourage greater re-use and recycling and they are linked to the life of that facility'*. This is the case with the facilities at Coneygre Farm which are operated as an ancillary part of the waste disposal activities, with controls built into the recommended planning conditions requiring the use to cease once stocks are cleared following the completion of tipping operations. There is a clear local need for these activities at Coneygre Farm since they enable all incoming waste to be screened pre-treated for recycling and recovered and therefore ensure that only non-recyclable waste is disposed into the void area in accordance with the objectives of Policy WCS3 and the waste hierarchy. The siting of the aggregates processing facilities at Coneygre Farm are therefore supported by

Policy WCS4 insofar that a clear local need has been identified for these facilities within this countryside location.

#### Environmental Protection

34. WCS Policy WCS13 seeks to protect and enhance the environment by requiring new or extended waste treatment and disposal facilities to demonstrate that they would not generate any unacceptable impacts on environmental quality or the quality of life of those living or working nearby.
35. As part of the consideration of the original planning application at Coneygre Farm the environmental effects of the development were assessed and deemed to be acceptable. Since this current planning application does not seek to alter the consented scheme, albeit to extend the end date and increase storage heights, the original conclusion regarding the acceptability of the environmental impacts scheme is likely to remain valid. These conclusions have been re-assessed to ensure they remain consistent.
36. In ecological terms the original development altered the character of the lakes by reducing their size, depth and edge profiles. These changes altered the habitat within the lake and whilst acknowledging the changes would not have been beneficial to all species (notably diving ducks), overall the works resulted in improvements to the marginal habitats and created a more varied habitat. The works would therefore ensure the integrity of the LWS is preserved and enhanced. The suggested planning conditions provide appropriate controls to ensure that the site is restored following the completion of the tipping operations.
37. In terms of traffic, WLP Policy W3.14 requires that waste management facilities should only be permitted where the associated traffic can be satisfactorily accommodated by the highway network without causing unacceptable disturbance to local communities. The application seeks to continue using the existing highway with all vehicles (40 HGV trips/80 movements per day) routed direct from the A612 via Station Road, thus avoiding trafficking through Hoveringham village. This is a long established access route which is adequate both in terms of design capacity and traffic amenity issues and its use ensures compliance with Policy W3.14. It is recommended that a planning condition is re-imposed to require the operator to issue instructions to instruct lorry drivers to follow this route in accordance with the requirements of WLP Policy W3.15.
38. With regard to visual effects, the tipping operations are undertaken at or below ground level with no associated built development and therefore they have a comparatively minor visual impact on the surrounding areas. The increase to the stocking heights would regularise ongoing operational practices at the site. Whilst this change would increase the visual appearance of the waste activities at the site from consented levels, the magnitude of change is considered to be minor having regard to the remoteness of the site from visual receptors and the presence of tall structures and trees in the immediately surrounding area.
39. With regard to impacts on the landscape, the development retains a commercial use within the countryside which in the short term is not in keeping with the rural character of the area. However, following its restoration the site would



incorporate a much smaller area of open water habitat which would be beneficial in landscape terms.

40. In respect of noise, WLP Policy W3.9 and in particular supporting text paragraph 3.39 advises that the most appropriate method of ensuring that noise from waste management facilities does not become intrusive is by remote siting of facilities away from noise sensitive receptors which the application site satisfies. The site has operated for many years without noise complaint. Since the current planning application does not significantly alter working practices it is concluded that noise emissions from the site will remain within acceptable levels. It is recommended that planning conditions limiting noise emissions by the control of operating hours, silencing of plant and controls on reversing beepers are re-imposed to limit noise emissions. Furthermore a condition is recommended that in the event of a justified noise complaint being received then further noise mitigation measures be put into place to ensure any nuisance is eliminated.
41. With regard to dust, the remote location of the site has ensured that current operations have not resulted in any dust nuisance to surrounding receptors. It is not anticipated that dust emissions would change in the future. A planning condition is recommended to ensure that action is taken to mitigate dust emissions in the event that a justified complaint is received.
42. In terms of controlling mud on the highway, the application site is accessed by a long private road that is surfaced in crushed stone. This long approach road has provided an effective control to ensure that mud and other deleterious material is not trafficked onto the highway. The access road should continue to operate effectively in the future. Nevertheless, a planning condition is recommended to require the submission of a scheme to prevent mud entering the highway should current arrangements fail in the future in accordance with Policy W3.11.
43. The applicant has previously demonstrated that restoration levels will not result in any loss of floodplain capacity. The Environment Agency has not raised any objections to the development on flood risk grounds and have previously stated that the development would not adversely affect River Trent flood water storage capacities. In accordance with guidance contained in WLP Policy W3.13 a planning condition is recommended to ensure that the final restoration levels do not exceed the levels set out within the planning application.
44. Odour and litter are not anticipated to be a nuisance due to the inert nature of material imported onto the site. In accordance with Policy W3.7 a planning condition restricting the material importation to inert waste is recommended. A planning condition requiring the sheeting of lorries leaving the site transporting recycled aggregate is recommended to ensure that materials do not blow off lorries. Whilst it would be desirable that the planning condition should control the sheeting of all incoming loads, such a condition is not considered enforceable since these vehicles have not originated at the site.

#### Restoration proposals

45. The overall landscape concept of the scheme is generally acceptable and will harmonise with the existing landscape character for the surrounding area.

Further detailed planting and aftercare proposals are required and it is suggested that these be submitted under a planning condition following guidance contained in WLP Policy W4.6. To ensure that the restoration works are undertaken to a satisfactory standard a series of planning conditions are recommended relating to soil movements and placement.

46. Policy W4.10 requires applications to be supported with after-use proposals. The current scheme seeks to continue the previously approved use of the site as an ecological based fishing lake, a use which would generally accord with the surrounding landscape character and environment.

## **Conclusion**

47. The facilities at Coneygre Farm ensure that all wastes entering the site are screened and processed thus ensuring that only materials which are not suitable for recycling are disposed of. This approach is in compliance with the objectives of WCS Policies WCS1 (Presumption in Favour of Sustainable Development) and WCS3 (Future Waste Management Provision).
48. The location of the Coneygre Farm site is supported by the sequential approach to identify new disposal development incorporated in WCS Policy WCS5. This gives preference to the extension of existing sites, particularly where the waste is used to assist with the reclamation of mineral voids. The location is also supported by WCS Policy WCS7 which identifies that landfill is appropriate in countryside locations and on land that was formerly used for quarrying.
49. In terms of the aggregate processing facilities, these activities complement the disposal activities at the site by ensuring all incoming wastes are managed sustainably and only non-recyclable waste is disposed into the void area, benefits that would be lost if the facilities were sited in an alternative location. There is therefore a clear local need for these facilities to be sited in a countryside location thus ensuring the development satisfies the location tests for waste processing facilities set out within WCS Policy WCS4.
50. The site has a proven operational record that has minimal environmental impact on the surrounding area. An extension to the time to complete these works is therefore supported.

## **Other Options Considered**

51. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

## **Statutory and Policy Implications**

52. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

- Crime and Disorder Implications: The site is located adjacent to the operator's residential property who would provide surveillance and security of the operational site.
  - Implications for Sustainability and the Environment: The development scheme provides for the recycling and recovery of inert wastes in accordance with the waste hierarchy.
53. There are no Implications for Service Users, Financial Implications, Equalities Implications, Safeguarding of Children Implications or Human Resources Implications

### **Human Rights Implications**

54. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### **Statement of Positive and Proactive Engagement**

55. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

56. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments [SLB 07/04/2016]**

Planning and Licensing Committee is the appropriate body to consider the content of this report.

## **Comments of the Service Director - Finance [SES 01/04/16]**

There are no specific financial implications arising directly from this report.

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division and Member Affected**

Farnsfield and Lowdham: Cllr Roger Jackson

Report Author/Case Officer

Mike Hankin

0115 9932582

For any enquiries about this report, please contact the report author.

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## RECOMMENDED PLANNING CONDITIONS

### Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.*

### Approved Plans

3. The development hereby permitted shall only be carried out in accordance with the following documents except where amendments are made pursuant to the other conditions below:

#### Documents submitted under planning application 3/16/00081/CMA

- Planning application forms and supporting letter received by the WPA on 19<sup>th</sup> November 2015.
- Site plan to identify completed area and parts where capacity to tip is available received by WPA on 30<sup>th</sup> November 2015.
- Drawing No. 0387/1/2: Coneygre Farm Concept Restoration Masterplan (edited to show proposed phasing of works) received by the WPA on 5<sup>th</sup> January 2016.

#### Extant plans approved under planning permission 3/06/00893/CMA

- Drawing No. 9110/92A Showing Planning Application Site Boundaries and existing contours at Coneygre Farm received by the WPA on the 6<sup>th</sup> June 2006.
- Drawing No. 0387/1/2: Concept Restoration Masterplan received by the WPA on the 6<sup>th</sup> June 2006.
- Drawing No. 0387/1/2A Concept Restoration Masterplan – Phasing Plan received by the WPA on the 6<sup>th</sup> June 2006.
- Drawing No. 0387/1/3 Cross Sections received by the WPA on the 6<sup>th</sup> June 2006.
- Drawing No. H03871/4 Proposed Inert Material Grading Plant and Recycling Station showing locations and site access of Coneygre Farm received by the WPA on the 6<sup>th</sup> June 2006.

- Drawing No. H03871/6 Treatment Plant and Stockpile Area received by the WPA on the 6<sup>th</sup> June 2006.
- Drawing No. H038871/4 Location and Access Plan received by the WPA on the 6<sup>th</sup> June 2006.

*Reason: For the avoidance of doubt.*

## **Duration of Operations**

4. All waste importation shall cease no later than 1<sup>st</sup> June 2022, or when the final restoration levels have been achieved, whichever is the sooner.

*Reason: To ensure the development is carried out within an acceptable timescale in accordance with Policy W3.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

5. All screening, stockpiling, waste transfer, waste tipping and restoration operations shall cease no later than 1<sup>st</sup> June 2024, or within 2 years of achieving final restoration levels, whichever is the sooner. Upon completion of screening, stockpiling, waste transfer, waste tipping and restoration operations all plant & machinery shall be permanently removed from the site.

*Reason: To ensure the development is carried out within an acceptable timescale in accordance with Policy W3.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Material Importation**

6. Only soils, concrete, hardcore and other inert construction/demolition waste shall be reprocessed and stored within the application area. Nothing other than uncontaminated materials shall be tipped on the site.

*Reason: To ensure that tipping operations do not result in any unacceptable environmental impacts in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

7. The number of HGV vehicle movements entering and leaving the site shall not exceed 80 vehicles per day (40 vehicles entering and 40 vehicles leaving). A record shall be kept by the operator of the number of HGV movements on a daily basis. These records shall be made available to the WPA within seven days of a written request from the WPA. All such records shall be kept for at least 24 months.

*Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan*

8. The operator shall take all reasonable steps to ensure that all Heavy Goods Vehicles shall access and depart the site from the A612 using Station Road, thus avoiding trafficking through Hoveringham village. Such steps shall include the issuing of instructions to all drivers, and the display of signage at the site exit to remind drivers of the advised route.

*Reason: To minimise potential adverse impacts resulting from the movement of Heavy Goods Vehicles in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Material Storage**

9. Material shall only be stored within the treatment plant and stockpile area identified on drawing H03871/6 and not on any other locations of the site unless the material is being placed for final disposal. Stockpile heights shall not exceed 8m. The boundary of the stockpile/processing area shall be pegged out and the pegging out shall be maintained at all times during the operational life of the site.

*Reason: In the interest of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Operating Hours**

10. Except in an emergency, which shall be notified to the WPA in writing within no more than 48 hours of its occurrence, there shall be no importation/exportation of materials and site working including screening and tipping of materials except between the hours of 0700 hrs and 1700 hrs Monday to Friday and 0700 hrs to 1200 hrs on Saturdays and not at all Sundays, Bank and other Public Holidays.

*Reason: To minimise impacts arising from the operation of the site, and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Noise**

11. All fixed and mobile plant, mechanical equipment and vehicles used on the site shall incorporate noise abatement measures and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications.

*Reason: To minimise noise pollution and to ensure compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. All reversing warning devices used on mobile plant under the control of the operator shall comprise white noise (broadband) alarms.

*Reason: To minimise noise pollution and to ensure compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Dust**

13. All possible measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These shall include taking all or any of the following steps as appropriate:



- (a) The use of water bowzers and/or spray systems to dampen stockpiles, the site operational areas and internal haul roads;
- (b) Upon the request of the WPA the temporary cessation of material importation, processing and movement of materials during periods of excessively dry and windy weather.

*Reason: To minimise dust pollution and to ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Protection of the Public Highway**

14. In the event that the operation of the site results in mud, clay or other deleterious materials being deposited upon the public highway, then within one month of the written request from the WPA details of additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted in writing to the WPA. The revised steps and measures shall be implemented within one month of their approval by the WPA and thereafter maintained for the life of the site.

*Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

15. All vehicles transporting processed material from the site shall be fully covered by sheeting prior to leaving site.

*Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Storage of Oils, Fuels and Chemicals**

16. Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessel plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

*Reason: To minimise potential pollution risks in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Removal of Vegetation**



17. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows on site shall not be undertaken during the months of March to August inclusive, except when approved by the WPA to ensure that breeding birds and herptofauna are not adversely affected.

*Reason: In the interest of protecting species and their habitats and to ensure compliance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Phasing**

18. Waste disposal and restoration operations shall be undertaken on a phased basis in general accordance with drawing no. 0387/1/2A Concept Restoration Masterplan – Phasing Plan received by the WPA on the 6<sup>th</sup> June 2006. Tipping operations shall not commence in any subsequent phase until such time that tipping has been completed within the previous phase of working. The operator shall clearly delineate the boundaries of the operational tipping phase on the landward side of the tipping operation with pegs prior to commencement of tipping operations within the phase, and thereafter maintain the pegs in situ at all times during tipping operations within that phase.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. An annual development/progress/restoration report shall be submitted to the WPA for approval in writing. The report shall contain the following information:
- (a) A record of the quantity of material imported into the site within the last 12 months including details of the quantities of material deposited on site through landfill and the amount re-sold as reprocessed product;
  - (b) The submission of a plan to identify the location of waste tipping operations undertaken within the previous 12 months;
  - (c) The submission of a plan to identify the location of tipping operations within the next 12 months including an estimation of the quantity of topsoil, subsoil or soil making materials required to carry out the works;
  - (d) An audit of the quantity of topsoil, subsoil or soil making materials stored within the site and the adjoining land;
  - (e) A report to identify the progress in achieving the phased restoration of the site within the time limits set out within Conditions 4 & 5 above;
  - (f) Details of the seeding and planting proposed to be undertaken within the following 12 months.

Work shall thereafter progress in accordance with the approved timetable.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

20. In the event that the tipping operations are not progressing satisfactorily in accordance with Drawing No.0387/1/2A Concept Restoration Masterplan so as to ensure completion of restoration within the time limits set out in Conditions 4 & 5, then within three months of a written request of the WPA the applicant shall prepare and submit a revised restoration scheme for the site based on the predicted lower quantity of material imported into the site. Following the written consent of the WPA, restoration operations shall thereafter proceed in accordance with this revised restoration scheme.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Soil Placement**

21. The WPA shall be notified in writing at least 5 working days before each of the following:

- (a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out; and
- (b) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
- (c) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

22. Soils within the top 1 metre below final restoration levels shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition. No movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur:

- (a) When it is raining;
- (b) When there are pools of water on the surface of the storage mound or receiving area.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

23. Before placement of subsoil and topsoil, the surface of the site shall be graded evenly in accordance with the agreed contours, taking into account depths of soil required.

*Reason: To ensure proper restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. Subsoil within areas of the site above the lake water level (dry land) shall be re-laid so that the total thickness of settled subsoil is no less than 0.7 metres.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

25. Each subsoil layer placed shall be cross-ripped:

- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m; and
- (b) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final pre-settlement contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

26. After satisfactory placement of subsoil, a 300mm depth of topsoil shall be spread over those areas above lake water level (dry land). Stones greater than 100mm in any dimension shall be removed.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy 4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

27. Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

28. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

- (a) To provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- (b) To full depth of the topsoil plus 100mm; and
- (c) Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

29. Any part of the site which is significantly affected by differential settlement that occurs during the restoration and aftercare period, and would interfere with restoration operations, shall be filled. The operator shall fill the depression to the final settlement contours specified with suitable materials to a specification to be agreed in writing with the WPA. Topsoil, subsoil and other overburden moved in the course of the work shall not be mixed and shall be handled and replaced in accordance with the methods and depths detailed in the above conditions.

*Reason: To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Planting and Aftercare**

30. Within 6 months of the date of commencement, as notified under Condition 2 an aftercare scheme shall be submitted to the WPA for approval in writing. The aftercare scheme shall include but not be restricted to details of the following:-

- (a) Details of the planting scheme, including the species to be planted, the quantity and proportions of species and the provenance of stock;
- (b) The planting of reed and other emergent planting in the marginal areas of the lake to enable the establishment of a dense belt of vegetation that will serve to reduce the likelihood of large populations of feral geese using the site.
- (c) Weed control;
- (d) Sowing and seed mixtures;
- (e) Soil analysis;
- (f) Animal stocking rates;
- (g) Drainage arrangements;
- (h) Management practices such as the cutting of vegetation, establishment methodologies and monitoring proposals;
- (i) Remedial treatments;
- (j) Irrigation;
- (k) Details of the proposed fishery, including proposed stocking levels, positions of fishing platforms and access paths for anglers.

The aftercare scheme shall thereafter be carried out as approved and incorporate works for seeding and planting in accordance with the timetable submitted under the requirements of condition 19f.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Early Cessation of workings

31. In the event that operations cease for a period in excess of 12 months, then within 3 months of receipt of a written request from the WPA an alternative restoration and aftercare scheme shall be submitted to the WPA for approval in writing. The alternative restoration and aftercare scheme shall thereafter be carried out in full accordance with the approved details within 12 months of the date of its approval.

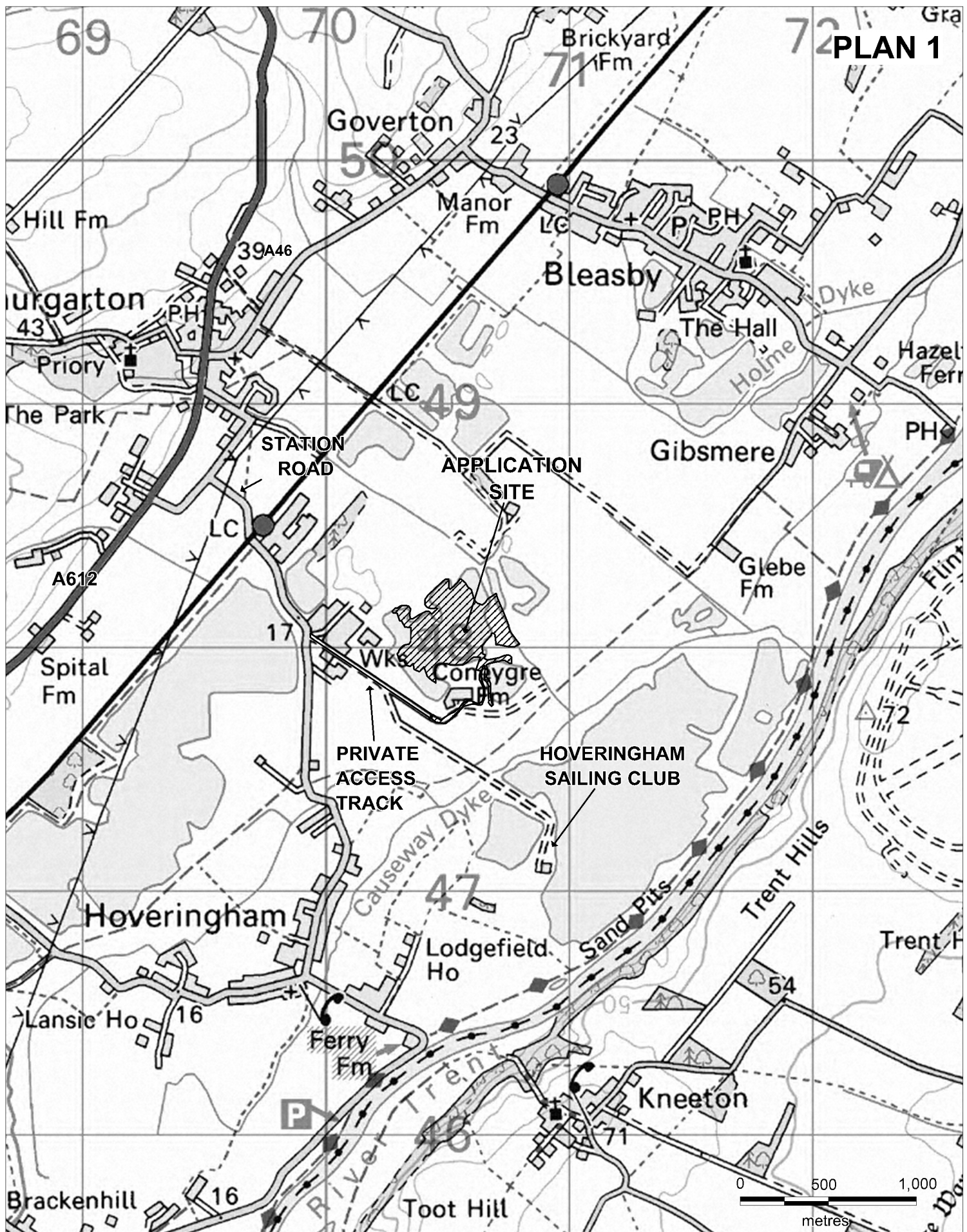
*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Informatives/Notes to applicants

1. The Newark Area Internal Drainage Board comment that the watercourse on the north east boundary of the site, the Thurgarton Beck, is maintained by the Drainage Board. Any development, tree planting, fence erection or landscaping within 9m of the top of the bank of the watercourse will require the prior consent of the Board. In addition, culverting, piping or bridging of the watercourse will require the Boards consent as will any discharges to the watercourse. Furthermore there is also a watercourse alongside the access road to Coneygre Farm which passes into a culvert approximately 300m south east of the main road. This culvert discharges into the existing lake to the east. Any works on the lake must ensure that this outfall is retained as it takes drainage from the access road and some of the industrial area upstream.
2. The applicant is advised that planning permission will be required for the erection of any buildings or built structures on the site, including car parking.







**Nottinghamshire  
County Council**

Variation of Conditions 4 and 5 of Planning Permission 3/06/00893/CMA to extend the life of the facility for a further five years and variation of Condition 9 to allow maximum height of stockpiles to be increased to 8m.  
Coneygre Farm, Bursgorton Lane, Hoveringham, Nottinghamshire.  
Page 35 of 148  
Planning Application No. 3/16/00081/CMA

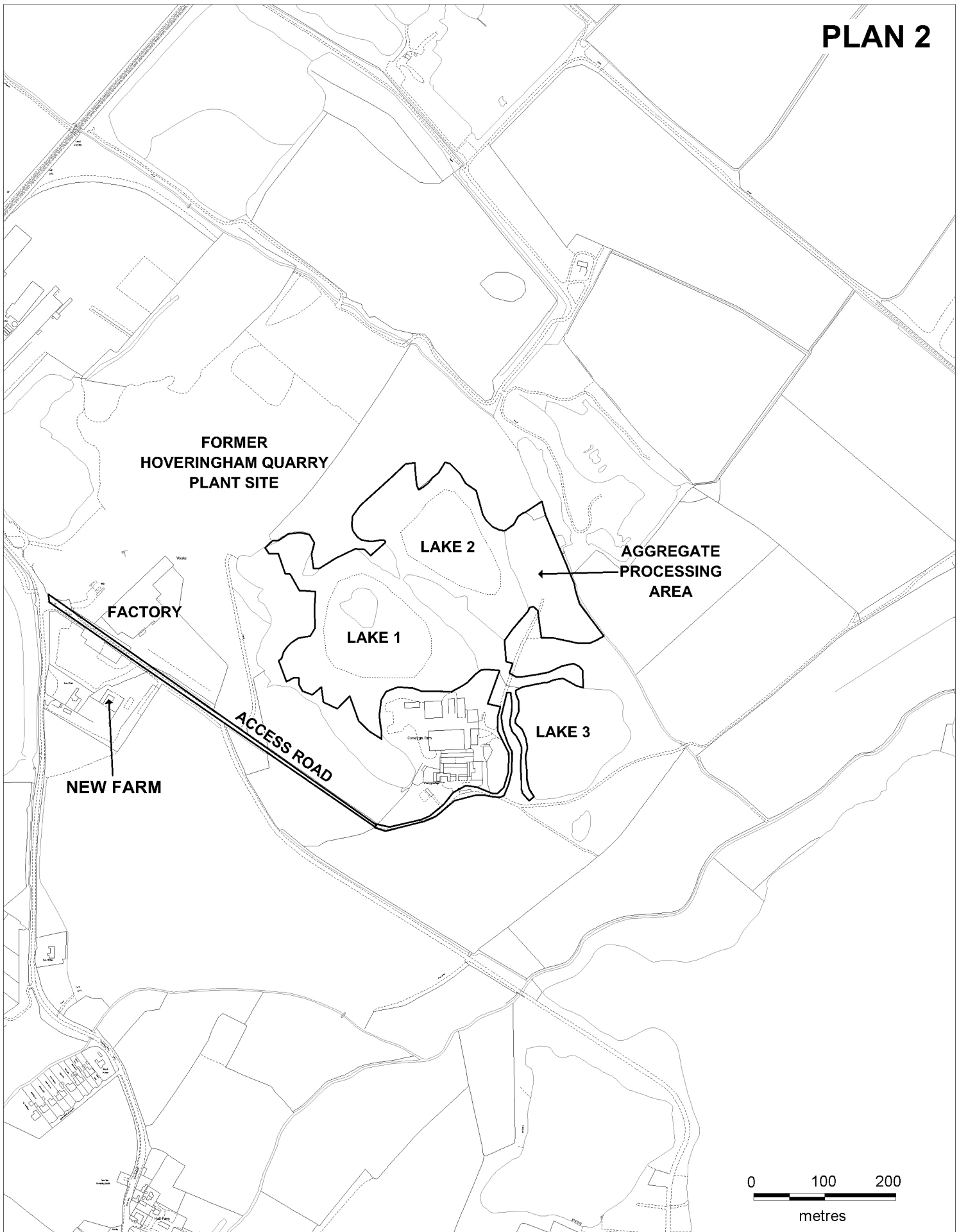
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Date: APRIL 2016









26 April 2016

Agenda Item:

**REPORT OF CORPORATE DIRECTOR – PLACE****ASHFIELD DISTRICT REF. NO.: 4/V/2015/0711**

**PROPOSAL:** PROPOSED CONSTRUCTION AND OPERATION OF A RECYCLATES BULKING, WASTE TRANSFER FACILITY WITH ASSOCIATED INFRASTRUCTURE INCLUDING EXTERNAL RECYCLATES BAYS, WEIGHBRIDGE, WEIGHBRIDGE CABINS, WELFARE FACILITIES, PARKING AREAS, WASH BAY, SPRINKLER TANK AND ASSOCIATED PUMP HOUSE, SITE ACCESS IMPROVEMENTS AND LANDSCAPING

**LOCATION:** LAND OFF WELSHCROFT CLOSE, PORTLAND INDUSTRIAL ESTATE, KIRKBY-IN-ASHFIELD

**APPLICANT:** VEOLIA ENVIRONMENTAL SERVICES NOTTINGHAM LTD

**Purpose of Report**

1. To consider a planning application for the construction and operation of a new Waste Transfer Station (WTS) for the sorting, bulking and onward management of locally collected municipal recyclable and residual waste (with some commercial and industrial), including the processing (shredding) of solid residual waste into a refuse derived fuel (RDF) for recovery off site, on land at Welshcroft Close, Portland Industrial Estate, Kirkby-in-Ashfield. The key issues relate to the suitability of the location for a WTS, the capacity of the local highway network to accommodate associated vehicular movements, environmental impacts (including impact on ground water); and amenity impacts (noise, dust, pollution, traffic and visual amenity impact) on adjacent businesses, local residents and nearby Lowmoor Nursing Home. The recommendation is to grant planning permission subject to the conditions in Appendix 1.

**The Site and Surroundings**

2. The site lies within 3 miles of junction 27 of the M1 motorway and is located within the Portland Industrial Estate in Kirkby-in-Ashfield, 5 miles south-west of Mansfield.
3. The Portland Industrial Estate is situated towards the northern edge of Kirkby-in-Ashfield, approximately 2km to the north-west of the town centre. The industrial area is occupied by a mix of manufacturing, industrial (including aggregate processing), warehousing and storage/distribution uses to the south and west of the site off Welshcroft Close, and Low Moor Road and Wolsey Drive, to the east and north respectively.

4. The industrial estate is bounded by Low Moor Road (B6021) to the east, Southwell Lane to the south and the Robin Hood Railway Line to the west. Further west, beyond the railway line, lies the restored Summit Colliery, with further employment land off Summit Close. There is an extensive belt of mature trees to the north-west of the site on part of the restored colliery site; and the River Maun is situated approximately 100m due north. The industrial estate is served by Welshcroft Close which extends in a northerly direction from its junction with Southwell Lane; and Wolsey Drive, which provides a short access road extending westwards into the industrial estate from its junction with the main B6021 Low Moor Road to the east (see Plan 1).
5. Low Moor Road, runs north-south, and links into both the A38 Trunk Road situated to the north of the site, via Penny Emma Way, and Kirkby-in-Ashfield town centre to the south.
6. The nearest property to the proposed site is Romo Fabrics, the main building of which is situated 10-12m to the east of the eastern boundary to the site, with its car park extending along much of the length of the proposed development site. The nearest residential development is situated beyond the Romo Fabrics site on the eastern side of Low Moor Road, with the eastern site boundary being at a distance of 58-100m to the front boundary of gardens to these properties, and 60-108m to the front (north-eastern) elevation respectively. There is further residential development beyond the Low Moor Road properties, within David Street, Mary Street and Edward Street, at a distance from the eastern site boundary, of 120m (No.1 David Street), 100m (No.1 Mary Street), and 130m (No. 1a Edward Street) to the nearest property in each street. To the south-east of the site lies Lowmoor Nursing Home situated at the corner of Edward Street on Low Moor Road.
7. The application site is located relatively centrally within the industrial estate, on the eastern side of Welshcroft Close and has a site area of approximately 1.6 hectares. Formerly part of the Summit Colliery site, it is now a cleared and remediated undeveloped brownfield site, with a broadly square footprint, which tapers off into an elongated parcel of land, in the north-eastern part of the site before opening onto Wolsey Drive, at its northern extremity. Access to the site is from Welshcroft Close to the west, via Southwell Lane and Wolsey Drive to the east, via Low Moor Road.
8. Vacant undeveloped land lies to the immediate north and broadly south of the proposed development site, with Welshcroft Close abutting part of the western site boundary, beyond which is a mix of undeveloped land and established industrial/commercial units on the western side of Welshcroft Close. Wolsey Drive is situated to the immediate east of the north-eastern end of the site, with further industrial/commercial development to the north-east of the site, on the northern side of Wolsey Drive. Adjoining part of the southern boundary of the site is an area known as the Welbeck Ecology site which broadly takes the form of a grassed banked area. Whilst not formally designated as a Local Wildlife Site, this area has been used as an ecological receptor site during the redevelopment of the wider Summit Colliery site (see paragraphs 14 and 15 below).
9. The proposed site has an open aspect, interspersed with occasional trees and shrubbery to the boundaries, and has a broadly flat, relatively level gradient. Across the site there is a rubble/brick hard-core surface, with intermittent piles of

rubble and low piles of brick along the various boundaries. There are no definitive Rights of Way (ROW) either through the site or immediately surrounding it, with the nearest public footpaths (Kirkby FP60 and Kirkby FP65) being at a distance of some 550m due west of the site at the restored Summit Colliery.

### **Relevant Planning History**

10. The wider site was formerly part of the Summit Colliery, which ceased coal production in the 1960s. Remediation of the coal shafts and drift mines, and demolition of the above ground buildings occurred during the 1980s, but beyond that the site remained derelict for many years, despite attempts to encourage reclamation and development principally through the National Coalfields Development Programme.
11. Over time, subsequent colonisation of the ground created a diverse range of flora and fauna leading to the site's eventual designation as a Site of Importance for Nature Conservation by Ashfield District Council in 2006.
12. More recently in April 2013, Ashfield District Council (ADC) granted outline planning consent (Plg. Ref. V/2013/0006) to Bolsover Properties Ltd, for the reclamation and redevelopment of part of the former derelict colliery site as an industrial estate and open storage, with approximately 5,500 sq.m. allocated for employment use (B2 general industrial use) and 15,820 sq.m. for open storage space (B8 storage and distribution uses). This placed a requirement on the landowner Bolsover Properties Ltd to discharge a number of conditions to address historic contamination and ecology issues. Recent works carried out by them has now remediated the site to the satisfaction of both the District Council and the Environment Agency to create a suitable development site, including the proposed application site.
13. This has involved the ground being excavated, and oversized and unsuitable materials, including localised concentrations of contamination, being removed.
14. Planning Condition 17 of the outline planning permission (Plg. Ref. V/2013/0006), required the submission and approval of a detailed Ecological Method Statement (EMS), to inform the translocation of orchid populations, species-rich grassland, and eggs and larvae of the Dingy Skipper butterfly to two dedicated receptor sites within the perimeter of the former Summit Colliery, and a further site on land to the south off Southwell Lane. The translocation and aftercare works have been completed.
15. Under the EMS, the undeveloped land outside the three receptor sites has been modified, so that it now has no ecological interest and no longer provides suitable habitat in terms of supporting previously identified flora and fauna. The receptor sites have been designed and located so as to enable the development of surrounding land to take place without affecting the drainage of the translocated grassland turfs and butterfly banks. The installation of perimeter fences around the receptor sites has sought to reduce the potential for damage resulting from any future construction and operational development within the Portland Industrial Estate. Finally, the location of any proposed development, would be such that it would not constrain access to the receptor sites for management and monitoring.

16. More recently, in April 2015, ADC granted a further planning permission (V/2014/0605) to Bolsover Properties Ltd regarding reserved matters pursuant to planning consent V/2013/0006, to provide details of landscaping to the ecological receptor sites and landscaping buffer zones including an associated storm water attenuation ditch or swale along part of the eastern site boundary; and land reclamation/remediation measures. An approved site remediation plan and post reclamation validation report (attached to the current application as supporting information), was a submission under this permission.

## **Proposed Development**

### Background

17. Veolia ES Nottinghamshire Ltd (Veolia) holds the PFI Waste Disposal Contract for Nottinghamshire County Council, and has established a network of WTSs across the County, enabling waste material to be bulked up into larger vehicles and transported more efficiently to recycling, recovery and disposal facilities.
18. The Company is seeking to complete its geographical coverage of Nottinghamshire, by way of sufficient WTS facilities across the county. Facilities exist at Freeth Street, Nottingham, Giltbrook to the north-west of Nottingham, and more recently WTSs have been constructed at Brunel Drive, Newark Business Park, Newark-on-Trent and Claylands Industrial Estate, Worksop. These facilities provide coverage across the County, with the exception of the Ashfield/Mansfield area, where locally collected waste material is currently still being treated outside Nottinghamshire.
19. The proposed development has therefore been put forward by Veolia to meet a need in the Ashfield/Mansfield area for a local facility, thereby completing the WTS coverage across the whole of the County and facilitating more sustainable patterns of waste management throughout Nottinghamshire.
20. The proposed WTS would provide a strategic bulking point within the Ashfield/Mansfield area for general municipal waste and recyclable materials from the local area. Material would be bulked up before being transported to another location for further treatment or disposal.

### Proposed development

21. Planning permission is sought for the development and operation of a WTS, involving the construction of a recycles bulking waste transfer facility with associated infrastructure. The development would incorporate a new waste transfer building, weighbridges, associated kiosks, site access road and site entrance/egress improvements, internal access and manoeuvring areas, storage bays and site landscaping. The proposed layout of the WTS is shown on Plan 2.
22. The key elements of the proposed development comprise:
  - 1) A proposed new building for the bulking, processing and transfer of waste materials collected from local householders and businesses, with a series of internal bays for the storage of imported materials, including residual wastes, recycles and green waste, and processed waste. There would be no bulking bays which are external to the building. All bays would be enclosed within the main waste transfer building for the initial depositing of



recyclable and residual waste collected from householders, recycling centres and commercial and industrial customers.

- 2) A vehicular manoeuvring and turning area and general servicing yard, with designated parking areas for Veolia's vehicles towards the eastern site boundary, and separate car parking along the western site boundary for visitor and staff parking.
- 3) Ancillary development including:
  - a. installation of new entrance/exit weighbridges and weighbridge office comprising a 3.8m high cabin structure on concrete plinth with low-level block work and dark grey vertical cladding. The proposed building would be 11m in length with a width of 2.7m and an overall footprint of 29.7sq.m.
  - b. offices/welfare facilities comprising two low-level single storey cabins of similar height to the weighbridge office;
  - c. water storage tank and associated pumphouse to feed a fire sprinkler system fitted in the main WTS building;
  - d. transformer room/plant room;
  - e. construction of a concrete hardstanding vehicle wash bay adjacent to the northern elevation of the main waste transfer building. The facility would largely be contained, with screens on three sides to minimise spray escaping from the cleaning area. Ancillary drainage from the wash bay would be constructed so as to divert waste water to the foul sewer.
  - f. bunded fuel tanks, which would be positioned towards the eastern boundary of the site and designed and constructed so as to comply with relevant EA pollution prevention guidelines;
- 4) The modification and improvement of the existing accesses onto the site via Welshcroft Close (entrance) and Wolsey Drive (egress);
- 5) construction of suitable site surfacing and surface water drainage with required attenuation and foul drainage;
- 6) erection of 2.4m high galvanised steel Paladin secure perimeter fence with Palisade gates at access points onto Welshcroft Close and Wolsey Drive. There would also be gated access along the southern boundary to the site to provide access to the ecological mitigation site (Welbeck ecology site) to the immediate south, allowing access and on-going maintenance works to be carried out;
- 7) An existing mine gas vent located to the immediate south-west of the proposed egress onto Wolsey Drive would be retained and protected (by existing Palisade security fencing) throughout the duration of the works;
- 8) landscaping scheme including providing a vegetated boundary to the site, involving the planting of a wildflower area along the eastern boundary, as a 10m wide swale feature; and an element of species rich-grassland with

some tree and shrub planting. The proposals would also include two knotweed mitigation areas either side of the proposed site access off Welshcroft Close.

#### The WTS building

23. The main building on the site would be a waste transfer building, which would be situated in the south-eastern part of the site, set in from the eastern site boundary by some 10m beyond a designated swale zone. This building would have a rectangular footprint of approximately 2,380 sq.m., with maximum dimensions of 34m by 69m. The building would be orientated north-south, and would be parallel to the adjacent commercial unit (Romo Fabrics).
24. This new element would be of a portal frame construction, with a shallow pitched roof to a maximum ridge height of approximately 13.4m (11.3m to its eaves), allowing sufficient space for vehicles to tip, and bulkers to be loaded in the building. The roof would be clad in Goosewing Grey cladding, with a horizontal row of rooflights, and contrasting Heritage Green (RAL 6002) gutters, fascias and soffits.
25. The lower section of the building would be finished in precast concrete panelling, to a height of 3.44m (from ground level) and exposed structural steel work. The main elevations to the upper section of the building would be finished in single vertical panel cladding in Moorland Green, with external mounted lights. The building would be reinforced with internal lower-level concrete 'push' walls on three sides of the building. Ventilation louvres or a roof ridge vent would be incorporated into the final building, and other features would include a number of personnel escape doors to ensure compliance with regulatory requirements.
26. Vehicular access into the building from the open compound or yard area, would be gained via three rapid-rise doors in Heritage Green (RAL 6002), situated along the building's frontage (western elevation) facing inwards towards the internal servicing yard area, and with an opening height of 7.6m. Protection bollards would be installed adjacent to the rapid-rise doors, and overhead lighting is proposed. The design of the site would ensure that the operational yard area, which would be used for vehicle turning/manoeuvring is substantially screened by the WTS building.
27. Within the building there would be a mix of mobile and fixed plant and equipment which would consist of a conveyor, magnet, cutting table and hopper. Fixed plant would include a front loading shovel and grab; and waste shredder and baler and wrap operation. The building would provide sufficient space or capacity for input storage of 533sq.m. of waste materials together with two areas comprising 216 sq.m. of bale storage. Overall, the WTS building has the capacity to store up to two days of waste input (based on the maximum consented throughput of municipal waste).
28. The building would be enclosed to prevent water ingress, and the escape of dust and odours from the building. The operational yard would be of concrete surfacing with appropriate drainage, so as to provide an impervious layer between the operational site and the underlying geology.

29. To the front (west) of the WTS building, adjacent to this building, it is proposed to site a 11.5m high galvanised water storage tank on concrete plinth (to provide for a fire sprinkler system), and two separate Glass Reinforced Plastic (GRP) kiosks in Heritage Green for the provision of a pump house, and a transformer room/plant room.

#### Vehicular and pedestrian access

30. Existing footway infrastructure on Welshcroft Close and Wolsey Drive would be extended along either side of the proposed respective access and egress junctions. It is proposed to provide a clearly marked footpath delineating access from the car parking areas to the office accommodation ensuring a safe pedestrian route.
31. A new vehicle access would be constructed off Welshcroft Close to serve the site. Access width would measure 7.3m and a junction radius of 10m would be provided to facilitate HGV turning movements via the access. The dimensions of the access off Welshcroft Close would accord with the requirements for a minor industrial access junction (as recommended by the 6Cs Design Guide).
32. A swept path analysis for the anticipated maximum sized vehicle accessing the site, at a length of 17.5m, in addition to a large car accessing the parking facilities at the site, demonstrates that such vehicles are able to manoeuvre via the site access junction, and within the internal layout of the site, without any conflicts.
33. Vehicles would exit the site via a new access off Wolsey Drive, which would be extended on land at the northern end of the proposed WTS site. Visibility splays at the egress junction would meet the minimum requirement of 2.4m by 47m.
34. The site is accessed via the Southwell Lane/Welshcroft Close junction. Access to the site from the south would be gained at the Southwell Lane/Welshcroft Close junction, which forms a simple priority T-junction. Egress is via Wolsey Drive, with Wolsey Drive currently forming a cul-de-sac and serving as an access to an adjacent retail manufacturing unit (Romo Fabrics).

#### Parking provision

35. There would be an allocated HGV parking area towards the eastern boundary of the site, albeit set in some 10m from the boundary beyond a swale zone, and situated to the immediate north of the WTS building, beyond a vehicle wash and tanks, to the immediate north of the WTS building. The parking area would be used to accommodate seven HGVs overnight (bulkers and skip vehicles).
36. Overall, 17 parking spaces inclusive of two disabled parking spaces for staff and visitors would be provided towards the western site boundary in the south-western corner of the site, within the vicinity of the site administration facilities.

#### Employment

37. It is anticipated that up to 14 staff would be employed operating over a two shift system, including drivers hauling the material to recycling and recovery facilities. The bulker fleet would be based within the proposed WTS facility, and would park overnight as and when required in the designated parking bays towards part of the eastern site boundary.

### Proposed operations

38. The WTS would primarily store and bulk locally collected municipal waste (primarily residual waste) from householders in the Mansfield and Ashfield District and commercial and industrial wastes from local businesses. The site would predominantly handle residual waste, however it would have the flexibility to accept recyclable materials. The facility would have a throughput of approximately 75,000 tonnes per annum with the anticipated imported waste streams comprising:
- a) Residual waste from householders and businesses. Residual waste basically refers to household and business waste, which is not suitable for re-use, recycling or composting;
  - b) HWRCs residual waste;
  - c) Local authority green waste;
  - d) Dry recyclable waste from householders, business and HWRCs, including paper, card, glass, cans, textiles, and plastics.
39. Imported waste material would arrive via refuse collection vehicles (RCVs) and vehicles carrying skips of varying sizes throughout the working day (via Welshcroft Close) before being weighed in at the proposed weighbridge. Delivery vehicles would be manoeuvred into the proposed building by reversing, prior to off-loading the waste materials into the designated tipping bays inside the building where material would be either bulked up by a loading shovel and re-loaded onto a larger bulker HGV within the confines of the proposed building or loaded into the shredder for processing (shredding). Shredded material would then be either loaded loose into a bulker for export, or baled and wrapped for export offsite via a similar curtain sided bulker.
40. Deliveries of dry recyclables (including paper, card, plastics, cans, glass and wood) would arrive as separate collections and would be tipped into designated bays within the building. Offloaded material would be bulked in these designated storage bays within the building using a loading shovel and a bulker vehicle.
41. There would be no external offloading or loading of recyclates outside the WTS building.
42. Both the residual waste and any recyclable materials would be stored in the building, and bulked up using a 360 degree grab and wheeled loading shovel (or similar) and/or fork lift (for shredded wrapped material only); and then loaded onto larger bulker HGVs and transported off site (via Wolsey Drive). HGVs would be weighed out using the onsite weighbridge prior to departing the site. The bulked waste materials would then be transported on to other licensed disposal or recovery facilities for further processing, recycling or recovery.
43. Residual waste on receipt into the site would be loaded into a shredder within the main building. It would then be reduced in size, before being turned into a more homogeneous material, namely a refuse derived fuel, for recovery off site. Depending on end user market requirements, this material could then be baled and wrapped, again within the waste transfer building, prior to being loaded onto haulage vehicles and exported off-site.

44. To minimise waste storage, regular loads of waste material would be transported off site for recycling or recovery, throughout the day.
45. During the period of the working day, the waste transfer facility would be visited approximately 15 times by bulker vehicles to remove the bulked/processed waste materials offsite, and avoid stored waste from building up for any significant length of time. Waste material would not be stored outside the building, and materials would only be stored for short periods before being transported offsite. It is not anticipated that material would be stored for any more than 2 days.
46. The proposed site would also operate as a small HGV depot, capable of accommodating a maximum of 7 HGVs on site; and 3 roll-on roll-offs to service the nearby household recycling centre (Kirkby HRC).

#### Operating hours

47. The WTS proposes operating from 0600hrs-2200hrs Mondays to Fridays and 0700hrs-1900hrs on Saturdays, Sundays, Bank and Public Holidays, although there may be occasional vehicle movements (maximum of 2 exports per hour) outside these hours (i.e. overnight) to allow an effective service to be provided. However, the applicant advises that the typical working hours would be between 0600hrs-1900hrs Mondays to Fridays when the site would be open for main deliveries, and 0700hrs – 1300hrs Saturdays, Sundays, Bank and Public Holidays.
48. Deliveries of dry recyclables would generally take place between 0800hrs and 1800hrs.
49. Rapid-rise doors into the WTS building (to the western elevation) would be operated on a sensor system (activated by vehicles driving towards the doors). Other than that the doors would be shut at all times.

#### Lorry movements

50. In total the proposed development would generate a maximum of 95 HGVs trips (190 two-way movements) on week days. This would comprise:
  - a) Approximately 54 HGVs arriving to deliver municipal solid waste;
  - b) 8 commercial and industrial HGVs;
  - c) 13 bulky HGVs and up to 20 bulkers. The bulker movements, including roll-on roll-offs would occur during night-time hours (2200hrs to 0600 hrs), at a rate of one or two movements per hour.
51. Peak delivery movements would occur around 09:00-10:00hrs; 11:00-12:00hrs, and 12:00-13:00hrs. It is anticipated that the busiest peak period for HGV movements would occur between 1100-1200hrs Mondays to Fridays when approximately 33 two-way movements would occur. Experience at other similar WTS facilities demonstrate that the busy periods are late morning and early afternoon when collection vehicles return from their local refuse collection rounds.



52. The peak period for lorry movements associated with the transfer station would not coincide with the local highway network peak hours, given that the RCVs are out on their rounds at these peak times. The contribution of trips generated by the site during the morning (0800hrs-0900hrs) and evening (1700hrs-1800hrs) peaks would be extremely low-level amounting to only 5 and 3 two-way movements during the respective morning and evening peaks.

## Consultations

53. **Ashfield District Council Planning Department** *No objection subject to the development according with the original conditions imposed on planning consent V/2013/0006, and subject to conditions regarding restricting hours of operation to 0600 to 2200 hours daily; details of lorry routeing to and from the site as set out in the Transport Assessment; details of the proposed landscaping of the site including details of all boundary treatments; details of materials to the new buildings; a noise condition to ensure that any works on site do not cause nuisance to adjacent properties; and finally, details of site drainage.*
54. **Nottinghamshire Wildlife Trust (NWT)** *No objection subject to conditions regarding a landscape plan which includes full details of all species (quantity, % mix, size) as well as the methodology for establishment and ongoing management; and a wildlife – sensitive lighting plan requiring any lighting for the proposed development to be kept to a minimum and directed downwards and away from adjacent habitats to minimise disturbance to nocturnal species.*
55. *It is noted that land at Summit Colliery, including the land that is subject to this application, has been modified so that it has no ecological interest. As such, the site is considered unsuitable to support species-rich grassland, orchids and dingy skipper, or any protected species. The ecological mitigation required under condition 17 of V/2013/0006 is progressing, and the current proposal would not impact on the receptor sites related to this condition. Provided that the site conditions remain unchanged, given the location of these sites and development plans, NWT is satisfied that ecological impacts are unlikely.*
56. *Nonetheless, Paragraph 109 of the NPPF states that the planning system should provide net gains in biodiversity where possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged. It is therefore recommended that further consideration is given to the proposed landscaping. The submitted 'Softworks Plan' reference ST14407–003 lacks detail, and improvements could be made for biodiversity benefit. No details have been provided with respect to the species, methodology for establishment and ongoing management regarding the areas around the site perimeter designated as a wildflower mix. The strip to the east of the site would form part of the sustainable surface water drainage system for the site and a mix suitable for occasional to frequent inundation is recommended for this area. Drier areas of the site should reflect soil conditions, with a species mix selected to complement the wider site.*
57. *A small number of trees proposed to be planted are neither native nor locally appropriate, and it is recommended that more suitable species are used. This could include Silver Birch, Wild Cherry and Crab Apple. In addition, whilst the planning statement references tree and shrub planting no shrubs are currently proposed. Additional landscaping including areas of native scrub (for example,*



*Common Hawthorn, Blackthorn, Dogwood and Hazel) could provide bird nesting habitat as well as shelter and foraging for other faunal species and should be included in the plan.*

58. **NCC (Nature Conservation)** *No objection subject to conditions requiring details relating to soils to be used in the landscaping areas; and submission of details of the wildflower seed mix and tree planting, including species mixes and establishment methods.*
59. *A reasonable amount of landscaping is proposed around the site, including wildflower seeding and small areas of tree planting. Low nutrient soils (ideally subsoil, rather than topsoil) should be used to allow the development of a species-rich grassland sward.*
60. *The wildflower seed mix should be either Emorsgate Seed's EM2 Standard General Purpose Meadow Mixture or Naturescape's N1 General Purpose Meadow Mixture.*
61. *Regarding trees, non-native species are being proposed and it is requested that the Whitebeam is changed to a locally appropriate native species, such as Rowan. A small amount of scrub planting would also be appropriate along the southern and western boundaries of the site, including Common Hawthorn, Willow and Field Rose.*
62. *It is observed that the site was formerly part of the Kirkby Wasteland LWS 2/221, which was denotified following clearance of the site under a separate planning application determined by Ashfield District Council. NCC (Nature Conservation) is able to confirm that the translocation of habitat and populations of dingy skipper (butterfly) and orchids to receptor areas within the wider development site, and to an off-site location nearby has taken place, to mitigate for the loss of habitat within the former LWS. It is confirmed that ongoing management and monitoring will take place in future years.*
63. *NCC (Nature Conservation) is satisfied that no further ecological assessment of the application site is required based on the fact that the land on the development site, outside the receptor sites retained within the wider development area, have no ecological interest; and given that these receptor areas would not be damaged or otherwise compromised by development within the application site.*
64. *Japanese knotweed is or will be controlled on the western part of the site, where this species is known to be present, and confirmation should be obtained that this is being dealt with in an appropriate manner.*
65. **NCC (Countryside Access)** *No objection.*
66. *No definitive paths are affected by this development, but it is always possible that other public rights of way exist which have not yet been registered.*
67. **NCC (Planning Policy)** *No objection.*
68. *Consideration must be given to the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (October 2014) and the Waste Management Strategy for England (December 2013). In line with Paragraph 215 of the NPPF, due weight and consideration should be given to the remaining*

*saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) and the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS).*

69. *The main driver of the NPPF is that of sustainable development, whereby proposals according with the development plan should be approved without delay, or where the local policy is absent, silent or out of date permission should be granted subject to the policies of the NPPF and subject to adverse impacts not outweighing the benefits. The National Planning Policy for Waste and the Waste Management Strategy include the concept of the waste hierarchy, whereby waste management should be planned to move waste as far up the waste hierarchy as possible. In light of the criteria in the NPPF with regard to the application of weight to local policy documents, it is considered that the saved and non-replaced policies of the WLP and the strategic policies in the WCS are of relevant in this case.*
70. *The proposed facility would contribute to the overall waste management capacity of the County, seeking to maximise waste sent for recycling or recovery and minimise residual waste for disposal. It is therefore consistent with the waste hierarchy set out in national policy. Policy WCS3 of the WCS gives first priority to developing new or extended waste recycling (and composting/anaerobic digestion) facilities. The WCS identifies that an additional 523,000 tonnes per annum of recycling/composting capacity is needed for municipal, commercial and industrial waste over the plan period in order to meet the aspirational target of 70% recycling by 2025 (as set out in Policy WCS3).*
71. *The proposal would not provide additional capacity in itself but would aid in the efficient and effective management of waste through the provision of up to an additional 75,000 tonnes per annum of throughput capacity for the sorting, bulking and onward management of waste, including the shredding of residual waste into a refuse derived fuel for recovery off site (paragraph 7.18 of the WCS), and is consistent with the broadly hierarchical approach to waste management set out in Policy WCS4. The principle of the development of this type of facility is therefore supported in local and national waste policy terms.*
72. *In terms of the acceptability of the development its size, location and the land-use categorisation are important considerations. It is classed as a large facility in terms of its site area and capacity (reference WCS Table 8 Appendix 2). In terms of the broad locations set out in Policy WCS4 and on Plan 4: Key Diagram, the site lies within the identified built-up area of Mansfield/Ashfield. Therefore, according to WCS4, all sizes of facility are supported in this location. Regarding the land categorisation the site is identified as employment land in the Ashfield Local Plan Review (2002), the designation which continued into the Local Plan Preferred Approach 2012 (now withdrawn). There is clear policy support for the proposed location of the development taking these elements into account.*
73. *The environmental and amenity impacts of the development and its design are equally important and Policy WCS13 requires demonstration that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby, no unacceptable cumulative impact and also that the opportunities to enhance the local environment be maximised. Furthermore, WCS15 requires 'high standards of design and landscaping, including sustainable construction measures'. Detailed policies on*

such considerations and other development management issues are provided in the saved policies of the WLP. Such issues should be deferred to the relevant teams of the County Council and statutory bodies to provide further comment or recommendations.

74. **NCC (Landscape)** No objection subject to conditions requiring details of planting proposals, and landscape management proposals; the grass seed mix in the area of the swale and proposals for mitigation planting to the south of the site; and requirements to clarify the process for knotweed mitigation areas and details of reinstated soil profiles; and clarification of the swale profile, construction and outflow.
75. *Kirkby Dismantled Railway LWS to the west and Kirkby Wasteland LWS to the south are both segregated from the site by transport infrastructure namely the Robin Hood rail line and Southwell Lane. The proposed development should have no detrimental effect upon either of them.*
76. *Taking into account the existing wider surrounding environment, and the segregation from closer residential and natural areas, it is considered that the proposals would have minimal impact upon the existing landscape.*
77. *Regarding the visual impact of the proposals there are a variety of receptors around the boundary of the site that might be visually affected to varying degrees. An assessment of the impact on all receptors likely to be affected is set out below.*
78. *A considerable portion of the main new building would be screened from residential properties located closest to the development (Doverbeck and Brentwood on Low Moor Road) by the intervening existing large industrial unit on Low Moor Road. Front elevations to these properties face west and would have slightly oblique views of the southern end of the main building as well as clearer views of the fire water tank. It is assessed that there would be a minor negative effect upon the visual aspect of these properties.*
79. *Two further properties on Low Moor Road (Rosemere and Ravensdene) are the next closest residential property to the development, with similar front elevations facing west. Their view of the development would be slightly more extensive but at an increased oblique angle. Similar to the properties above a considerable portion of the main new building would be screened by the intervening existing large industrial unit on Low Moor Road. It is assessed that there would be a minor negative effect upon the visual aspect of these properties.*
80. *Lowmoor Nursing Home, located on the corner of Edward Street and Low Moor Road, has windows facing both west and north. Views from all windows are not direct and at a distance of around 140m. However, views from windows facing north at the corner of the property are likely to have clearer views, especially from the second storey. As this is a residential nursing property, views from individual windows are likely to be more precious, particularly as the new building would be in the site line of the only open green landscape feature, the restored Summit Colliery. It is assessed that the development would have a moderate negative effect upon the visual aspect.*
81. *Regarding surrounding industrial units, the majority of these units do not have any windows facing towards the development site. Following completion of the*

development, operatives working from open yards are unlikely to suffer significant detrimental effect upon the visual aspect as in most situations views beyond the development would be to other industrial units a short distance away. It is assessed that there would be no significant effect upon these receptors.

82. *Passengers using the Robin Hood rail line to the west of the site would have transient views of industrial units when passing through this area. During the construction phase there would be a minor negative effect on passenger views, reducing to no significant effect upon completion of the work.*
83. *Vehicles using Welshcroft Close would only be accessing industrial units as this is a dead-end, and passing visual impacts are likely to be of no significant effect. Vehicles using Low Moor Road would have passing views of the development. In conjunction with the industrial unit on Low Moor Road, the height and gable end width of the new development, would create a visually significant solid obstruction when travelling north. This is assessed as a minor negative effect, as this is a transient view, set within an existing industrial landscape. Vehicles using Southwell Lane are unlikely to suffer any significant effect as the development is located at right angles to the route of travel. Views to the north side are partially screened by intermittent scrubby verge side growth. Passing visual impacts are likely to be of no significant effect.*
84. *Regarding pedestrian views from ROW Kirkby FP60, which is the path following the dismantled railway cutting between the two restored hills of Summit Colliery, there are no clear views. Any views towards the site from ROW Kirkby FP65, which would be of mainly massed industrial units, would be of no significance given its considerable distance from the site of 550m plus.*
85. *Recreational views from the top of the eastern hill to the restored Summit Colliery site would be at a considerable distance of approximately 330m and would be mostly of massed industrial units. Whilst the slightly closer proximity and clearer elevated site line does increase the level of effect on balance this effect is assessed as being minor negative during construction reducing to no significant effect on commencement of operations.*
86. *The overall visual impact of the proposed scheme is assessed as being of minor significance and it is anticipated that this impact would further reduce relatively quickly given the surrounding environment.*
87. *As the proposed scheme is likely to have minimal effect upon the landscape character and is considered as having only a minor significant visual effect overall, the following mitigation measures are suggested.*
88. *To mitigate direct and indirect mid-distance views from residential properties to the south-east and transient views of road users travelling north along Low Moor Road, it is recommended that a screen of tree and shrub planting be installed to the south side of the new building, extending westward to cover the tall fire water tank. This should be of sufficient quantity to break up the combined mass of the industrial units.*
89. **NCC (Reclamation)** *No objection.*
90. *The site history gives rise to the potential for significant contamination, which has been recognised and mitigated with investigation, a remediation programme*



and validation reports pertaining to the site and proposed development. As such, the impact of contaminated ground at the site has been mitigated. An environmental permit issued by the EA would address key issues controlling site operations and any potential for release of contamination. Sorting and aggregating operations would be contained within a structure thereby limiting dust and noise; and site operational issues such as storage of materials and liquids would be covered by the site permit and suitably controlled.

91. *Issues of contaminated ground and gas from underlying ground have been addressed, and the site has been restored to allow redevelopment with hard and soft landscaping.*
92. *It is noted that the validation report has been reviewed by Ashfield District Council, but as the site has not been developed the conditions placed on the remediation under a separate outline planning permission have not been and nor will they be fully discharged until the building is built, as they pertain to gas and landscape control features. In addition, the EA requirement for no impact to controlled waters is also incomplete, in that confirmation of this is not within the validation report. Therefore whilst the documentation supporting the application is comprehensive and includes the various investigations, any confirmatory sign off of the remediation and validation reports by ADC and the EA has not been seen.*
93. **NCC (Highways) Ashfield** *No objection subject to planning conditions regarding the construction and surfacing of the access; provision of visibility splays in accordance with details shown on plan ref. NTT 2421/101 – 01 SP Rev. P2 Wolsey Drive Egress – Swept Path Analysis; measures to prevent the depositing of debris on the adjacent public highway; details of the gates at the access point; details of the road and footway extension on Wolsey Drive including an appropriate industrial turning facility; details of any security lighting/floodlighting including its design, location and installation; controls over the car park and servicing arrangements including appropriate surfacing, marking out and drainage to ensure surface water does not discharge onto the public highway.*
94. *It is noted that a small industrial estate is expected to come forward as part of the Phase 1 development of the site. The estate would be expected to generate 34 and 35 two-way trips during the respective peak hours, leaving 56 and 59 two-way trips permitted under the consent for the site as a whole. Based on the trip generation information provided by the applicant, the facility would be expected to generate five and three two-way movements during such peak hours. The proposed WTS trips in combination with the industrial estate would result in a cumulative two-way trip generation below that which has already been consented at the site during the peak periods. Furthermore, it is noted that during the period 1100-1200hrs wherein the highest volume of traffic would occur (33 two-way movements), the cumulative traffic should still just fall within the consented volume and certainly within the 30 new two-way trip generation threshold, used to determine highway impact.*
95. *It is noted that the same personal injury accident (PIA) study area adopted by the previous TA supporting the consented development, has been used, comprising Low Moor Road, from the junction with Southwell Lane, up to the junction with Penny Emma Way. It is concluded that there is a low PIA rate in the area and that there are no existing road safety issues in the vicinity of the*

site. The proposed development should not result in a material impact on local PIA rates.

96. *There are existing 2.0m wide footways along Welshcroft Close terminating at the access to the site, and on either side of Wolsey Drive, and the applicant has advised that this existing infrastructure would be extended along either side of the proposed access and egress junctions. Whilst this is shown on the proposed site layout plan with regards to Welshcroft Close, there are no extensions to the existing footways shown on Wolsey Drive. The applicant is advised that they are required to provide a footway extension within the existing highway land outside the vehicular access on Wolsey Drive to Romo Ltd to allow for a segregated pedestrian access to the site. The detail of this would be covered by an attached planning condition.*
97. *In coming to the conclusion that the proposed development is acceptable subject to conditions, NCC (Highways) has considered issues of highway access, capacity and safety, parking, servicing and sustainability.*
98. **Highways England** *No objection.*
99. *Regarding the Highways Act Section 175B, it is not relevant to this application, as there is no common boundary between the planning site and the Strategic Road Network.*
100. **NCC (Flood Risk Management Team)** *No objection.*
101. *The proposal appears to comply with previous planning permissions V/2013/006 and V/2014/0605, and subject to there being no proposed modifications or alterations to the Flood Risk or drainage proposals in this or any of the previous applications, there are no comments to make on the application at this time.*
102. **NCC (Noise)** *No objection subject to conditions regarding noise mitigation measures including controls over site noise levels; directional controls over HGVs exiting the site (turn left out of Wolsey Drive onto Low Moor Road towards the A38); and controls over vehicle reversing alarms, operational hours and activities permitted during these hours; cladding materials to the WTS building, HGV numbers arriving/departing in any 24 hour period; and a requirement on the operator to submit a noise management plan to the WPA for its approval, outlining best practice management controls to be implemented by the operator onsite to control noise.*
103. *It is confirmed that the noise assessment is satisfactory and all aspects of potential noise impact have been considered.*
104. *It is noted that the noise assessment has considered the noise impact of the proposals on the nearest premises on Low Moor Road located approximately 80m to the east. A noise model of the operations has been produced to determine noise level at the nearest premises and has compared the noise level with the measured background noise level at the nearest premises in accordance with BS 4142: 2014 to determine the noise impact. This has demonstrated that the rating level of the operations (including a 3dB penalty for impulsive noise) always remains below the background noise level at any time of the day and night, indicating a low impact according to BS4142: 2014. It is noted that the rating level is highest during the night time due to the assessment height at receptors being 4m (first-floor level) instead of 1.5m during the rest of*



*the day (ground floor). The proposed site for the WTS benefits from a significant level of screening from the neighbouring factory building which is approximately 170m in length and approximately 8-9m high.*

105. *There is a risk that in the event of the neighbouring building being demolished as of any future redevelopment of the site the noise impact of the WTS would increase significantly and potentially to an unacceptable level. Therefore it is necessary to ensure that sufficient protection is built into the permission in the form of operational noise limits for the site in the granting of any planning permission for the WTS.*
106. *The noise assessment has also considered the impact of typical one-off noise events such as reversing alarms, the vehicle wash and door slams. This has demonstrated that such noise events should not cause an unacceptable impact to neighbouring properties.*
107. *The assessment has also considered the noise impact of additional HGV traffic along existing routes, which is considered neutral-negligible during the daytime and night time periods. Finally, an assessment of the construction noise associated with the building phase indicates that the noise levels from construction activities would be well below the threshold is in BS 5228-1:2009 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' where a significant effect would be deemed to occur.*
108. **The Environment Agency (EA)** *No objection.*
109. *Attention is drawn to the fact that the development would require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies.*
110. **The Coal Authority** *has withdrawn its original objection to the planning application.*
111. *The application site falls within the defined Development High Risk Area, and within the application site and surrounding area, there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application.*
112. *The Coal Authority records indicate the presence of two mine entries (shaft and adit) within the planning boundary, and that the site has been affected by mine gas associated with the Old Kirkby Colliery drift entrance and is a Coal Authority monitoring site (5113).*
113. *The objection was raised on the grounds that built development appeared to be being proposed over both the drift entrance and areas of the site where monitoring apparatus might be present. However, further information has confirmed that the first several metres of the drift entrance have been removed effectively proving that the proposed building would not be sited over the former drift entrance. Furthermore, the remainder of the drift where it underlies the site has been backfilled, with a gas vent being maintained on the periphery.*
114. **Severn Trent Water** *No objection subject to a condition regarding the submission to and approval by the WPA of drainage plans for the disposal of surface water and foul sewage prior to the commencement of the development;*

*and the implementation of the approved scheme before the development is brought into use.*

115. **NCC Waste & Energy Management, Western Power Distribution, National Grid (Gas) and Network Rail** have made no response. Any comments received will be reported orally to Committee.

## **Publicity**

116. The application has been publicised by means of site notices, a press notice and thirty-three neighbour notification letters sent to the nearest residential occupiers on Low Moor Road, Kirkby-in-Ashfield, Lowmoor Nursing Home, Low Moor Road, Kirby-in-Ashfield and commercial businesses on Low Moor Road, Welshcroft Close and Wolsey Drive, Kirkby-in-Ashfield, in accordance with the County Council's Adopted Statement of Community Involvement Review. A single letter of objection has been received from the nearest commercial business Romo Fabrics on Low Moor Road. Objection has been raised on the following grounds:
- a) Heavy traffic;
  - b) Noise and pollution impacts, which would affect the business and the surrounding area.
117. The applicant has sought to address these concerns, and subsequently arranged for one of the Company Directors to visit a similar waste facility in Forest Town, Mansfield. From email correspondence between the applicant and objector, it would appear that Romo Fabrics now has no concerns regarding the application. However, for the purposes of this application, the objection has not been formally withdrawn, and the issues raised will be discussed in the Observations Section of the report.
118. Councillor John Knight has been notified of the application.
119. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Introduction

120. The Welshcroft WTS at Kirkby-in-Ashfield is critical to Veolia's waste management operations in Nottinghamshire, in the context of fulfilling its obligations to Nottinghamshire County Council under the terms of its PFI contract, which it holds in partnership with the County Council. Veolia is a global company with expertise in the provision of recycling and waste management solutions for local communities and businesses.
121. Veolia were awarded the long-term waste disposal contract in 2006 from the County Council, and has a responsibility under that contract to provide waste management facilities that deliver more sustainable waste management and contribute towards meeting both national and local waste targets.

122. This provides the context for the proposed waste facility, and establishes the need for the development as a strategic bulking point for general waste and recyclable materials within the Ashfield/Mansfield area to complete Veolia's strategic coverage of the County.
123. To place this type of facility into its strategic context within the practice of sustainable waste management, waste transfer facilities such as the proposed Welshcroft WTS, have a pivotal intermediary role between the local collection of waste and its final disposal. Essentially these facilities allow for the bulking together of smaller amounts of waste collected locally at a district level from both householders and local businesses, mainly from local authority municipal waste collections. They allow for sufficient quantities of waste materials to be accumulated prior to onward transportation to the relevant recycling, recovery and disposal facilities. These intermediary facilities deliver more beneficial management of locally derived waste streams, enabling a greater proportion of materials to be recycled, treated and/or recovered; and reducing transport distances.
124. In the case of the proposed development, the Welshcroft WTS would address the current situation of locally collected material within the Ashfield/Mansfield area being transported and treated outside the County, thereby achieving a more sustainable system of waste management. The development of a WTS within the Ashfield/Mansfield area is therefore identified as an essential component of the Nottinghamshire Waste PFI contract, in terms of delivering on the sustainable waste management front and making a contribution towards nationally and locally derived waste targets. There is an established need for the facility in the Ashfield/Mansfield area.
125. Members should be aware of the different role that the WTS would play compared to the Materials Recycling Facility (MRF) at Forest Town, Mansfield. The MRF provides a strategically located treatment facility for segregating kerbside collected dry recyclables from across the entire County (up to 100,000 tpa via the existing network of transfer stations). The MRF does not accept residual waste. In contrast the proposed Welshcroft WTS would accept primarily residual waste collected from local residents (and to a lesser extent businesses) across Mansfield and Ashfield Districts.
126. Within this context, the development has merit in principle in terms of meeting sustainable waste management objectives, (in line with EU and national and local waste policy), which is a material consideration in determining this application.
127. Reference is now made to those material considerations relevant to the determination of this planning application.

#### Planning Policy Considerations

128. In national planning policy terms, the proposed development is given due consideration in light of the National Planning Policy Framework (NPPF) (March 2012), the Planning Practice Guidance (PPG) (published on-line in March 2014 and periodically updated), the National Planning Policy for Waste (NPPW) and DEFRA's Waste Management Plan for England (December 2013), which is a statement of Government waste policy. Relevant policies and direction as set

out in these documents are material considerations to the determination of the application.

129. National waste policy reflects European legislation on waste management, enshrined in the revised EU Waste Framework Directive (2008/98/EC) which establishes a legislative framework for the collection, transport, recovery and disposal of waste. Under this directive there is a requirement to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment.
130. The NPPF sets out the national policy approach towards development, and whilst it does not specifically make reference to waste, which is covered by the NPPW, it does set out guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
131. Planning applications should be determined with regard to the development plan as far as material to the application, and any other material considerations and decided in accordance with the Development Plan unless material considerations indicate otherwise (per statutory requirements), and for the purposes of this application, and in line with Paragraph 215 of the NPPF, the proposal has been assessed against key strategic policies in the WCS and relevant saved policies in the WLP; and the Ashfield Local Plan Review (2002) (ALPR).
132. The NPPF with its presumption in favour of sustainable development directs that development proposals which accord with the development plan should be approved without delay, unless specific policies in the NPPF and other material considerations indicate otherwise. This is also relevant to the proposal under consideration here.
133. Overarching policy direction is set out in the NPPW with the presumption in favour of sustainable development, and resource efficiency (including provision of modern infrastructure, local employment opportunities and wider climate change benefits), by driving waste up the waste hierarchy. This reflects the Waste Management Plan for England, which sets out the Government's key policy objective of working towards a more sustainable and efficient approach to resource use and management. The NPPW supports the provision of a framework, in which waste is disposed of or, in the case of mixed municipal waste from households, recovered in line with the proximity principle; the securing of the re-use, recovery or disposal of waste without endangering human health and without harming the environment and ensuring the design and layout of infrastructure complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste. These policy objections offer weight to the proposals under consideration in this planning application.
134. Of key relevance to this proposal, as with all sustainable waste management facilities, is the concept of the waste hierarchy, as set out in the NPPW and the Waste Management Plan. The waste hierarchy, which has come out of Article 4 of the EU Waste Framework Directive, is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste

(England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery (including energy recovery) and finally disposal (for example, landfill). The waste hierarchy applies as a priority order in terms of waste prevention and management. Paragraph 008 of the Government's Planning Practice Guidance (PPG) emphasises the movement of waste up the waste hierarchy and states that all local planning authorities should seek to support the drive for waste management up the hierarchy; and the NPPW paragraph 1, seeks to deliver sustainable development and resource efficiency, by driving waste management up the waste hierarchy. The waste hierarchy is a material consideration in the determination of the proposed development.

#### Principle of the development

135. The proposed WTS facility would contribute to the overall waste management capacity of the County, essentially seeking to maximise the amount of waste sent for recycling or recovery, and minimise the amounts of residual waste left over for disposal. In accordance with the NPPW and the Waste Management Plan, the proposed development would provide modern infrastructure to support a sustainable waste management function, which would support the function of driving waste management up the waste hierarchy and in its intermediate role as a strategic facility for the bulking and onward transportation of residuals and recyclable materials, would facilitate the reuse, and recovery of municipal waste. The proposed development is therefore consistent with the waste hierarchy as set out in national policy.
136. In this respect it would provide the flexibility to allow waste to be managed in the most appropriate and sustainable way, including consideration of recycling options, composting, and the recovery of residual waste at onward energy recovery facilities or, as a last resort, landfill disposal. The proposed WTS would allow landfill diversion of collected wastes to be maximised.
137. The wider context for the development is further reflected in national waste policy, where there is an emphasis on minimising the use of landfill for residual waste disposal and encouraging the use of this type of waste in recovery facilities for energy recovery. Government policy contained in the Waste Management Plan supports efficient energy recovery from residual waste materials which cannot be reused or recycled, thereby reducing carbon impact and using resources more efficiently. This accords with the waste hierarchy, in the respect that it does not expect all waste material to be recycled if this represents an inefficient and impractical option. It is acknowledged that a better option may be to recover energy from residual waste streams, where that waste is so contaminated that the resources required to clean and process it for recycling would outweigh the benefits of recycling.
138. In line with national waste policy, the proposed development would deliver a local waste management facility within the Ashfield/Mansfield area that would allow residual waste to be tipped and bulked up and as required, shredded to produce a refuse derived fuel (RDF), before being transported onwards to appropriate recovery facilities, thereby minimising the volumes of waste sent for landfill disposal. The beneficial processing of residual waste to RDF adds value to the waste, moving it higher up the waste hierarchy, for its recovery off-site.



139. In this respect, the proposed operations associated with this particular WTS facility adds in a more beneficial step in terms of the treatment or processing of residual waste to RDF. This adds value to the residual waste stream and is beneficial in that it moves residual waste higher up the waste hierarchy, for its recovery off-site.
140. Policy WCS3 (Future waste management provision) of the WCS sets out an aspirational target of achieving 70% of recycling or composting of all waste by 2025 and if this target is to be reached then a further 523,000 tonnes per annum of recycling and composting capacity is needed for municipal, commercial and industrial waste over the plan period. Whilst the proposal in itself, as an intermediate transfer facility, would not provide extra capacity, it would nevertheless assist in the efficient and effective management of waste. In this respect, the WCS would provide an additional throughput capacity in the order of 75,000 tonnes per annum for the sorting, bulking and onward management of waste; including the shredding of residual waste into an RDF for recovery off site. The new WTS would help to support the ambitious local recycling and recovery targets as set out in WCS Policy WCS3. As such, the proposed development would accord with WCS Policy WCS3 in terms of contributing towards the stated aim of achieving recycling and composting rates of 70% by 2025.
141. The proposed development would ensure that at the local and county level there is sufficient waste management capacity to deal with waste at an intermediate level, in terms of sorting and bulking the waste streams more efficiently and indirectly helping to improve local rates of recycling and recovery at appropriate onward consented facilities. The development would contribute towards the WCS identified need to provide sufficient capacity to manage an estimated 5m tonnes of waste by 2030/31 (Paragraph 5.4 of the WCS).
142. Paragraph 055 of the PPG states that Waste Planning Authorities (WPA) must have regard to the provisions of Article 16 of the EU Waste Framework when exercising planning functions relating to waste management development. This relates to the principles of self-sufficiency and proximity, which essentially means that an integrated and adequate network of waste disposal installations and installations for recovering municipal waste collected from householders should be established, in the nearest appropriate locations. The PPG states that WPAs should seek to ensure that waste management facilities are appropriately sited to ensure compliance with the proximity principle. The proposed development is in line with the policy direction set out in the PPG, in terms of providing a local waste management facility to serve the needs of the local population within the Mansfield and Ashfield districts.
143. In local policy terms, the proposed development complies with the broadly hierarchical approach to waste management adopted in WCS Policy WCS4 (Broad locations for waste treatment facilities), which seeks to support large-scale waste treatment facilities in or close to the built-up areas of Mansfield/Ashfield. As a large facility there is explicit policy support for this particular scale of development in the Ashfield area. Again, it would fit in with the stated aim, as referenced in WCS paragraph 7.18, of promoting a pattern of appropriately sized waste facilities in those areas where they are most needed, in terms of where the most waste is likely to be produced, and developing an efficient network of waste facilities to manage waste close to where it is produced.



144. There is clearly a need for a local large-scale facility, as put forward under these proposals, to capture locally collected waste streams from the main urban areas concentrated around Mansfield and the Ashfield towns of Sutton-in-Ashfield and Kirkby-in-Ashfield, and redress the current situation, which is one of initial hauling of waste arisings out of the County for initial treatment and bulking. As such, the proposed WTS accords with WCS Policy WCS4.
145. Overall, it is considered that the principle of the development of this type of facility is supported in terms of local and national waste policy.

Planning policy considerations of the proposed site

146. Notwithstanding the potential environmental impacts (including operating noise, dust, odour and traffic movements) associated with the siting of new WTS developments, the WCS supports the role of WTS in terms of contributing to the delivery of sustainable waste management, and is supportive of their development in appropriate locations.
147. WCS Policy WCS7 identifies that new WTSs can be appropriate development in employment locations and on derelict land, which has previously been developed, subject to there being no unacceptable environmental impacts. This approach is broadly supported by Paragraph 4 of the NPPW, which prioritises the re-use of previously developed land as appropriate locations for new waste management facilities. This adds weight to support for the proposal.
148. Specifically, Policy WCS4 in conjunction with Appendix 2, Table 8 (Indicative size of waste treatment facilities) seeks to promote a spatial pattern of development, in terms of developing such facilities across the County, based on their scale and size. Appendix 2 of the WCS identifies 'large' scale transfer stations as those with a minimum throughput capacity of 50,000 tonnes per annum and a site area of between 1 and 1.5 hectares. Taking these indicative thresholds, the proposed WTS, with an annual throughput of 75,000 tonnes per annum and a footprint of 1.6 hectares, would be termed a large-scale facility. As such, there is explicit local waste policy support for this size of facility in Kirkby-in-Ashfield, close to the built-up urban areas of Mansfield and Ashfield. The proposed WTS therefore accords with WCS Policy WCS4, and material considerations indicate that this is appropriate development in the given location.
149. WCS Policy WCS4 supports the development of what is a large-scale WTS in the main built-up area of Mansfield/Ashfield, and the development accords with the broadly hierarchical approach to waste management which gives priority to the reuse of previously developed sites/land and those identified for employment uses. The proposed development accords with WCS Policy WCS7 in terms of a presumption in favour of WTS development on land allocated for employment uses, subject to there being no unacceptable environmental or local amenity impacts.
150. The proposals are seeking to develop a new WTS on an allocated employment site, which has had a long term allocation in the ALPR Proposals Map, under Saved Policy EM1kc. The site is located within the Welshcroft Close North/Portland Industrial Estate, and the proposed use of the site, as a sustainable waste management facility accords with this employment land allocation policy. In the case of the proposed WTS, both employment land and

derelict land or previously developed land, as provided on this part of the former Summit Colliery site, is considered suitable for a large-scale facility, such as the Welshcroft WTS. As such, the proposed development accords with the broad principles that have been established in WCS Policy WCS7, in terms of the appropriateness of this type of waste management facility in its proposed location on previously developed brownfield land within an industrial estate.

151. The proposed development is also in accordance with Saved Policy ST2 of the ALPR, which seeks to concentrate development within the main urban areas of Hucknall, Kirkby-in-Ashfield and Sutton-in-Ashfield and reflects the concentration of specific land-use allocations in these three main urban areas, including in this instance the allocation of employment land-use in the Welshcroft Close area of the Portland Industrial Estate, as designated in ALPR Saved Policy EM1kc.
152. The constraints of the development, in terms of its scale, appearance and the operational processes involved in sorting, bulking and the onward transportation of waste streams means that it is well suited to an industrial estate alongside other storage and distribution type uses. The proposed site is well situated to accommodate a large warehouse type building within which to carry out the sorting and separation of materials and to store the resulting bales of material for onward transportation. The site is suitably located in terms of road access, proposing to utilise a former colliery site within an established industrial area close to a strategic road network including the A38(T) and Mansfield Ashfield relief road. The proposed site would deliver a strategic facility able to accommodate locally collected waste, sort and bulk it and haul it elsewhere to other facilities beyond the Ashfield boundary.
153. The proposed development is similar to existing employment uses elsewhere across the wider site including the consented general industrial, storage and distribution uses. The development would provide valuable local employment both directly in terms of the transfer station itself, and to associated transport and supporting local businesses in terms of providing a valuable local waste collection and management service.
154. These strategic and Local Development Plan policies provide support for the principle of the proposed development and the appropriateness of its location provided it can be demonstrated that the proposals would not create any unacceptable environmental and amenity impacts.

#### Consideration of Environmental and Amenity Impacts

155. One of the underlying principles of sustainable waste management is to ensure that waste is managed safely without risk to the environment or human health and balancing the potential impacts against the need for the development is critical in terms of determining this application. Core policies within the WCS, in respect of this proposal Policies WCS4 and WCS7 have sought to ensure that the development is situated in the most appropriate location, in order to protect areas of nature conservation interest and maintain local amenity and quality of life for surrounding sensitive receptors.
156. WCS Policy WCS13 supports new or extended waste treatment facilities where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working

nearby and where this would not result in unacceptable environmental impacts. It also states that all waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

- 157. Appendix B (locational criteria) of the NPPW contains detailed guidance on the potential environmental issues associated with waste development, advising that consideration should be given to protection of groundwater, instability, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions including dust, odours, vermin and birds, noise light and vibration, litter and potential land use conflict.
- 158. The potential environmental impacts associated with the proposed WTS are material considerations in determining the acceptability of this application.

#### Landscape and Visual Impact

- 159. Paragraph 7 of the NPPW seeks to ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 160. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4 seeks to secure both the retention and protection of existing features which have value in terms of screening, and the appropriate use of screening and landscape to minimise visual impacts, including earth mounding, fence, and/or tree and shrub planting.
- 161. WCS Policy WCS15 (Design of waste management facilities) states that all new or extended waste management facilities should incorporate high standards of design and landscaping, including sustainable construction measures.

#### Landscape impact

- 162. The development site is not located within a specified Landscape Character Area, but has been given due consideration in respect of the overall townscape.
- 163. Given that the site is within the urban area of Kirkby-in-Ashfield, situated within a designated industrial area and segregated from the nearest residential receptors within Low Moor Road, and the more naturally landscaped areas within the restored former Summit Colliery, the proposed development would have a minimal impact on the existing landscape.
- 164. The site is essentially surrounded by industrial units of similar character and appearance, and comparable height and mass. The industrial area is extensive stretching for a considerable distance within the wider area. It is therefore reasonable to assess the overall impact of the development as being negligible, in terms of any impact on the overall townscape of Kirkby-in-Ashfield. It is therefore considered that the proposed development accords with WLP Saved Policy W3.3.

### Visual amenity impact

165. The nearest sensitive receptors to the site with more open views westwards towards the proposed development would consist of a number of residential properties (Brentwood, Doverbeck, Ravensdene and Rosemere) within Low Moor Road and Lowmoor Nursing Home. However, these properties are all situated at a reasonable distance to the proposed WTS, and at a relative distance of some 90-130m this would significantly diminish and mitigate views of the development. Furthermore, an existing large industrial unit (Romo Fabrics) would substantially screen a significant part of the main new building from these properties, albeit not from the nursing home.
166. Whilst occupiers of the properties known as Brentwood and Doverbeck would have slightly oblique views towards the main building's southern elevation and relatively clear views of the fire water tank, the overall effect on the visual aspect of these two properties is assessed as being minor adverse. The two further properties (Rosemere and Ravensdene) would have slightly more extensive views towards the development, but this is offset to some degree by the increasingly oblique angle of these views, which would help to obscure views of the development. Again there would be only a minor adverse effect upon the visual aspect of these properties.
167. The nursing home is considered to be more sensitive to change and the proposed development has the potential to impact on this property. The nature of the property, given that this is a residential nursing home, means that views from individual windows are considered more likely to be precious, particularly given that the new building would be situated within the site line of the restored Summit Colliery, which is the only open green landscape feature within the vicinity. Whilst the nursing home is located on the corner of Edward Street and Low Moor Road, with windows having a dual aspect facing both north and west, any views of the development would be mitigated to acceptable levels by virtue of the fact that the nursing home is moderately distant to the development being situated at a distance of 130m due south-east of the application site, and given the fact that views from many of the windows are not direct.
168. Given the nature of the care home and the assessed importance of views to the vulnerable users of this facility, it is considered that the proposed development would have a moderately adverse effect upon the visual aspect of the nursing home and its residents. Nothing can be done to mitigate the visual impact of the development, in terms of obscuring views towards the restored former colliery site. Whilst the replacement view, which would be that of the main waste transfer building, is not that of an incongruous feature, given the building's wider industrial setting, this nevertheless does not negate the impact of losing views towards the restored parts of the former Summit Colliery. However the loss of these beneficial views to residents of the care home and the perceptible change with regards to views from this particularly sensitive receptor has to be balanced against the wider benefits the proposed waste management scheme would deliver to the wider local community. Overall, it is considered that any harm that may arise would be outweighed by the collective benefits delivered under these proposals; and also given the fact that subject to planning conditions requiring tree and scrub planting to the south of the new building, direct and indirect mid-distance views from residential development to the south-east, including the care home, would be effectively mitigated. As such, the development accords with WLP Saved Policies W3.3 and W3.4.

169. The design and layout of the development, including an appropriate landscaping scheme and careful attention to the orientation of the waste transfer building has sought to mitigate the overall scale and massing of what is essentially a large scale building with associated infrastructure. The building itself and ancillary structures would be situated within the south-eastern part of the site grouped together immediately to the rear of the adjacent Romo Fabrics building, the scale of which would ensure that the proposed main building is provided with a significant element of screening. Directly adjacent to the Romo site, abutting the car park to this business, the landscaping scheme would provide a 10m wide swale, which would be planted up with wildflowers and as such would provide a visually attractive border to the WTS.
170. Furthermore, the building has been designed to ensure that the operational frontage opens onto the internal service yard, keeping operational activities relating to the use of the WTS building away from the nearest receptor to the site. This would ensure that the adjacent commercial business which is a very different operation to that of the waste transfer station is not unduly impacted on. Given the development site's industrial location, and the commercial nature of the nearest receptor to the site, it is considered that the development is acceptable subject to conditions, which would seek to visually integrate the facility into its setting. It is considered that the waste management facility would not significantly impact on the character and appearance of the industrial site to the detriment of other commercial businesses, and in particular, the adjacent Romo Fabrics.
171. The development would be visually integrated into the wider industrial setting, and the scale and massing of the proposed WTS would not be dissimilar to some of the other industrial type uses on the Portland Industrial Estate (including an aggregate batching plant). Added to this, even though the adjacent business is a commercial fabric/design company, its premises are on an extremely large, extensive scale and the proposed WTS building and ancillary infrastructure would be grouped together within the immediate vicinity of this building and orientated to run parallel to it, in a north-south direction.
172. Overall, it is considered that the proposed development provides an acceptable standard of design given the industrial nature of the development, in terms of scale, mass and materials and that the new development is capable of being visually integrated into the site, subject to controls over facing materials and finishes, and ensuring the provision of a suitable landscaping scheme. It is therefore considered that the proposed development accords with WLP Saved Policies W3.3 and W3.4, WCS Policy WCS15 and the NPPW as it provides a good standard of architectural design within the context of being an industrial building and would not significantly affect the visual amenity of the nearest sensitive residential properties, including Lowmoor Nursing Home. In this respect, it is considered that the development is proportionate in terms of its scale, siting and design and is not incongruous to neighbouring buildings (notably Romo Fabrics) and the surrounding area. As such, it would fit in with the overall character of the wider area.

#### Ecological Impact and Landscaping

173. Section 11 'Conserving and enhancing the natural environment' Paragraph 117 of the NPPF indicates that local planning authorities, in terms of determining planning applications, should aim to conserve and enhance biodiversity. It



states that planning permission should be refused if significant harm resulting from a development cannot be avoided, adequately mitigated, or compensated for. Paragraph 109 states that the planning system should seek to provide net gains in biodiversity wherever possible, whilst Paragraph 118 advises that opportunities to incorporate biodiversity in and around developments should be encouraged.

174. Previous translocation works have been completed and it is noted that the land forming the application site has been modified to such an extent that it is no longer suitable to support species-rich grassland, orchids and dingy skipper butterfly, or indeed any other protected species. No areas of the ecology receptor sites are affected by this application, notably the southerly ecological receptor site, identified as the Welbeck site, which is outside the application site boundary abutting the south-eastern part of the southern boundary. NCC (Nature Conservation) concurs with this and is satisfied that there are no ecological impacts associated with this development. As such, the proposals accord with Paragraph 117, given that no significant harm would result from the proposed development on the local ecology.
175. As part of these proposals, a landscaping scheme has been designed to provide habitat and develop ecological interest within the site boundary, including species rich grassland with some tree and shrub planting. The application of low-nutrient soils (subsoil) would ensure the development of species-rich grassland sward, and planning conditions would seek to secure these measures, thereby ensuring that the ecological value of the designated areas is maximised.
176. The landscaping would also include a 10m wide swale feature, planted up with a wild flower mix. This would form part of a sustainable surface water drainage system for the site and has the potential to contribute significantly in terms of reintroducing ecological interest into the proposed site. In line with advice from the Nature Conservation organisations, planning conditions would seek to ensure that the ecological benefits of the swale feature are maximised by ensuring that appropriate wild flower seed mixes are sown, which are water tolerant. Drier areas of the site would be sown with a more appropriate species mix. Other planning conditions would secure controls over specimen tree species; a methodology for the establishment and ongoing management of the soft landscaping; and suitable shrub planting for bird nesting habitat and foraging habitat for other faunal species. Subject to planning conditions, the planting scheme would introduce ecological benefit to the site in accordance with WCS Policy WCS13, which encourages waste development to maximise enhancements to the local environment through landscape schemes; and in accordance with the NPPF and NPPW.

#### Traffic and access considerations

177. WLP Saved Policy W3.14 states that planning permission will not be granted for waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or where such movements would cause unacceptable disturbance to local communities. This is the key policy against which to assess the traffic impact of the development. The NPPF (paragraph 32) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.



178. The planning application is supported by a Transport Assessment (TA) which sets out a quantified assessment of the maximum levels of operational traffic associated with the development, together with a review of the surrounding strategic road network in terms of its capacity to accommodate the projected traffic levels; taking into account issues of safety and general site accessibility.
179. The site benefits from its strategic location in terms of the wider local highway network being situated within the Portland Industrial Estate with good linkages to the A38(T), which forms a west-east arterial route into Sutton-in-Ashfield, Mansfield and the surrounding rural areas, and effectively connecting the site to the Mansfield Ashfield Relief Road (A617) and the A60, as well as the M1. This would facilitate efficient access to the main urban centres of waste arisings and potential recycling and recovery facilities outside Ashfield and Mansfield. The key primary access route to the site is via the A38(T) onto Penny Emma Way and then onto Low Moor Road with a smaller number of collection vehicles accessing from the south.
180. In order to quantify the impact of the proposed development on the local highway network, the number of trips that are likely to be generated by the development has been calculated based on waste throughput (as referenced under the 'Proposed Development' section of this report); and the impacts of the proposed development have been assessed during the weekday morning (08:00-09:00hrs), evening (17:00-18:00hrs) and busiest (11:00-12:00hrs) peak periods.
181. This assessment is predicated on the baseline figures for the consented trip rates, which supported the consented scheme of B1 (office), B2 (general industrial) and B8 (storage/distribution) uses approved under the extant outline planning permission (Plg. Ref. V/2013/0006).
182. In this respect, the extant permission allows for the site as a whole to generate 90-94 two-way trips during the respective morning and evening peak hours (AM Peak 0800-0900hrs and PM Peak 1630-1730hrs) split between the Welshcroft Close and Wolsey Drive accesses. It is anticipated that a small-scale industrial estate (comprising 11 units totalling 3,048 sq.m.), which forms part of the phased development of the wider site to the north of the proposed WTS, would generate 34-35 two-way trips during the morning and evening respective peak hours. There would remain 56 and 59 two-way trips permitted under the consent for the entire site, and the proposed WTS would have a marginal impact on these figures given that the facility would only be expected to generate 5 and 3 two-way movements during the peak periods.
183. These previously agreed lorry numbers are a material consideration in terms of assessing the potential traffic impact on the local highway network associated with the proposed development.
184. It is noted that during the morning and evening peak periods, the proposed WTS would generate extremely low levels of vehicle movements, with the local highway network peak hours being avoided due to waste collection vehicles being out on their rounds during these periods. Even when the proposed WTS is combined with the proposed industrial units to the north of the application site, the cumulative two-way trip generation would be well below that identified under the extant permission. It would still leave capacity for 51-56 two-way trips during the morning and evening peak hours respectively in the context of the

permissible 90-94 two-way trips allowed for under the extant permission. The highest volume of HGV traffic would occur between 11:00-12:00hrs, involving a maximum of 33 two-way movements but even in this context the cumulative traffic would still fall within the consented volume. The export of waste would be evenly distributed throughout the day.

185. The material impact of a development can be determined with regards to whether it generates 30 or more new two-way vehicle trips in any hour. In the context of this development, it has been demonstrated that the net trip generation during the morning and evening peak periods arising from the proposed operations would be well below the consented levels for vehicle movements during the peak hours. Even during the WTS's busiest period (11:00-12:00hrs), the development would not result in a net increase above that identified within the extant permission. Net vehicle movements associated with the proposed WTS would therefore be well below the 30 new two-way trip generation threshold, and consequently it is considered that the development would not result in a material impact on the local highway network.
186. An HGV routing restriction is in place on Southwell Lane to the south of the Portland Industrial Estate, involving a weight restriction along this particular route, to the west of its junction with Hawthorne Crescent, which restricts HGVs from travelling the length of Southwell Lane. These controls would effectively prohibit HGV traffic associated with the development from travelling through the main settlement of Kirkby, on leaving the site. In this respect, it makes the exit/egress route out of the site the most straightforward and economically viable route for onward transportation of waste material, from Wolsey Drive via a simple priority T-junction (Low Moor Road/Wolsey Drive), turning left onto the B6021 Low Moor Road and travelling north to the A38 via Penny Emma Way. There is no reason for vehicles leaving the site to turn right onto Low Moor Road, as this would take traffic towards Kirkby-in-Ashfield Town Centre to the south, in the opposite direction to the obvious route of transit for outward bound bulked waste.
187. Whilst WLP Saved Policy W3.15 states that WPAs may impose lorry routing restrictions upon waste development, it is considered that in this instance there would be no requirement for a legal agreement, binding the operator to the preferred route, given that the site's strategic location combined with its access/egress arrangements means that collection vehicles would follow the most efficient route and head towards the A38 (T) and Mansfield Ashfield Relief Road unless collecting locally from residents within Kirkby-in-Ashfield.
188. In this respect only locally collected waste, mainly from local households and businesses would be delivered into the site via Welshcroft Close, with no outward transit of bulked up waste materials via this route. However, in response to the District Authority's recommendation requiring the submission and approval by the WPA of lorry routing details, it is considered that planning conditions requiring clear directional signage at the egress point onto Wolsey Drive together with a traffic management plan to protect local residential amenity would be proportionate in terms of controlling outward bound vehicular traffic.
189. The onward movement of waste materials would avoid taking HGV traffic by residential property on Low Moor Road thereby mitigating residential amenity impacts, in terms of vehicular noise and vibration, on the nearest sensitive receptors. This would ensure that any lorry movements, including through the

night, would not cause disturbance to local residents. As such, subject to planning conditions, the proposed development would accord with WLP Saved Policies W3.14 and W3.15.

190. In terms of highway safety, the TA has demonstrated that the proposed development would not result in a material impact on personal injury accident (PIA) rates in the vicinity of the site. This is based on PIA rates along Low Moor Road from its junction with Southwell Lane, northwards to its junction with Penny Emma Way. In this respect, 19 PIAs were recorded over a five year period (July 2009 – July 2014) of which 16 were classed in severity as slight, two as serious and one as fatal.
191. Since 2010, there has been a relatively stable rate of PIAs, at between 2-4 in each of the respective years. Indications are that these incidences have occurred at various locations and in differing circumstances and that there is no pattern to these accidents. However, it is identified that no PIAs occurred at the Southwell Lane/Welshcroft Close junction or along Welshcroft Close or Wolsey Drive. The Highways Authority is satisfied that there are no existing road safety issues in the vicinity of the proposed site. It is considered that the comparatively low levels of traffic that would be added to existing flows as a result of the proposed development would have no significant impact in terms of road safety; and the junctions would continue to operate within their designed capacity.
192. There is nothing to indicate that the proposed route to be taken by vehicular traffic accessing and egressing the site would be anything other than suitable in terms of highway capacity and safety.
193. The proposed WTS is in accordance with WCS Policy WCS11 (Sustainable Transport) given that it would provide a local waste management facility within close proximity to the main centres of waste arisings in the Mansfield and Ashfield districts, so helping to deliver a reduction in waste miles and associated carbon emissions. The new WTS would deliver a highly accessible local delivery point capable of storing, treating and bulking up local waste for subsequent onward transportation to suitable recovery facilities, in larger vehicles. As such, the proposal would accord with WCS Policy WCS14 (Managing Climate Change), given that it has been designed and located; and would be operated, so as to minimise potential impacts on climate change.
194. For staff accessing the site, it is considered that the site is in a sustainable location in terms of its accessibility via sustainable modes of travel. A 2km walking catchment around the site has demonstrated that the site can be accessed on foot from the surrounding residential areas of Kirkby-in-Ashfield to the south-east and south-west; the south-eastern part of Sutton-in-Ashfield and the railway stations of Kirkby-in-Ashfield and Sutton Parkway. Footways are in place on both sides of Welshcroft Close and Wolsey Drive, linking into the infrastructure on Southwell Lane and Low Moor Road respectively.
195. There are local bus stops on Southwell Lane/Low Moor Road, within the recommended 400m walking threshold from the site. Planning conditions would ensure that works to extend the existing footway infrastructure on Welshcroft Close and Wolsey Drive along either side of the proposed access and egress junctions are satisfactorily completed in line with the Highway Authority's recommendations.

196. In terms of cycling, there is a network of on and off-road cycle routes within the area, including good linkage to the site with shared footway/cycleway infrastructure in place on both sides of Low Moor Road to the north of its junction with Wolsey Drive, which links into Sutton Parkway Railway Station and the south-east of Sutton-in-Ashfield. As part of the consented development, on-road cycle lanes would be provided either side of Wolsey Drive linking into existing infrastructure on Low Moor Road; and two local bus stops, again on Low Moor Road, would be upgraded. Overall, there are opportunities for employees to access the WTS site via sustainable travel modes, with the site's location putting the surrounding residential areas within walking and cycling distance.
197. The site is extremely well served with regards to access arrangements, via Welshcroft Close and Wolsey Drive, and this element of the scheme has been suitably designed to reflect the type and number of vehicles accessing the site. The benefits of splitting the traffic in such a way would reduce the number of collection vehicles passing residential receptors to the south of Wolsey Drive, fronting Low Moor Road.
198. Overall, the proposed development would not have a material impact on either the surrounding local road network, or the closest strategic routes (namely, the A38 and the M1), with the highway network remaining capable of satisfactorily accommodating the vehicle movements associated with this development.
199. The Highways Authority underlines the acceptability of the proposals, subject to planning conditions, in terms of highway access, capacity and safety, as well as adequate provision having been made regarding parking and servicing. As such, the proposed development is considered to accord with WLP Saved Policy W3.14 and the NPPF.

### Noise

200. Saved Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
201. A Noise Assessment (NA) undertaken in support of the planning application, has calculated the noise impact from waste management activities associated with the proposed WTS (including lorry movements), in line with technical guidance contained in British Standard BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. This involved recording background noise measurements at the nearest sensitive receptors in Low Moor Road during daytime and night-time periods over a weekday to establish typical background and residual noise levels. Calculations were then carried out to determine the highest likely noise contribution from operational activities at the boundary of the nearest residential property.
202. It is the differential between these two measurements once any corrections have been applied (i.e. known as the 'rating' level) which determines the likelihood of complaints. In order to avoid the likelihood of complaints in line with BS4142: 2014, the 'rating' noise level should not exceed the background

noise level by more than 5dB. Any higher than this, and it is likely to be an indication of an adverse impact.

203. Key activities identified as potential sources of noise nuisance, and considered in the NA are referenced below:
- (i) Noise from the use of a front-loading shovel and grab within the main waste transfer building;
  - (ii) Noise from the shredder, baler and wrap operation;
  - (iii) Noise from the movement of HGVs on site and the cumulative effect of HGVs and waste transfer operations, operating together;
  - (iv) Noise from aspects such as 'door slamming', vehicle washing and reverse alarms.
204. There may be occasional vehicle movements outside the core operating times (06:00-22:00hrs Mondays to Fridays and 07:00-19:00hrs on weekends and Bank and Public holidays) to ensure an effective service is provided and to maintain flexibility in terms of service delivery. The NA has therefore considered potential night-time operations throughout the week based on occasional HGVs entering and exiting the waste transfer building during the night-time period to offload and load, should the circumstances arise. The robustness of the NA is predicated on the 'worst case' scenario involving the operation of the shredder and baler.
205. The nearest sensitive receptors comprise residential development to the east of the proposed site in Low Moor Road at an approximate distance from the WTS of 80-135m (as measured from the eastern boundary). The adjacent Romo Fabrics industrial building situated between the site and the nearest residential properties would act as an attenuation barrier between the proposed operational site and the nearest noise sensitive properties in Low Moor Road.
206. It has been demonstrated that predicted noise levels from the operation of the waste transfer station including mobile plant, waste shredder, baler and HGV movements would be well below the representative background sound levels. Waste management activities are therefore considered unlikely to result in any adverse impact in accordance with BS4142: 2014.
207. Subject to mitigation measures, the results of the noise assessment indicate that there is only ever a low impact; with the rating level of the operations (which does include a 3dB penalty for impulsive noise) remaining below the background noise level at any time of the day and night.
208. It is noted that the predicted noise contribution from the operation of the WTS of 36dB(A) to 37dB(A) Leq1hr would meet the World Health Organisations daytime guidance for community noise in relation to protection of amenity. In addition, the range of noise levels from the site during the night-time which varies between 36dB(A) and 38dB(A) Leq15mins is within the proposed limits to meet sleep disturbance criteria.
209. The additional HGV movements associated with the proposed development would not result in any likely significant impact, in terms of noise and vibration, in accordance with the advice provided in the 'Design Manual for Roads and



Bridges' (DMBR) 2011. The noise impact of additional HGV traffic along existing routes is considered to be neutral to negligible for both daytime and night-time periods.

210. Subject to appropriate mitigation measures, 'event' noise would not be significant in terms of its impact. Planning conditions would ensure that satisfactory controls are in place to minimise noise radiating from the site. Controls would include limiting vehicle washing to between the hours of 09:00hrs and 18:00hrs; and the appropriate use of silencers and reversing alarms on mobile plant, equipment and vehicles. This would include vehicles under the operator's control being fitted with broadband type reversing alarms.
211. An assessment of construction noise indicates that the noise levels associated with construction activities would be well below the thresholds established under British Standard BS5228-1:2009 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. In accordance with BS5228 the highest noise levels likely to be generated during the construction phase of the development would not exceed unreasonable noise levels. The highest community noise levels would be created during the construction of infrastructure and buildings, with the typical noise levels being within the range of 45-61dB LAeq. However, it is noted that this would be well within the level of noise which is acceptable for activity of this type and duration. This is also considered in the context that the preparatory ground works delivered on the former colliery site have been completed without giving rise to any significant issues.
212. The County Council's Noise Engineer has recommended a suite of planning conditions covering noise attenuation measures, including the submission of a noise management plan detailing best practice management controls to be implemented by the operator onsite to control noise; controls over lorry movements and permitted vehicle numbers, including restricting vehicle movements through the night-time hours (22:00hrs to 06:00hrs) to a maximum of 2 vehicles arriving/departing (4 movements) per hour.
213. These measures have built in sufficient protection to ensure that operational noise limits would be acceptable even if the neighbouring building (Romo Fabrics) is demolished at some future date as part of any redevelopment of the site. As such, the proposed development subject to conditions would accord with WLP Saved Policy W3.9. It is considered that any noise impact is capable of being suitably controlled so that it would not increase significantly to unacceptable levels.

#### Dust

214. Waste operations have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting of facilities remote from sensitive receptors, the enclosure of dust generating operations within buildings and enclosed areas, and the use of water to dampen down stockpiles, and processing plant. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway.

215. The design of the proposed WTS together with the operating practices have sought to mitigate dust emissions. It is noted that the character of the waste streams received at the WTS including mainly residual waste and dry recyclables have low potential for dust generation. There are no proposed tipping/storage bays external to the waste transfer building, and all waste material would be handled, stored and processed within an enclosed contained space within the proposed main building thereby containing potential dust. The building itself would be fitted with a dust suppression system, for use as required. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated.
216. A vehicle wash bay would be installed as part of these proposals, and these facilities would be used for the cleaning of collection and export vehicles as required. This would reduce any potential for lorries transporting mud/debris onto the surrounding road network, which could be a source of potential fugitive dust emissions. All external servicing areas across the site would be hard-surfaced (bound concrete/tarmac surfacing) to minimise dust generation associated with movement of vehicles, and to prevent any arisings of mud and debris. It is therefore considered that the potential for mud and detritus being transported onto the public highway once the facility is operational would be extremely limited. As such, the proposals fully accord with WLP Saved Policy W3.11.
217. Notwithstanding the above, planning conditions are recommended in accordance with WLP Saved Policy W3.10 to require the sheeting of lorries, the cleaning of hard surfaces and storage bays, the regular sweeping of the external yard areas; and to ensure the main doors to the proposed waste transfer building remain closed when not in use for vehicular entry/exit.
218. There is the potential for dust to arise from lorry movements and building works during the construction phase. Whilst it is proposed to have a wheelwash on site during the construction phase, one is not proposed during the operation of the site. However, a condition is recommended by the Highways Authority requiring details of measures to prevent the deposit of debris on the highway to be submitted. A further condition is also recommended to require additional steps to be provided if mud on the road becomes an issue and this could include the provision of wheelwash facilities.
219. These measures would ensure compliance with WLP Saved Policies W3.10 and W3.11, and subject to the recommended controls, the proposals would not give rise to any significant dust issues at any phase of the development, including during the construction works.

### Odour

220. WLP Saved Policy W3.7 seeks to reduce the amenity impact of odour associated with the proposed development. It encourages the use of controls to reduce the potential for odour impacts from waste management facilities, and identifies a series of mitigation measures. Such measures could include: the sheeting of lorries, restrictions on temporary storage of waste, enclosure of waste reception and storage areas, and the use of contingency measures such as odour masking agents or removal of malodorous material.

221. Experience built up by the applicant in terms of managing these types of waste facilities means that robust site management procedures have evolved and it is these proven techniques that would be implemented across the WTS to ensure the effective management of odours. This recognises the fact that the bulking and processing of residual household and commercial waste does have the potential to be extremely malodorous if handled without due care.
222. The proposed WTS would be in receipt of both recyclable and residual waste streams. Whilst the composition of recyclable waste means that it has only limited potential to release odour, the storage of residual waste can be extremely malodorous; and if not properly controlled could result in an odour nuisance to surrounding land users and in particular, residential development east of the site, in Low Moor Road.
223. In respect of the proposed WTS, the facility has been designed so as to ensure that all operational practices involving waste tipping, storage, bulking, processing and transfer operations would be undertaken within the waste transfer building so as to ensure that there would be no significant odour impacts, particularly with regards to the nearest sensitive residential receptors in Low Moor Road. The controlled environment inside the proposed building would limit odour emissions escaping the building into the atmosphere.
224. Essentially the waste operations would involve managing the throughput of waste in the shortest possible time. Following delivery, waste materials would be stored in designated bays within the main building for relatively short periods before being promptly moved on for recycling, recovery or disposal off site, or alternately, shredded, baled and wrapped for onward transportation (depending on end market requirements). These practices seek to minimise potential for fugitive odour releases.
225. To supplement this practice, the waste transfer building would be fitted with an odour suppression system, to be utilised as and when required. The external doors would employ fast opening rapid-rise sensor operated doors, to be shut at all times, except to enable delivery vehicles access to and from the proposed building. Further mitigation measures would involve the sheeting (if appropriate) of all materials on lorries entering or leaving the site. Planning conditions would secure these various odour controls, in accordance with WLP Saved Policy W3.7.
226. Both the NPPF and NPPW reference the fact that it is the pollution control organisations' responsibility to control processes or emissions, and that local planning authorities should assume that these regimes would operate effectively. There is clear direction that these controls should not be duplicated by the planning authority. In line with this, controls over site operations including odour control would be imposed by the Environment Agency through the permitting regime, to ensure local amenity is protected. Thereafter, the EA would monitor the WTS's compliance with the terms of the Environmental Permit. Both odour and dust emissions would be regulated by the EA under the permitting regime to ensure adequate protection of the amenity interests of the surrounding area, and the intention of the WPA is not to duplicate these controls.
227. Overall, it is concluded that odour emissions from site operations would not be significant and subject to the imposition of appropriate conditions, would not

cause nuisance to surrounding residential and commercial property thus satisfying the requirements of WLP Saved Policy W3.7.

### Drainage and Flood Risk

228. WLP Saved Policies W3.5 and W3.6 seek to restrict development that would cause unacceptable risk of pollution to groundwater or surface water, or where the development would adversely impact upon a floodplain, in terms of its integrity or function.
229. The NPPF aims to avoid inappropriate development in areas at risk of flooding and wherever possible development is directed away from the highest risk areas. The PPG and the NPPF set out clear direction for development with regards to any potential impacts that may arise in respect of flooding. In line with this guidance an appropriate Flood Risk Assessment (FRA) has been submitted in support of the application, which is considered appropriate to the scale, nature and location of the development.
230. It is noted that the site is located within Flood Zone 1 and as such, given that the proposed waste use is determined to be 'less vulnerable' development, the proposed development would be acceptable in principle as an appropriate type of development within Flood Zone 1. This accords with the PPG and the NPPW's policy direction.
231. It is noted that a surface water drainage strategy already exists for the wider site area, having been approved in April 2015 by the District Council (Reference V/2014/0605), and all surface water run-off from external hardstanding and roofs associated with the proposed development would be discharged into the approved surface water drainage system.
232. The approved surface water drainage system, for the wider site, has been appropriately designed to reflect its location within a Flood Zone 1 area, and as such has been designed to attenuate all storm events up to and including a 1 in 100 year event (including an allowance for climate change). Overall the wider site drainage strategy has incorporated various attenuation features and flow controls to ensure that any resultant development that takes place within the wider site area (including the proposed WTS) would not result in any increased risk of flooding. Within the wider site area attenuation is mainly provided in the form of a large enhanced swale feature, which is situated along the eastern boundary on land to the north of Wolsey Drive (outside the boundary of the application site).
233. It is proposed that a sustainable drainage scheme would be implemented as part of these proposals, and key elements to that scheme would reflect the existing surface water drainage strategy. Key to the proposed scheme would be a small-scale open swale extending along the eastern boundary of the application site, on land to the south of Wolsey Drive, part of which would run parallel to the waste transfer building. This key element or feature has been designed to discharge surface run-off at a maximum rate of 60litre/second to the enhanced large-scale swale to the north of the application site.
234. The proposed swale has been designed to accommodate a 1 in 100 year storm event (including an allowance for climate change), from a contributing area of 1.6 ha. The proposed attenuation measure (swale), which is the main feature in

the sustainable surface water drainage scheme, would be more than adequate in terms of providing for and sustaining the proposed development. The proposed WTS would contribute run-off from approximately 1.05ha to the swale feature and therefore would not use its entire capacity. The proposed swale feature would therefore contribute sufficient drainage capacity for the proposed development site.

- 235. Surface water run-off from the proposed development would be discharged into the approved surface water drainage system for the wider site, with its built in restrictions in discharge rates to the River Maun (equivalent to the pre-development greenfield run-off rate for the site plus the run-off rate from third-party land, which has historically drained through the site).
- 236. The overall surface water drainage system provides attenuation for all storm events up to and including the 1 in 100 year storm event (including an allowance for climate change).
- 237. As such, it is considered that the proposed surface water drainage system is satisfactory and would provide sufficient attenuation capacity for the proposed development site. In addition, the wider surface water drainage scheme for the whole of the remediated land has been designed to provide sufficient drainage capacity for its wider development. It is therefore indicated that any risk of flooding posed to the surrounding area and those areas downstream of the proposed development site, would be low to insignificant.
- 238. The proposed WTS would not increase this risk and planning conditions would ensure provision of a detailed drainage and surface water management plan and its satisfactory construction. As such, the proposed WTS subject to planning conditions would be compliant with WLP Saved Policies W3.5 and W3.6.

#### Pollution

- 239. The overall design of the proposed development has sought to incorporate appropriate attenuation measures or design features into the overall scheme to ensure that the risk of groundwater contamination would be absolutely minimal. As part of the proposals, a drainage system would seek to manage and control the release of incidental rainfall falling on the associated impermeable hard-surfacing across the site. This would involve ensuring that potentially contaminated runoff, including that from areas where waste is stored, is diverted to the foul sewer system. The drainage arrangements would ensure that clean surface water would be diverted into a sustainable drainage system, and sewage and contaminated water would drain to the foul sewer. It is noted that all waste would be handled and stored within the waste transfer building.
- 240. WLP Saved Policy W3.6 seeks to protect surface and groundwater from any itinerant associated pollution. The proposed waste transfer facility would operate on sealed concrete areas both internal to the main building and externally in the surrounding servicing yard area, thereby ensuring that any pollutants are prevented from percolating into the underlying ground. Surface water and foul/processed water would be separately collected and managed appropriately.



241. Surface water run-off would pass through oil interceptors to remove hydrocarbon pollutants prior to draining to the attenuation swale and discharging to the wider environment, and eventually the River Maun, at a greenfield rate. Contaminated drainage would be disposed of to a public sewer. The WTS has been designed so as to ensure the satisfactory protection of surface and groundwater from any attendant pollution in accordance with WLP Saved Policy W3.6, and the NPPW.
242. It is noted that the County Council, as Lead Flood Risk Authority, is satisfied that the proposed development complies with the extant planning permissions covering the wider development site subject to there being no modifications or alterations to the drainage proposals. Planning conditions would ensure that an appropriate drainage scheme based on both a conceptual plan (Drawing Ref: ST14407-02) contained in the FRA and drainage details approved under extant planning permissions V/2013/0006 and V/2014/0605, is implemented as part of this development.
243. It is concluded that satisfactory measures have been incorporated into the design of the facility and that subject to the imposition of appropriate planning conditions, the requirements of WLP Saved Policies W3.5 and W3.6 are satisfied.

#### Ground contamination

244. Paragraph 109 of the NPPF underlines the need to remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land where appropriate and to bring it back into beneficial use wherever possible. Paragraph 21 emphasises the fact that when planning decisions are made, any decision should seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. It further states that after remediation, as an absolute minimum, land should no longer be capable of being assessed as contaminated land (as defined under the Environmental Protection Act 1990).
245. The proposed site together with the wider allocated Portland Industrial site has been subject to a comprehensive programme of site investigations and remediation works, as agreed with the appropriate regulatory authorities (the EA and the District Council), and carried out by the landowner, Bolsover Properties Ltd.
246. The remediation works have been completed to the satisfaction of the regulatory authorities and in brief have involved excavating all material from the site down to the underlying superficial geology (2-4m below ground level); the removal from the site of all unsuitable material and contamination hotspots and the reconsolidation of the site with suitable onsite material, which has been sorted and screened and used as a suitable capping material. Any suitable remaining excavated material has been subsequently re-laid across the entire site area to a minimum thickness of 1.5m before final surfacing with an appropriate capping material to create a suitable development site.

247. It is noted that given the site's history as a former colliery and railway sidings, there is the potential for significant contamination. However, it is noted that this has been recognised and thoroughly mitigated by way of investigation, a remediation programme of works, and satisfactory validation reports pertaining to the wider site, including the application site under extant planning permissions V/2013/0006 and V/2014/0605. As such, it is considered that the impact of contaminated ground at the site has been appropriately mitigated, and that the site is suitable in principle for its proposed use as a waste transfer facility.
248. Overall, it is considered that the site has been appropriately restored to allow for the proposed redevelopment to a WTS subject to a planning condition, which would require further remedial measures to be undertaken, if unexpected ground conditions are encountered during the proposed ground investigation works that forms part of these proposals. As such, subject to these requirements, the proposed development is in accordance with the NPPF.
249. It is noted that the County Council's Reclamation Team is satisfied that the issues of contaminated ground and gas from the underlying ground have been satisfactorily addressed.
250. The historical use of the site as a mine does present a degree of limited risk to the proposed development, with the application site being situated in a definitive area of high risk. In this respect, there are coal mining features and associated hazards which are a material consideration. It is noted that there are two mine entries (shaft and adit) within the planning application site, and there is an historical legacy of mine gas.
251. In terms of assessing the level of risk to the proposed development, it is noted that whilst the drift mine entrances have been remediated to Coal Authority standards by filling and capping, there remains a very low risk of collapse. In the case of mine gas, over recent years levels have been significantly reduced due to rising groundwater flooding previous mine workings. Notwithstanding this, the application site remains a Coal Authority monitoring site (No. 5113), and a compound containing a monitoring vent is retained within the proposed site for ongoing monitoring purposes.
252. In mitigation to the level of risk posed to the proposed development, it is noted that all buildings and ancillary structures associated with the proposed WTS would be at an appropriate distance from the mine entrance. Supporting information has demonstrated that the first several metres of the drift entrance have been removed as part of the former remediation works, and consequently the proposed main building would not be sited over the former drift entrance. The proposed development would therefore not be exposed to the significant safety and engineering risks associated with building over or within the influencing distance of the mine entrance.
253. Reference is made in the supporting information to further ground gas monitoring, carried out under the approved remediation plan (V/2014/0605), which has confirmed that there is no significant ground gas risk. Notwithstanding this, protection measures would be given due consideration at the detailed design stage of the facility, to design out any risk altogether.
254. Overall, it is considered that the historical legacy of the former mine poses an insignificant risk to the proposed development, a position which is supported by

the Coal Authority. As such, the proposed waste transfer facility is capable of according with the NPPF, subject to conditions requiring remedial measures, including potential changes to the construction of the facility, in the event that unexpected ground conditions are detected during further anticipated ground investigation works.

#### Litter

255. WLP Saved Policy W3.8 seeks to control litter generation on waste management facilities by the imposition of planning conditions and controls over operating practices.
256. A number of key measures would be adopted to minimise the occurrence of windblown litter. Again the EA's permitting regime would place controls over litter and the WTS would operate under strict site management procedures to ensure windblown litter is effectively managed in accordance with its Environmental Permit.
257. Measures deployed would include all tipping and storage of waste materials being undertaken within the waste transfer building, which would effectively minimise the potential for windblown litter; the transportation of waste materials in enclosed or sheeted vehicles; and effective site management, which would be carried out in accordance with good practice guidelines. This would involve regular site inspections, and litter collections as required, together with the sweeping of the site (either manually or mechanically) on a regular basis.
258. Perimeter security fencing would also assist in minimising windblown litter releases from the site.
259. Subject to planning conditions securing aspects such as the sheeting of lorries servicing the site, the proposed development would not give rise to any significant litter concerns and would be compliant with WLP Saved Policy W3.8.

#### Vermin

260. The main controls to limit nuisance from vermin (rodents, flies and some birds) would be imposed through the Environmental Permit issued by the EA, and in line with the NPPF and NPPW direction, the WPA would not be seeking to duplicate these controls.
261. The permitting regime would control site operations, and in particular, would ensure the regular throughput of incoming waste and its rapid turnaround, which would limit the potential for vermin nuisance.
262. Efficient operational practices would seek to minimise the potential for vermin and pests and this regime would be supplemented by regular inspections by external specialist pest controllers. Other mitigation measures would include the handling and storage of waste materials in the confinement of the waste transfer building only; ensuring all external doors are secure outside operational hours; ensuring the main building is well-maintained and weather proofed at all times; ensuring the rapid transit of collected recyclates to approved waste treatment facilities, to minimise the time collectables are held on site after receipt. Added to this, there would be no outside storage of waste at any time.

263. Subject to the implementation of the measures detailed above and the rigorous application of the Environmental Permit, vermin would be suitably controlled and the proposals should not give rise to any associated problems.

#### Lighting

264. The potential for light pollution is a material consideration. The NPPW makes reference to the potential for light pollution at Appendix B (locational criteria) and the need for this aspect to be considered along with the proximity of sensitive receptors.
265. The location of the site, being relatively distant to residential property within Low Moor Road and being separated from the public highway by the extensive Romo Fabrics premises, should ensure that impacts on local amenity from any ancillary floodlighting would be limited. Notwithstanding this, it is considered reasonable to comply with the recommended planning condition as proposed by the Highways Authority, which directs that any proposed security lighting/floodlighting be designed, located and installed so as to minimise the potential for nuisance to users of the nearby public highway (Low Moor Road). This condition would also provide mitigation for any sensitive fauna, a matter identified in the consultation response from NWT.
266. Planning conditions would also seek to ensure that the hours of illumination of the floodlighting are restricted to within the operational hours of the site in order to mitigate any potential for night-time nuisance to residential occupiers on Low Moor Road, including those living at Lowmoor Nursing Home. Subject to controls over lighting/illumination levels, the proposed development would not adversely affect the residential amenity of these properties in accordance with Saved Policy ST1 of the ALPR, and the NPPW.

#### Employment implications

267. Paragraph 17 of the NPPF directs that socio-economic impacts should be given due consideration, particularly with regards to planning decisions which seek to proactively drive and support sustainable economic development, as well as assisting businesses to expand. The NPPF places significant weight on the need to support economic growth through the planning system.
268. In terms of assessing the socio-economic effects of the proposal including impact on the local community, the new waste transfer facility would support up to fourteen permanent new jobs when the new facility becomes operational. The construction phase would further support a raft of jobs, and bring benefits to the local economy, including local food outlets and potentially providers of accommodation if construction workers are temporarily coming into Kirkby from outside the county.
269. Once fully operational, the WTS is anticipated to directly support some 14 permanent full-time jobs, operating over a two shift system, comprising a number of new positions both on the operational waste transfer site and also associated with the haulage side of operations. It is anticipated that these jobs could potentially be filled from the local workforce both within the Ashfield/Mansfield area and the wider labour force across Nottinghamshire. The waste transfer facility would benefit from being located within an

established employment area which is extremely well placed in terms of access to the strategic road network, as well as being served by a regular bus service, giving good access to the local community/job market.

270. Overall, the proposed development whilst not creating large numbers of jobs relative to the scale of the new facility, would nevertheless have some beneficial impacts on the local economy. The proposal would support the economic viability of the wider Portland Industrial Estate, and contribute towards the economic sustainability objectives of the NPPF and the NPPW.

### Sustainability

271. WCS Policy WSC1 sets out a presumption in favour of sustainable development against which all waste management proposals are given due consideration. In respect of the proposed development, it is premised on the principle core objective of delivering sustainable waste management practices to the Ashfield/Mansfield area. The proposed WTS would manage waste as a local resource in line with the proximity principle and facilitate more efficient transportation of bulked up waste, thereby reducing long distance haulage and overall 'waste' mileage.
272. It primarily achieves the objective of moving locally collected residual waste up the waste hierarchy, in accordance with national and local waste policy, by way of its beneficial processing into RDF, for recovery offsite. It would promote the diversion of residual waste from landfill disposal, to recovery offsite and the generating of low carbon energy which would have a positive effect in terms of climate change. As such, the proposals would accord with the overarching policy objective of achieving sustainable development in line with the NPPF, the NPPW and WCS Policy WSC1.
273. Overall, the proposed WTS would facilitate a more environmentally sustainable system of waste management, allowing or indeed enabling a greater proportion of the waste stream to be recycled, treated and/or recovered.

### Impact on adjoining businesses within the industrial estate

274. Under criteria (I) Appendix B (locational criteria) of the NPPW, it states that when considering a site's suitability for a waste management facility, other likely proposed development in the vicinity should be taken into account. A material consideration is therefore whether or not the proposed waste management development would adversely and significantly affect neighbouring employment uses, either proposed or existing, within the wider Portland Industrial Estate.
275. Potential impacts from the operation of the site including dust, noise, odour and associated traffic impacts have been considered within the preceding sections of the report where it is concluded that appropriate mitigation of any adverse impacts is capable of being provided by strict management practices, which have been demonstrated to be effective at other similar WTS operated within the County by the applicant and subject to the recommended planning conditions set out in appendix 1. It is considered that the adjoining commercial business, Romo Fabrics, should not be adversely affected by site operations associated with the proposed waste management facility and that the proposed development would not be incompatible with other surrounding business/commercial uses. Discussions between Veolia and Romo Fabrics



have sought to address the latter's initial concerns regarding the proposed development.

276. Overall, it is considered that the proposed development would not detrimentally affect neighbouring employment uses, including the potential development of the remaining remediated land to the north of the application site. WCS Policy WCS7 provides support for the siting of WTS on employment land such as the Portland Industrial Estate, of which the application site forms part of the wider site. The assumption within this policy direction is that any proposed waste management facility such as the proposed WTS, would be in close proximity to other commercial/industrial development, such as in this instance, Romo Fabrics, which represents the nearest commercial business, and is in principle acceptable development.
277. It is envisaged that with 'best practice' management procedures, and strict controls over waste operations, the proposed waste use would not adversely impact on the adjoining commercial operations. As such, the proposed development would fully comply with WCS Policy WCS7, and the policy direction of the NPPW.

#### Other Material Considerations

278. The proposed development would support the PFI contract between the County Council and Veolia, in terms of delivering and completing the necessary coverage across the county of locally available waste management/transfer facilities in line with European and National waste policy. Benefits would arise, in terms of proximity to local householders and businesses, and reduced waste miles; and enhancements in the delivery of more sustainable waste outcomes, with potentially more residual waste being moved up the Waste Hierarchy, with a more beneficial use (RDF and recovery off-site) and delivering a more beneficial outcome.
279. Whilst an air quality assessment has not been submitted in support of the application, the application has been considered by Ashfield District Council's Environmental Health Officer and the Environment Agency and no concerns have been raised regarding emissions to the atmosphere from site operations.

#### Other Issues

280. Potential environmental and operational factors (including noise, dust, and odour impacts) would be dealt with under an environmental permit authorised by the Environment Agency.

#### **Other Options Considered**

281. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

#### **Statutory and Policy Implications**

282. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Implications for Service Users

283. The WTS would not be open to members of the public, and would primarily serve as a collection point for municipal waste (brought in by RCVs) from local householders in the Ashfield and Mansfield areas, as well as taking in some commercial and industrial waste from local businesses. It would benefit those using the facility by reducing mileage of delivery vehicles bringing in waste material, compared to the current situation which involves transporting waste out of the County into Derbyshire and Lincolnshire. This would be more economical in terms of mileage saved and reduced fuel consumption.

#### Financial Implications

284. The County Council has a joint PFI contract with Veolia, but it is understood that the applicant is responsible for the design, commissioning and construction of the proposed WTS under the terms of the Nottinghamshire Waste PFI contract (2006), as well as having the responsibility for operating and maintaining the facility.

#### Crime and Disorder Implications

285. The proposed WTS would be located within a secure compound surrounded by perimeter security fencing, with security gates. There would potentially be some operational activity during night-time hours, and consequently surveillance by staff at these times. The site would be locked outside of operational hours. CCTV cameras would be installed to provide coverage across the site.

#### Human Rights Implications

286. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the construction and operation of the Welshcroft WTS. The proposals have the potential to introduce impacts such as noise, dust, odour, traffic impacts and visual amenity impacts upon the nearest sensitive residential properties in Low Moor Road, including Lowmoor Nursing Home. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as reducing waste miles and carbon emissions; moving more residual waste up the Waste Hierarchy and away from disposal, with the processing of residual waste into RDF for energy recovery offsite; and enhanced resource efficiency. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

## Implications for Sustainability and the Environment

287. These issues are covered in the Observations section of the report.
288. There are no safeguarding of children, equalities and human resources implications.

### **Statement of Positive and Proactive Engagement**

289. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; screening of the application; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, the National Planning Policy for Waste and European Regulations. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. The applicant has been given advance sight of the draft planning conditions by the Waste Planning Authority. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

290. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments**

Planning and Licensing Committee is the appropriate body to consider the content of this report.

[SLB 07/04/2016]

### **Comments of the Service Director - Finance**

The financial implications are set out in the report.

[SES 13/04/16]

### **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

**Electoral Division(s) and Member(s) Affected**

Kirkby-in-Ashfield North

Councillor John Knight

Report Author/Case Officer

Deborah Wragg

0115 9932575

For any enquiries about this report, please contact the report author.

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## RECOMMENDED PLANNING CONDITIONS

### Commencement

1. The development hereby permitted shall be begun within three years from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.*

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To enable the WPA to monitor compliance with the conditions of the planning permission, and for the avoidance of doubt.*

### Approved Plans

3. Except where amendments are made pursuant to the other conditions in this planning permission, the development hereby permitted shall only be carried out in accordance with the following plans and documents:

- (a) Planning application forms received by the WPA on 5 November 2015;
- (b) Supporting Statement received by the WPA on 5 November 2015;
- (c) Drawing Number VES\_TD\_WCROFT\_300\_001 Revision P2 – Existing Site Plan received by the WPA on 5 November 2015;
- (d) Drawing Number VES\_TD\_WCROFT\_300\_002 Revision P3 – Proposed Site GA received by the WPA on 5 November 2015;
- (e) Drawing Number VES\_TD\_WCROFT\_300\_003 Revision P2 – Proposed Site GA Vehicle Tracking received by the WPA on 5 November 2015;
- (f) Drawing Number VES\_TD\_WCROFT\_300\_004 Revision P3 – Proposed WTS Building General Arrangement received by the WPA on 5 November 2015;
- (g) Drawing Number VES\_TD\_WCROFT\_300\_005 Revision P3 – Proposed WTS Building Elevations received by the WPA on 5 November 2015;
- (h) Drawing Number VES\_TD\_WCROFT\_300\_006 Revision P2 – WTS Building Fencing and Gate Details received by the WPA on 5 November 2015;
- (i) Drawing Number VES\_TD\_WCROFT\_300\_007 Revision P3 – Weighbridge Cabin Elevations received by the WPA on 5 November 2015;

- (j) Drawing Number ST14407-003 – Softworks Plan received by the WPA on 5 November 2015;
- (k) Drawing Ref.3408630 received by the WPA on 5 November 2015;
- (l) Environmental Noise Assessment Relating to Proposed WTS by NVC Ltd received by the WPA on 5 November 2015;
- (m) Transport Statement by BWB Consultancy received by the WPA on 5 November 2015;
- (n) Flood Risk Assessment and Conceptual Drainage Strategy September 2015 by Wardell Armstrong received by the WPA on 5 November 2015.

*Reason: For the avoidance of doubt, and to define the permission.*

### **Construction of the Waste Transfer Station**

4. No development shall commence until details of the contractors' access and site working arrangements have been submitted to, and approved in writing by, the WPA. The details shall specify the following:
  - (a) The size and location of the works compound(s);
  - (b) The number, size (including height) and location of all contractors' temporary buildings;
  - (c) The location(s) and means of access to the site;
  - (d) Arrangements for the use/disposal of surplus soil materials including any temporary soil storage arrangements;
  - (e) Provision for contractors' parking;
  - (f) The means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site;
  - (g) The arrangements for parking of contractors' vehicles and contractors' personal vehicles;
  - (h) Measures to minimise disturbance from noise which may include but not necessarily be restricted to the following:
    - (i) Cladding, insulation and operation of plant and machinery in accordance with manufacturers' recommendations;
    - (ii) Erection of noise attenuation bunds and fencing;
    - (iii) Additional restrictions on hours of working to those specified in Condition 18 below.

The development shall be carried out in accordance with the approved details.

*Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy W3.3 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Construction Materials**

5. The buildings and boundary fencing/gates provided on the site shall be constructed using the following specification:

### Waste Transfer Building

- Roof

Roof Cladding – Colour: Goosewing Grey BS10A05

Combined Fascia/Soffit and Gutter System – Colour: Heritage Green RAL6002

Cladding Trimmers/Finishes – Colour: Heritage Green RAL6002

- External Walls

Cladding – Colour: Moorland Green BS12B21

Cladding Trimmers/Finishes – Colour: Heritage Green RAL6002

Precast Concrete Panels

Exposed Structural Steel Work – Galvanised Finish

- Doors

Rapid Rise Doors – Colour: Heritage Green RAL6002

Personnel Doors – Colour: Heritage Green RAL6002

### Water Storage Tank for Fire Sprinkler System

Water Storage tank – galvanised finish

Pump House Kiosk – Colour: Heritage Green RAL6002

Transformer Room Kiosk – Colour: Heritage Green RAL6002

Plant Room Kiosk – Colour: Heritage Green RAL6002

### Weighbridge Office

Blockwork foundations with steel cladding walls – Colour Moss Green RAL6005

## Site Admin/Welfare Facilities

Colour: Moorland Green

## Fencing and Gates

Galvanised steel finish

*Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan and Policy ST1 of the Ashfield Local Plan Review.*

## **Floodlighting**

6. The development hereby permitted shall not be brought into use until floodlighting units on the site have been installed in accordance with details previously submitted to and approved in writing by the WPA. The details shall confirm that all external lighting required in connection with the operations hereby permitted shall:

- (a) Be angled downwards into the site and suitably shielded so as to minimise light pollution, spillage and glare onto adjoining land;
- (b) Not cause a nuisance to adjacent land users, sensitive habitats and users of the highway;
- (c) Only be used during the permitted hours of operation, as detailed in Condition 18 below.

The floodlighting shall be installed and maintained in accordance with the approved details.

*Reason: To protect the amenity of surrounding land and property, to protect sensitive habitats and to ensure compliance with Policy ST1 of the Ashfield Local Plan Review.*

## **Ground Contamination**

7. If unexpected ground conditions are detected during any further ground investigation work conducted as part of the detailed design of the proposed facility then the WPA shall be informed immediately and a written submission provided detailing the findings of the investigation, along with any proposed changes to the construction of the facility. Any remedial measures or changes shall be agreed with the WPA prior to their implementation. The scheme shall thereafter be implemented in accordance with the approved details.

*Reason: To ensure the site is redeveloped to an appropriate standard to protect the environment.*

## Access and Parking

8. The access shall be constructed and surfaced in a bound material (not loose gravel) in accordance with Drawing Number VES\_TD\_WCROFT\_300\_002 Revision P3 – Proposed Site GA received by the WPA on 3 November 2015 and the waste transfer station shall not be brought into use until the access has been completed in accordance with this plan.

*Reason: In the interest of highway safety and in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 47m are provided in accordance with details shown on Drawing Number NTT2421/101-01 SP Rev. P2 Wolsey Drive Egress – Swept Path Analysis submitted as part of the Transport Statement received by the WPA on 5 November 2015. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

*Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general Highway safety.*

10. Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the WPA prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

*Reason: To reduce the possibility of deleterious material being deposited in the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

11. If the measures to prevent the deposit of debris on the adjacent public highway approved under Condition 10 above prove to be ineffective, then, within two weeks of a written request from the WPA, additional measure, which may include the provision of wheelwash facilities, shall be submitted to the WPA for its approval in writing. The additional measures shall be implemented in accordance with the approved details and maintained for the duration of the development.

*Reason: To reduce the possibility of deleterious material being deposited in the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. The gates at the access point shall open inwards only and be constructed in accordance with the details on Drawing Number VES\_TD\_WCROFT\_300\_006 Rev. P2 Fencing and Gate Details received by the WPA on 3 November 2015.

*Reason: In the interest of highways safety.*

13. Within 3 months of the date of commencement, as notified under Condition 2, details of the road and footway extension on Wolsey Drive including an appropriate industrial adoptable turning facility shall be submitted to the WPA for its approval in writing. Details should include longitudinal/cross sectional gradients, turning facility, access widths, surfacing, street lighting, highway



construction specification, provision/diversion of utility services, proposed structural work and drainage/outfall proposals. All details submitted to the WPA for approval shall comply with the County Council's current Highway Design and Parking Guides and shall be implemented as approved. The road and footway extension on Wolsey Drive shall be constructed in accordance with the approved details before the waste transfer station is brought into use.

*Reason: To ensure the development is constructed to adoptable standards.*

14. The site shall not become operational until such time as the car park and servicing arrangements have been appropriately surfaced, marked out, and drained such that surface water does not discharge onto the public highway to the satisfaction of the WPA.

*Reason: To ensure appropriate service and parking arrangements are available.*

## **Traffic**

15. The maximum number of HGVs arriving/departing the site shall be 95 trips (190 two-way movements) in any 24 hour period. Vehicle movements between 22:00hrs and 06:00hrs shall be restricted to a maximum of 2 HGVs trips (4 two-way movements) per hour. Written records and time-logs of daily HGV movements shall be kept by the operator and made available to the WPA within 7 days of a written request by the WPA.

*Reason: In the interest of highway safety and local amenity and in accordance with Policy W3.9 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

16. The development hereby permitted shall not be brought into use until a traffic management plan detailing measures with respect of HGV traffic routeing to and from the Waste Transfer Station Site has been submitted to and approved in writing by the WPA. The traffic management plan shall include the following details:

- (a) Details of appropriate signage to direct traffic leaving the site during night-time hours to turn left onto Low Moor Road from the junction with Wolsey Drive and to head towards the A38, and to preferentially turn left onto Low Moor Road during day-time hours;
- (b) Written instructions to be given to drivers to inform them of the appropriate route to be taken.

The traffic management plan shall be implemented in accordance with the approved details and signage shall be maintained thereafter for the duration of the development.

*Reason: In the interest of highway safety and local amenity and in accordance with Policy W3.9 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Landscaping**

17. Within 3 months of the date of commencement, as notified under Condition 2, a landscape scheme shall be submitted to the WPA for its written approval. The landscape scheme shall generally accord with the details contained on Drawing Number ST14407-003 – Softworks Plan received by the WPA on 5 November 2015 except for the identified tree species and shall identify and include details of:
- (a) Measures to protect any existing trees on or adjacent to the site during the construction of the development;
  - (b) Areas to be planted/seeded within the application site, including tree and shrub planting to the southern side of the approved Waste Transfer Building, extending alongside the southern elevation of the building westwards to also include the screening of the fire water tank;
  - (c) The ground preparation and cultivation including any plant protection required for the establishment period;
  - (d) Species, planting density, size and position of trees and shrubs to be used within the landscape planting works;
  - (e) Details of wildflower seeding mixes and rate of application, including details of the different seed mixes for the wet area of the swale on the eastern boundary of the site, the drier areas of the site, and the provision of low nutrient soils (ideally subsoils and/or former colliery material) to ensure the development of a species-rich grassland sward;
  - (f) Details confirming the completion of the eradication works to remove the identified areas of Japanese Knotweed on the western part of the site.
  - (g) A maintenance schedule for the landscape planting to run for a period of five years following completion of planting and seeding. This shall include details of a proposed mowing regime for the wildflower areas.

Any retained trees shall be protected in accordance with the approved details. All planting shall be carried out in accordance with the details approved in the first planting and sowing seasons respectively following the completion of the development. The planting scheme shall be maintained in accordance with the approved maintenance scheme for a period of five years following its implementation and any plants or trees which die, are removed, or become seriously damaged or diseased shall be replaced in the following planting season with similar specimens to those originally planted.

*Reason: In the interests of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Hours of Operation**

18. Except in the case of an emergency when life, limb or property are in danger and such instances which are to be notified in writing to the WPA within 48 hours of their occurrence, the development hereby permitted, including site floodlighting, shall only take place within the following hours:

Mondays to Fridays

06:00hrs – 22:00hrs

Saturdays, Sundays, Bank and Public Holidays

07:00hrs – 19:00hrs

Outside of these hours, the only operations permitted shall be related to the movement of HGV bulker vehicles (and associated tipping/bulking operations within the waste transfer building, but which shall not include the operation of any RDF processing) and shall only take place at a rate of two HGV trips per hour (four movements). The only permitted operations during these hours shall be HGVs arriving and exiting the site and the loading and unloading of these HGVs which shall only take place within the Waste Transfer Building. No processing of materials shall take place.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## Noise

19. Noise levels from the site will not exceed the background noise level (L90) at any nearby receptor when assessed in accordance with BS4142:2014. The noise level will include any penalties as required in BS4142.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

20. In the event of a justifiable noise complaint received by the WPA, the applicant shall conduct a noise survey to determine compliance with the above condition. In the event the noise level is exceeded the applicant shall submit a scheme of noise mitigation for approval to the WPA within 30 days. Once approved the applicant shall install any agreed mitigation within a further 30 days.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

21. Vehicles under the operators control shall be fitted with broadband type (white noise) reversing alarms

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

22. Doors to the WTS building shall be closed between 18:00hrs and 07:00hrs unless opened temporarily for entry and exit of vehicles in an emergency or for maintenance.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

23. Vehicle washing shall be limited to between the hours of 09:00hrs and 18:00hrs.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

24. The WTS building shall be clad using materials with the following properties:

- (a) Eastern and southern building facade Min composite  $R_w=35\text{dB}$
- (b) Building roof min composite  $R_w=35\text{dB}$
- (c) All other facades min composite  $R_w=25\text{dB}$

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

25. Before the development hereby permitted is brought into use, a noise management plan, outlining best practice management controls to be implemented by the operator onsite to control noise emissions, shall have been submitted to and approved in writing by the WPA. The site shall be operated in accordance with the approved noise management plan thereafter and for the duration of the development.

*Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Odour**

26. Measures shall be employed to ensure that operations associated with the development hereby permitted do not give rise to any malodours. Such measures must include but not necessarily be limited to the following:

- (a) There shall be no outside loading or unloading of waste vehicles nor shall there be any outside storage of waste, recyclables or other malodorous waste materials;
- (b) The removal of unprocessed waste materials from the Waste Transfer Station as soon as possible and in any event within 72 hours of its receipt at the site;
- (c) Waste shall be regularly rotated within the waste transfer building to ensure that material is circulated on a regular basis thus ensuring that waste is not allowed to decompose;
- (d) The regular cleaning of all areas within the waste transfer building;
- (e) The fitment, use and regular maintenance of fast acting rapid-rise doors to the frontage (western elevation) of the waste transfer building. The doors shall remain shut at all times, other than to allow passage of waste delivery/collection vehicles into/out of the building for unloading. For the avoidance of doubt the doors shall be shut at all times during waste vehicle loading/unloading operations;

- (f) The use of masking agents where necessary to neutralise any malodours;
- (g) No parking of any vehicles loaded with waste materials outside the waste transfer building overnight or outside the permitted hours of working;
- (h) All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

In the event that these measures prove inadequate, then within one week of a written request from the WPA, additional steps or measures shall be taken in order to prevent the release of odours from the site, the details of which shall have previously been submitted to, and agreed in writing by the WPA.

*Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Litter and Dust**

27. Measures shall be employed to ensure that litter and dust generated within the site during the operational phase are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- (a) The use as appropriate of a dust suppression system throughout all working areas;
  - (b) The storage of waste materials within dedicated storage bays/areas inside the waste transfer building;
  - (c) The use as appropriate of water bowzers and/or spray systems to dampen the vehicle circulation and manoeuvring areas;
  - (d) The regular sweeping and cleaning of all internal and external hard surfaces;
  - (e) The vehicle wash bay shall be maintained in working order at all operational times;
  - (f) Ensuring that the fast acting rapid-rise doors are maintained in good operational order at all times;
  - (g) The sheeting of all unenclosed waste carrying vehicles accessing and leaving the site.

*Reason: To minimise disturbance from windblown litter and dust in accordance with Policy W3.8 and Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

28. The development hereby permitted shall not be brought into use until details showing the siting of the proposed palisade perimeter security fence and gates (including access to the Welbeck Ecology Site) have been submitted to and approved in writing by the WPA. The perimeter fencing shall thereafter be erected in accordance with the approved details prior to the site first

receiving waste and thereafter be maintained in a secure condition during the operational life of the site.

*Reason: To minimise disturbance from windblown litter in accordance with Policy W3.8 of the Nottinghamshire Waste Local Plan, and to ensure satisfactory enclosure of the site.*

## **Vermin**

29. Measures shall be employed to ensure that vermin is controlled at the site. In the event that these measures prove unsuccessful, then upon the written request of the WPA the applicant shall, within 7 days of such a request, submit for approval in writing an action plan specifying the steps proposed to control vermin. The vermin action plan shall thereafter be implemented immediately in accordance with the approved measures.

*Reason: To ensure satisfactory environmental management at the site.*

## **Capacity of the Site**

30. The maximum amount of waste material accepted at the site shall not exceed 75,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

*Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan*

## **Surfacing and Drainage**

31. Within 3 months of the date of commencement, as notified under Condition 2, a detailed surface water and foul water drainage scheme shall be submitted to and approved in writing by the WPA. The surface water drainage system shall be designed to accommodate a 1 in 100 year storm event (including an allowance for climate change). The scheme shall include details of the swale profile, construction and any outflow. The drainage scheme shall thereafter be implemented in accordance with the approved details before the development is first brought into use, and thereafter maintained in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the WPA.

*Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

32. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate



storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

*Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

33. Inspection manholes shall be provided for the drainage system, with foul and surface water manhole covers marked red and blue respectively to enable easy recognition.

*Reason: To enable water pollution incidents to be more readily traced and in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Closure of the Site**

34. In the event that the use of the site for the importation of waste shall cease for a period in excess of seven days then, within seven days of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

*Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Informatives/Notes to applicant**

1. The activities associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. Additional Environmental Permitting Guidance can be accessed via <http://www.environment-agency.gov.uk>
2. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003. Attention is drawn to the fact that the applicant may not build close to, directly over or divert a public sewer without consent; and as such is advised to contact Severn Trent Water to discuss these proposals. Severn Trent Water will then assist in obtaining a solution, which protects both the public sewer and the proposed development. Severn Trent Water can be contacted on 0116 234 3834 or [net.dev.east@severntrent.co.uk](mailto:net.dev.east@severntrent.co.uk)

### **Section 278 Agreement (Highways Act 1980)**

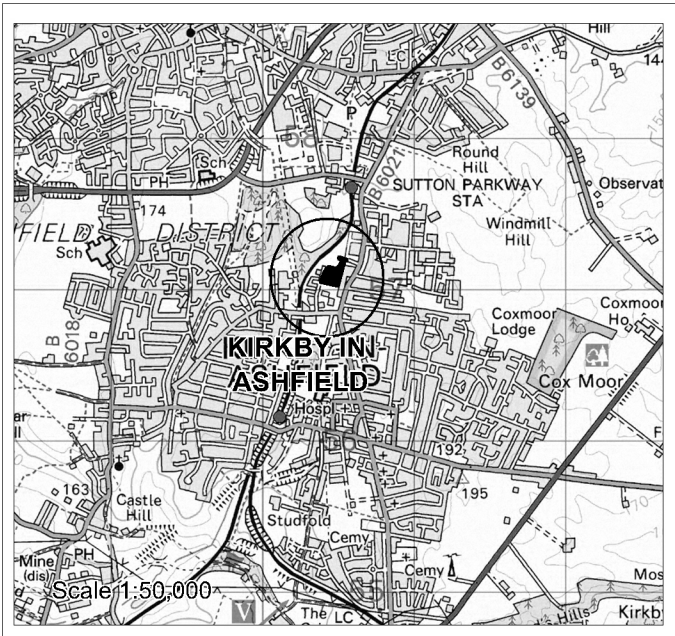
3. In order to carry out the off-site works required the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works the applicant will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control on 01623 520711 or via e-mail [hdcc.north@nottsc.gov.uk](mailto:north@nottsc.gov.uk) for more details. Please also see the current 6C's Design Guide for information

on working on the existing highway [http://www.leics.gov.uk/index/6csdg/highwayreq\\_development\\_part6.htm](http://www.leics.gov.uk/index/6csdg/highwayreq_development_part6.htm)

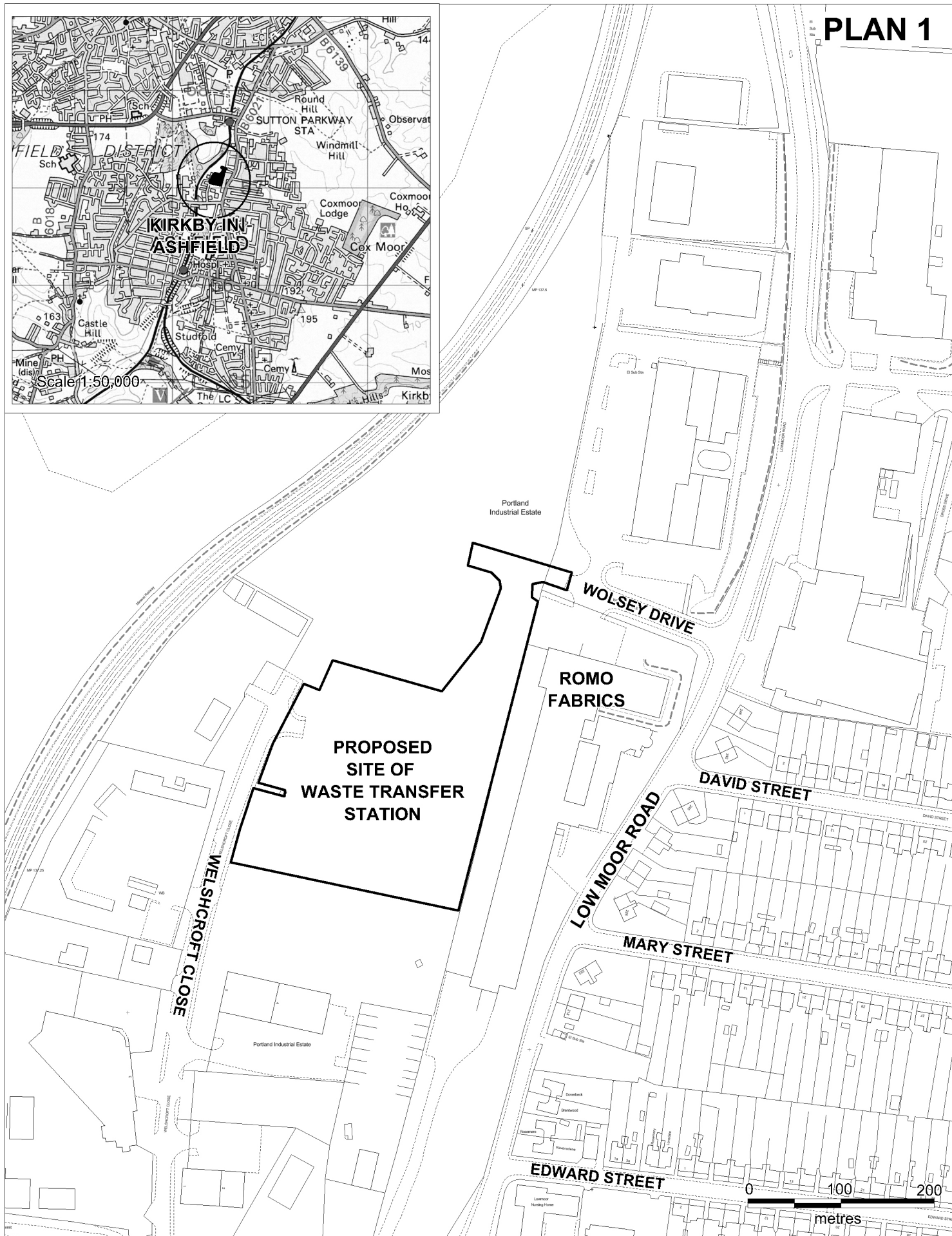
Prevention of mud on the Highway

4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such the applicant should undertake every effort to prevent it occurring.





# PLAN 1



**Nottinghamshire  
County Council**

Proposed construction and operation of a  
recycles bulking waste transfer station,  
Land off Welshcroft Close, Portland Industrial Estate,  
Kirkby-in-Ashfield, Nottinghamshire.  
Planning Application No. 4/v/2015/0711

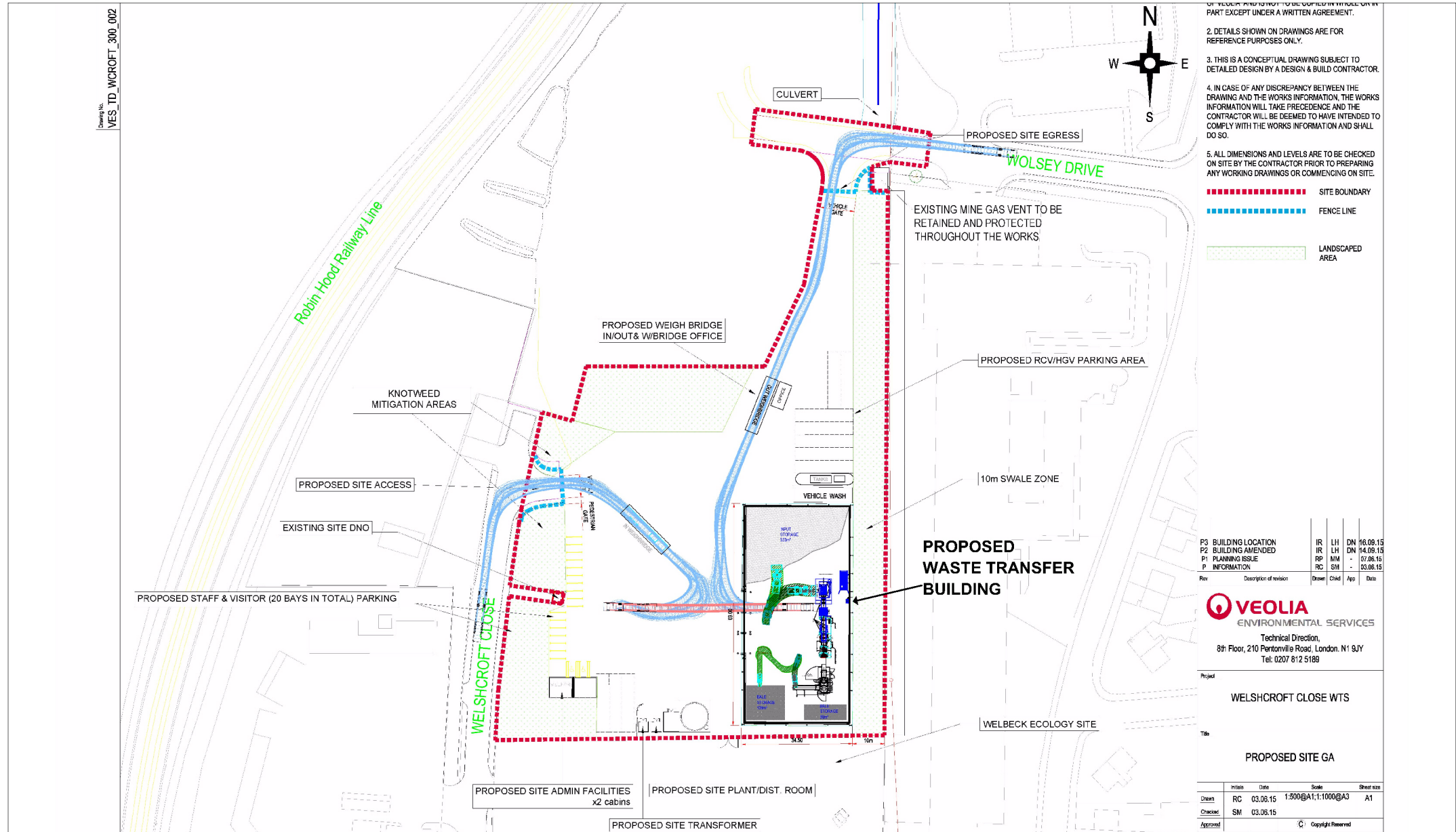
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Scale 1:2,500  
Produced by: JW  
Date: APRIL 2016



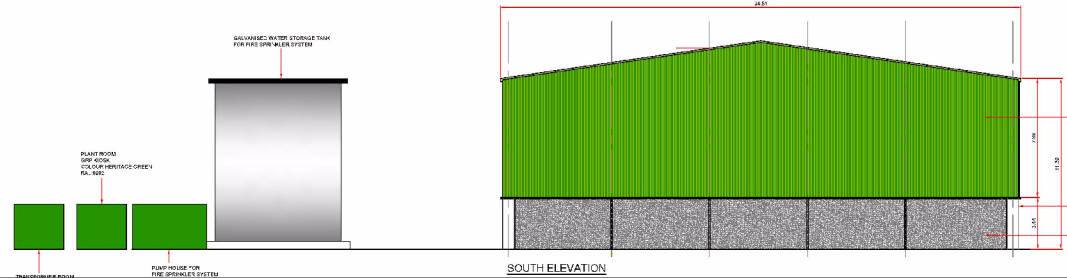
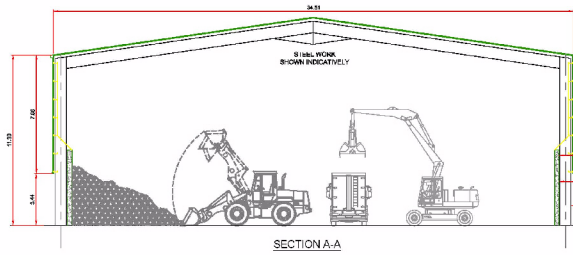
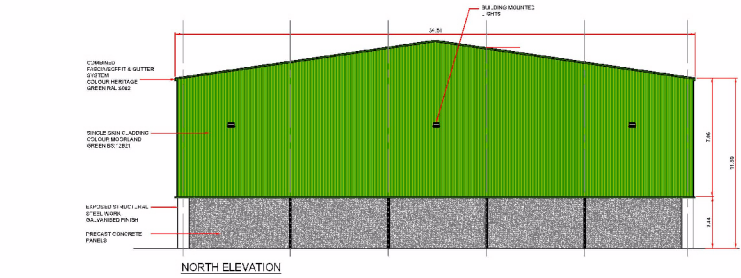








Drawn No. VES\_TD\_WCROFT\_300\_005



P3	GENERAL AMENDS	IR	LH	JB	01.10.15
P2	BUILDING AMENDED	IR	LH		29.09.15
P1	PLANNING ISSUE	RP	MM		07.08.15
P	INFORMATION	RC	SM		03.06.15

Rev	Description of revision	Drawn	Chkd	App	Date

**VEOLIA**  
ENVIRONMENTAL SERVICES

Technical Director,  
8th Floor, 210 Pentonville Road, London, N1 9JY  
Tel: 0207 812 5189

Project: **WELSHCROFT CLOSE WTS**

Title: **PROPOSED WTS BUILDING ELEVATIONS**

Drawn	Checkd	Issue	Date	Scale	Sheet no
RC	SM	03.06.15	03.06.15	1:150@A1, 1:300@A3	A1

Approved: [Signature]

Job No: WCROFT



**26<sup>th</sup> April 2016****Agenda Item:8****REPORT OF CORPORATE DIRECTOR – PLACE****RESPONSE TO DCLG ON THE TECHNICAL CONSULTATION ON THE IMPLEMENTATION  
OF PLANNING CHANGES****Purpose of Report**

1. To advise Members of the County Council's response to the Department for Communities and Local Government (DCLG) on the technical consultation on the implementation of planning changes.

**Information and Advice**

2. In February this year DCLG published a technical consultation on the implementation of planning changes. The closing date for interested parties to make comments was 15<sup>th</sup> April 2016. Views were sought on how the planning matters set out within the Housing and Planning Bill (currently going through Parliament) should be implemented.
3. The underlying objective behind the consultation document is to allow councils and others to compete to "process" planning applications and be able to offer fast track applications to speed up the planning process. The consultation states that the decision making stage would remain with the local council to "maintain the democratic link between local people and decision makers". An officer response was sent by the closing date and a copy of the full response forms Appendix 1 to this report.
4. The Council's response raised two main areas of concern relating to the proposed changes to the fee regime and secondly, introducing competition in the processing of planning applications. The response to these issues is set out in Chapters 1 and 8 respectively in the appendix. These changes, if implemented, could have a significant impact on the resources available to the County Council and on the democratic process of decision making on planning applications.

**The next stage**

5. DCLG's consultation period ended on 15<sup>th</sup> April 2016. DCLG will publish a summary of the responses within three months of the closing date. These

responses will inform the secondary legislation which will be prepared once the Bill gains Royal Assent.

6. County Council Members will be kept informed of any significant changes to the Council's planning processes or any financial implications for the County Council as a consequence of the Bill.

### **Other Options Considered**

7. There are no alternative options to consider as the report is for information only.

### **Statutory and Policy Implications**

8. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Implications for Service Users

9. Depending on the outcome of the consultation, if the proposals for "alternative providers" are taken forward there may be significant implications for applicants who currently submit applications to the County Council for determination.

#### Human Rights Implications

10. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### **RECOMMENDATIONS**

11. It is RECOMMENDED that Members note the County Council's response sent to DCLG, as set out in Appendix 1 to this report, on the technical consultation on the implementation of planning changes.

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments**

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report

[RHC 4/4/2016]

#### **Comments of the Service Director – Finance**

There are no specific financial implications arising directly from this report.

[SES 01/04/16]

#### **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

#### **Electoral Division(s) and Member(s) Affected**

All

Report Author/Case Officer  
Jane Marsden-Dale  
0115 9932576

For any enquiries about this report, please contact the report author.





## Appendix 1

### Nottinghamshire County Council's response to the "Technical consultation on the implementation of planning changes"

#### Chapter 1: Changes to planning application fees

**1.1 Do you agree with our proposal to adjust planning fees in line with inflation, but only where the local planning authority is performing well? If not, what alternative would you suggest?**

*Nottinghamshire County Council agrees that planning fees should be increased annually in line with inflation and should be uplifted to more accurately reflect the cost of dealing with applications. For instance, S73 applications to vary conditions on a minerals or waste site could require an EIA. Even if they don't, the applications can be significant and fees for them should be significantly increased to reflect this as the current planning application fee attracted by such proposals does not even cover the cost of the mandatory publicity.*

*However, the level of fees should not be linked to performance as suggested, i.e. fees are only increased for the top 75% performing authorities. This measure would unfairly penalise authorities meeting other Government target for determining applications and is likely to result in a reduction in performance rates as the resources available to provide the planning service would reduce over time, possibly leading to a reduction of staff with even less ability to meet targets.*

*It is not considered appropriate to introduce a system where local authorities are competing with each other which is what would happen if only the top 75% performing authorities received the fee increase. There is a huge variation in the total number of applications that authorities deal with and other local factors influencing performance so you are not comparing like for like. The Government has introduced targets for determining major planning applications within the statutory timeframe or an agreed extension and this is currently set at 50%. If this is the standard the Government wishes to use to determine whether planning authorities are performing well or not, then it would seem to make sense to use this target to determine whether planning application fees should increase in any particular authority.*

*An additional measure that the Government could consider introducing could be to require planning fees to be ring fenced to the planning service within the local authority to ensure they are properly resourced and able to meet performance targets.*

**1.2 Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?**

*As stated above, Nottinghamshire County Council does not agree with the linking of fee levels to performance as proposed. If introduced in this manner, there should be a delay before any change is applied, i.e. this should not be based upon the performance from one or two quarters.*

**1.3 Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?**

*This measure is to some extent already available through Planning Performance Agreements*

**1.4 Do you have a view on how any fast track services could best operate or on other options for radical service improvements?**

*This measure may lead to inadequate consultations/notifications and less time for measured responses.*

*Further measures to expand planning fast tracking would potentially result in a less equitable planning system, favouring developers and applicants willing to expend greater sums on the planning phase and pay higher planning fees, which inevitably means that other applicants become less of a priority and have to wait longer for a decision. This also has implications in terms of business competition.*

**1.5 Do you have any other comments on these proposals, including the impact on business and other users of the system?**

*It would be useful to know how planning fee levels (if related to performance) would be calculated if “other providers” (Chapter 8), whose performance had not been previously measured, were to deal with planning applications.*

*Local fees setting has been explored previously in 2011/12. The process to arrive at the cost per hour was extremely onerous and time consuming. If local fee setting is to be reconsidered an easier way to calculate the local fees would be welcomed, such as looking at previous figures uplifted in line with inflation.*

## **Chapter 2: Permission in principle**

**2.1 Do you agree that the following should be qualifying documents capable of granting permission in principle? a) future local plans; b) future neighbourhood plans; c) brownfield registers**

*The consultation document as drafted is ambiguous as to whether Minerals and Waste development would be included in these proposals although there are clear references to housing-led proposals. Clarification sought from DCLG has since the publication of the consultation paper confirmed that minerals and waste development will be excluded from this proposal. On this basis we have no further comments to make on this chapter.*

**2.2 Do you agree that permission in principle on application should be available to minor development?**

- 2.3 Do you agree that location, uses and amount of residential development should constitute “in principle matters” that must be included?
- 2.4 Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?
- 2.5 Do you have views on our suggested approach to a) EIA, b) Habitats Directive or c) other sensitive sites?
- 2.6 Do you agree with our proposals for community and other involvement?
- 2.7 Do you agree with our proposals for information requirements?
- 2.8 Do you have any views about the fee that should be set for a) a permission in principle allocation and b) a technical details consent application?
- 2.9 Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?
- 2.10 Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

### **Chapter 3: Brownfield register**

- 3.1 Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

*Chapter relates to housing development and therefore no comments on the rest of the chapter*

- 3.2 Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?
- 3.3 Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?
- 3.4 Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?
- 3.5 Do you agree with our proposals on publicity and consultation requirements?
- 3.6 Do you agree with the specific information we are proposing to require for each site?
- 3.7 Do you have any suggestions about how the data could be standardised and published in a transparent manner?
- 3.8 Do you agree with our proposed approach for keeping data up to date?
- 3.9 Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?
- 3.10 Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

### **Chapter 4: Small sites register**

- 4.1 Do you agree that for the small scale sites register small sites should be between one and four plots in size?

*No comment*

4.2 Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?

*No comment*

4.3 Are there any categories of land which we should automatically exclude from the register? If so what are they?

*Although very much housing focussed the small sites register also includes employment uses which could potentially include minerals and waste activities. However, given the scale of these sites and the specialist nature of mineral and waste activities it is considered that it would not be appropriate for the County Council to be required to publish a small site register showing sites available for mineral and/or waste uses.*

4.4 Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

*No comment*

#### **Chapter 5: Neighbourhood planning**

5.1 Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?

*Neighbourhood Plans do not identify minerals and waste sites so no particular comments on this section. However Neighbourhood Plans, as well as being in conformity with other statutory plans for the area, should ensure any proposed housing sites/allocations are compatible with existing land uses (including minerals and waste sites).*

5.2 Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

5.3 Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

5.4 Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's decision differs from the recommendations of the examiner?

5.5 Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?

5.6 Do you agree with the proposed time period within which a referendum must be held?

5.7 Do you agree with time period by which a neighbourhood plan or Order should be made following a successful referendum?

5.8 What other measures could speed up or simplify the neighbourhood planning process?

5.9 Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan should be put to referendum?

5.10 Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

## **Chapter 6: Local Plans**

6.1 Do you agree with our proposed criteria for prioritising intervention in local plans?

*The consultation document as drafted is ambiguous as to whether Minerals and Waste Local Plans would be included in the proposals. Clarification sought from DCLG since the publication of the document suggests that minerals and waste development will be excluded from this proposal but precise guidance would be useful to minerals and waste authorities.*

6.2 Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?

*These are factors which may be relevant, however, these criteria should not be applied negatively to authorities where collaboration has not been possible due to circumstances beyond their control.*

6.3 Are there any other factors that you think the government should take into consideration?

*No comment.*

6.4 Do you agree that the S of S should take exceptional circumstances submitted by local planning authorities into account when considering intervention?

*Yes, exceptional circumstances should be considered.*

6.5 Is there any other information you think we should publish alongside what is stated above?

*No comment.*

6.6 Do you agree that the proposed information should be published on a six monthly basis?

*No comment.*

## **Chapter 7: Expanding the approach to planning performance**

7.1 Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so (sic) what specific thresholds would you suggest?

*Nottinghamshire County Council has no objection to extending the performance regime to non-major development and agree that 60% to 70% seems to be a realistic threshold. However, the criteria used for measuring the “quality” of decisions by setting a percentage of decisions overturned at appeal is fairly*



*meaningless for authorities receiving very few appeals (say less than 10 per year). A more logical method of judging the “quality” of decisions would be to measure how many appeals are received as a percentage of the overall number of decisions made. For example, Nottinghamshire County Council typically receives an average of one appeal per year (which we consider actually reflects the robustness of our decision making) and if this decision were to be overturned then the Authority would in theory meet the designation criteria.*

**7.2 Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?**

*No, see above.*

**7.3 Do you agree with our proposed approach to designation and de-designation, and in particular;**

**a) that the general approach should be the same for applications involving major and non-major development?**

*Yes*

**b) performance in handling applications for major and non-major development should be assessed separately?**

*Yes*

**c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions?**

*Yes*

**7.4 Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?**

*Agree, as dealing with a significant number of householder developments may have an adverse impact on the resources of the planning inspectorate at the expense of major planning appeals and local plan inquiries.*

## **Chapter 8: Testing competition in the processing of planning applications**

**8.1 Who should be able to compete for the processing of planning applications and which applications could they compete for?**

*Only providers who are proven to be totally impartial, professionally qualified in planning and democratic services. It is difficult to see how non-public bodies, who may be accountable to their shareholders or may also be representing competitors to the applicants whose applications they are dealing with, could provide an objective and democratic service that is equally fair to applicants, the decision makers and the public.*

**8.2 How should fee setting in competition test areas operate?**

*Fees should be universally set for all providers otherwise alternative providers could “cherry pick” certain applications and undercut local planning authorities*

*on applications they deemed to be the most lucrative. Equality in term of competition must be maintained.*

**8.3 What should applicants, approved providers and local planning authorities in test areas be able to? (sic)**

*See response to 8.6 below*

**8.4 Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?**

*See response to 8.6 below*

**8.5 What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?**

*See response to 8.6 below*

**8.6 Do you have any other comments on these proposals, including the impact on business and other users of the system?**

*There are too many issues relating to this proposal which would need to be fully resolved before this could be taken forward to ensure that the planning service provided remains fair, professional and democratic, these include:*

*-how will local democracy be maintained in terms of decision making. How will alternative providers identify neighbours and consultees etc, will they be bound by the approved Statement of Community Involvement for the area,*

*- if fees can be set by the alternative providers, how do you ensure that they do not undercut the local planning authority and then not provide a comparable level of service?*

*- will the alternative provider pay for all the publicity etc., such as press notices? (which in some cases exceeds the associated planning fee eg some S73 applications),*

*-what information/ support will local planning authorities be expected to provide to the alternative providers and will LPA's receive part of the planning fee for this?*

*- how would the local planning authority, in their role as decision makers, be able to challenge the recommendation if they disagreed with it or had any concerns about how the application had been dealt with/ inadequate consultation/ unresolved planning issues etc.?*

*- Local planning authorities typically have planning committee meetings every month to which objectors/supporters are invited. Planning reports have to fit into committee cycles which draw up agendas of upcoming business with committee papers published five days before the meeting etc. How would the decision making process work if only a week or two were given to do this?*

*- this proposal has serious implications for the long term funding of the local planning authorities and in time their ability to provide the service.*

*On a general note there is no clear evidence that outsourcing of planning services saves money. There are examples where the service has been brought back in house after a period of outsourcing. The impetus for this proposal appears to be the outsourcing of the Building Control service. This is not considered to be a comparable precedent. Building control is a technical and*

*objective service unlike planning decisions which require a balanced professional judgement to be made on sometimes complex and conflicting issues, taking into account planning policies/ consultee responses etc.*

## **Chapter 9: Information about financial benefits**

**9.1 Do you agree with these proposals for the range of benefits to be listed in planning reports?**

*It is self-evident that new developments will result in Council tax / business rate revenue being paid if development proceeds. Whilst there is no objection to this proposal, providing that the financial information is readily available, it would be necessary to confirm in any planning report that any financial benefits of a scheme cannot be viewed as a material consideration in the determination of an application.*

*The onus should be put on the applicant to provide the accurate information to be used in the planning report. This would be of particular relevance for shale gas development given that the Government has confirmed that councils would be able to keep 100% of business rates collected from shale gas sites, every well site where fracking takes place would be subject to £100,000 of community benefits, and 1% of revenues at the production stage would be payable, allocated approximately two thirds to the local community and one third at county level.*

**9.2 Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?**

*No comments*

## **Chapter 10: S106 dispute resolution**

*No comments*

**10.1 Do you agree that the dispute resolution procedure should be able to apply to any planning application?**

**10.2 Do you agree with the proposals about when a request for dispute resolution can be made?**

**10.3 Do you agree with the proposals about what should be contained in a request?**

**10.4 Do you consider that another party to the S106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?**

**10.5 Do you agree that two weeks would be sufficient for the cooling off period?**

**10.6 What qualifications and experience do you consider the appointed person should have to enable them to be credible?**

**10.7 Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?**

**10.8 Do you have any comments on how long the appointed person should have to produce their report?**

**10.9 What matters do you think should not be taken into account by the appointed person?**

**10.10 Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?**

**10.11 Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?**

**10.12 Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?**

**10.13 What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations?**

**10.14 Are there other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?**

## **Chapter 11: Permitted development rights for state-funded school**

**11.1 Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made?**

*The proposed increase to permitted floor space from 100m<sup>2</sup> to 250m<sup>2</sup> seems reasonable as it would still be subject to not exceeding 25% of the original building. However the reality is that many schools have been subject to multiple extensions over time meaning that they have exhausted available permitted development rights.*

*Para 11.8 below suggests that a further change could be made to reduce the 5m buffer between extensions and the boundary of the curtilage. Most schools are situated within residential areas and it is common for such properties to back onto school sites. The 5m buffer retains an appropriate balance in enabling school developments whilst maintaining residential amenity and outlook. This does not however prevent proposals being put through a planning application process and assessed accordingly.*

**11.2 Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?**

*No comments*

## **Chapter 12: Changes to statutory consultation on planning applications**

**12.3 (No questions 1 or 2) What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?**

*Nottinghamshire County Council welcomes measures to ensure that statutory consultee responses are received in a timely manner to ensure that it can make its decisions within the statutory periods. However, an imposed maximum of 14 days could result in “essential” responses being missed and lead to legally challengeable decisions. This could apply to comments from the Environment Agency, Historic England and Natural England etc. If the Government decides to go ahead with imposing a maximum of 14 day extension for statutory consultees to submit their responses such measures should be accompanied by a review of the resources available to such statutory consultees to ensure that they are adequately resourced to meet this new measure.*

**12.4 Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed?**

*The time extension agreed should be set by the Local Authority themselves on a case by case basis rather than imposed by the Government. This would allow the Authority to make a judgement about whether the request for an extension was reasonable, such as to enable a Parish Council to report an application to its Parish Council meeting (to ensure “localism” objectives are achieved). Delays often arise as a consequence of District/ Borough Councils wishing to report applications to their committees, the County Council would question whether this is a reasonable justification for delaying the decision by the “actual” decision maker and potentially missing the statutory timeframes.*

### **Chapter 13: Public Sector Equality Duty**

**13.1 Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified?**

*No comments*

**26 April 2016****Agenda Item:9****REPORT OF CORPORATE DIRECTOR – PLACE****CORRESPONDENCE ON PLANNING APPLICATIONS****Purpose of Report**

1. To confirm the approach Members of Planning and Licensing Committee should take when receiving direct correspondence on planning applications.

**Background**

2. Members have experienced a recent increase in the receipt of direct correspondence from members of the public, particularly in relation to shale gas applications and much of this correspondence is forwarded to officers to action and/or respond. The purpose of this report is to clarify the correct procedure for members to follow in respect of third party correspondence connected with a particular planning application or a particular type of development.
3. Members are aware of the strict rules regarding lobbying and predetermination in the Council's constitution and the Planning and Licensing Committee Code of Best Practice. These rules seek to ensure that planning applications are determined in a robust and transparent manner with Members approaching decision making at committee with an open mind. This report is intended to clarify the correct protocol for situations where Members are approached directly by an interested party on a matter relating to the merits of a specific application or type of development in order to avoid the impartiality and integrity of a Committee member being called into question.
4. In order to ensure that any such direct correspondence is dealt with appropriately, Members are asked to forward any such correspondence to officers in the Development Management Team for action and, should they wish to do so, send a short acknowledgement to the correspondent. Officers will then ensure that the correspondence is registered as a representation on an application and decide whether a bespoke response is required. Where a bespoke response to a particular matter is considered appropriate, or is requested by a Member, that response will be drafted in consultation with the Chair and Vice Chair of committee and, where relevant, the Member who requested the response. Any such bespoke response should be reported to committee for noting.

**Statutory and Policy Implications**



5. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service. There are no such implications in this instance.

## **RECOMMENDATIONS**

6. That the contents of this report are noted in respect of the course of action for dealing with correspondence sent directly to Members as set out in the Code of Best Practice.

**TIM GREGORY**

**Corporate Director – Place**

## **Constitutional Comments**

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 4/4/2016]

## **Comments of the Service Director - Finance**

There are no specific financial implications arising directly from this report.

[SES 13/04/16]

## **Background Papers Available for Inspection**

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Division(s) and Member(s) Affected**

All Members on Planning and Licensing Committee.

Report Author/Case Officer

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For any enquiries about this report, please contact the report author.



**26 April 2016**

**Agenda Item:10**

## **REPORT OF CORPORATE DIRECTOR - PLACE**

### **DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR PERFORMANCE**

#### **Purpose of Report**

1. To report on planning applications received by the Development Management Team between 5<sup>th</sup> March 2016 and 31 March 2016 and to confirm the decisions made on planning applications since the last report to Members on 22 March 2016. The report also covers end-of-year performance.

#### **Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C is a table of County Council performance nationally, for the year ending 31 December 2015.

#### **'County Matter' planning applications**

3. 'County Matter' applications relate to proposals for Minerals or Waste development. In the 12 months up to 31 March 2016, a total of 60 County Matters were received, 2 of which were accompanied by environmental statements. This compares with 56 received in the same period 2014/15. 39 were outstanding as at 1 April 2015, so this gave a total of 99 to be processed in 2015/16 compared to 84 in 2014/15.
4. A total of 54 County Matter applications were determined throughout the year, compared with 37 in the previous year. Table 2 (overleaf) shows the performance over the year, indicating the time taken to determine applications. In addition of the 54 applications determined, 6 were withdrawn and 11 were returned. As at 1 April 2016, 28 applications were on hand. Of the 54 applications determined, planning permission was granted for 52 and 2 were refused. These were:

- (i) Erection of a steel framed building for use as a materials recycling facility (MRF), Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark; and
  - (ii) Land reclamation of former mineral workings through the importation of inert waste with restoration to notable native and alien plant species habitat, characteristic of the Cropwell Bishop Gypsum spoil wildlife site, Canalside Industrial Park, Kinoulton Road, Cropwell Bishop. (An appeal has recently been received from the applicant Chris Allsop Properties.)
- 5. Committee has resolved to grant planning permission for a further four applications, subject to the signing of S106 Legal Agreements. These are East Leake Quarry, Rempstone, and Besthorpe Quarry, Besthorpe near Newark, both for extensions to existing quarries; Stud Farm at Rufford to raise the height of the anerobic digester domes; and Springwater Golf Club, Moor Lane, Calverton for improvements to the course using site derived and imported soils.
- 6. This is the first year the performance report will reflect the Government's introduction of a new method of measuring the County Council's performance for determining planning applications. All county matter applications are classed as major applications and therefore should be determined within either a 13 week period or a 16 week period for applications accompanied by an Environmental Statement. If the Authority considers that an application is not going to be determined within these timescales, it is allowed to ask applicants for a time extension. If the time extension is agreed, and the application is determined within the agreed time extension, the Authority will meet the required performance criteria. Reasons for seeking time extensions can range from the need to undertake further consultations, the timing of committee cycles or competing workload pressures.
- 7. The figure for applications dealt within 13 weeks for the period 2014/2015 was 50% (see Table 1 below), compared to 57% for 2015/16 (see Table 2 below). However, with the inclusion of applications dealt within the agreed time extension the figure rises to 89% (see Table 2 below). This compares to the present Government target of 50% of applications to be dealt with within 13 weeks or an agreed time extension.

**Table 1 Annual Performance 2014/15**

No. of County Matter applications determined	Within 8 weeks*		Within 13 weeks*		Within 17 weeks*		Over 17 weeks		Total	
	no	%	no	%	no	%	no	%	no	%
April 2014 to March 2015	6	17	18	50	25	69	11	31	36	100

\* The figures are cumulative

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**Table 2 Annual Performance 2015/16**

No. of County Matter applications determined	Within 8 weeks*		Within 13 weeks*		Agreed Time Extension		Over 17 weeks No Time Extension		Total	
	no	%	no	%	no	%	no	%	no	%
April 2015 to March 2016	13	24	31	57	17	89	6	11	54	100

\*The figures are cumulative

County Matter applications determined under delegated powers:	31
County Matter applications determined by Committee:	17
County Matter applications withdrawn:	06
County Matter applications returned:	11
County Matter EIA applications determined by Committee	06
<b>Total</b>	<b>71</b>

8. The Development Management Team has continued to deal with other types of applications during the past year; these include Non-Material Amendments (31 compared to 27 in 2014/2015) and the discharging of details required by conditions (59 compared to 83 2014/15). It has received and determined 11 applications for Certificate of Lawfulness of Proposed Use Development, an example of this being Severn Trent Water's proposals to install solar panels at their property (Sewage Treatment Works), a process that requires a formal notification that the works would be permitted development. The team has also provided 7 'screening opinions' upon receipt of a specific 'screening requests' in addition to screening all planning applications received to assess whether they trigger the need for Environmental Impact Assessment (EIA). In cases where it has been determined that EIA is required, the team has also carried out 8 'scoping opinions' liaising with statutory bodies and other consultees to obtain their views on what environmental topics the EIA should contain. The team offers formal pre-application advice (12) and advice in respect of permitted development rights (14) where officers determine

whether proposals can be carried out without the need for formal planning permission. Consultations are also received from other statutory bodies, for example the Environment Agency, who consult the team on waste management licences and environmental permits.

9. Similarly, the district/borough councils consult the County Council on planning applications which may affect mineral or waste sites, for example a wind turbine on a sewage treatment works. Views are also sought on significant proposals outside but close to the county boundary. These matters are dealt with by the Council's Planning Policy Team.
10. The County Council recently introduced charges for providing pre-application advice. To date this has generated a modest income although it is proposed to keep the scheme under review.

### **County Council Development**

11. The County Council determines applications for its own development under the procedures laid down in the Town and Country Planning General Regulations 1992 (usually Regulation 3). This is a privileged position afforded to local authorities and it is essential that applications for the County Council's own developments are subject to the same level of scrutiny as that for other applicants. In the 12 months up to 31 March 2016, a total of 58 County Council development applications had been received. This compares with 103 in the same period last year.
12. 27 applications were outstanding as at 1 April 2015 giving a total of 85 to be processed during last year, compared to 128 in 2014/2015. As at 1 April 2016, 15 applications were on hand.
13. During 2015/2016 a total of 61 County Council applications were determined, all of which were granted permission. A further 4 applications were withdrawn and 5 applications returned by the applicant department.

**Table 3 Annual Performance**

No. of County Council Developments applications determined	Within 8 weeks*		Within 13 weeks*		Within 17 weeks*		Over 17 weeks		Total	
	no	%	no	%	no	%	no	%	no	%
April 2013 to March 2014	20	43	25	54	31	67	15	33	46	100
April 2014 to March 2015	34	49	55	80	61	88	8	12	69	100
April 2015 to March 2016	32	52	47	77	52	85	9	15	61	100

\*The figures are cumulative

County Council Development applications determined under delegated powers:	50
County Council Development applications determined by Committee:	11
County Council Development applications withdrawn :	04
Count Council Development applications returned:	05
<b>Total</b>	<b>70</b>

14. The Development Management Team has dealt with other matters relating to the County Council's own development during the year. These include Non-Material Amendments (18, compared to 11 in 2014/15); the discharge of conditions on applications that have been granted planning permission (250, compared to 186 2014/15); and permitted development proposals (13, compared with 27 in 2014/15).

### Outstanding applications

15. The Department has previously historically set itself a target of 65% of County Council Development applications to be determined within 13 weeks. In the year just ended, 77% of such applications were determined within that timescale. By far the majority of these applications are dealt with under delegated powers. These applications are not included in the DCLG performance statistics.
16. At the start of this new financial year, a total of 28 County Matter applications and 15 County Council development applications are outstanding. A list of those applications outstanding for longer than 17 weeks is attached as Appendix B.

### National performance

17. The Department for Communities and Local Government produces statistical information on planning applications received and determined by County



Planning Authorities. The latest available tables include performance for the year ending December 2015 and are attached as Appendix C.

18. In that period, Nottinghamshire received 53 County Matter applications (i.e. minerals and waste applications), the fourth highest amongst County Councils in England, and determined 44, again fourth highest in the country. This compared to 59 received (third highest) and 37 determined (14<sup>th</sup> highest) in the year ending December 2014.
19. In terms of County Council developments (Regulation 3 applications), Nottinghamshire determined 38 applications in the year ending December 2015, compared to 56 during the period ending December 2014.

### **Monitoring and Enforcement**

20. The determination of planning applications goes hand in hand with the monitoring and enforcement of development. A separate report on Monitoring and Enforcement work over 2015-2016 will be presented to the next available Committee.

### **Appeals**

21. The County Council was involved in a Public Inquiry for the proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure, at Bilsthorpe Business Park, off Eakring Road, Bilsthorpe. The application was presented to Committee in November 2014 where it was resolved to grant planning permission upon the signing of a S106 Legal Agreement. The application was then called in by the Secretary of State and a Public Inquiry was held in November 2015. The Secretary of State is due to announce his decision shortly.

### **Ombudsman investigations**

22. No complaints have been referred to the Local Government Ombudsman (LGO) in the reporting period.

### **Development Plan progress**

23. Progress continues to be made in the preparation of new planning policy documents that will replace those saved policies within the adopted Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire Minerals Local Plan that are becoming increasingly out of date.

24. Following adoption of the Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy Part 1 in December 2013, work is underway on the Part 2 of the Replacement Waste Local Plan. This will allocate specific sites for waste management use alongside a set of more detailed development management policies to ultimately supersede those saved in the Waste Local Plan.
25. The new Minerals Local Plan seeks to set out an overall approach to future minerals provision within the County up to 2030. Key issues will be the amount of minerals needed to meet demand, the location of future sites and the social and environmental impacts of mineral working. The first stage of the consultation in 2012 on 'Issues and Options' was followed in late 2013 by a second stage of consultation on the Minerals Local Plan Preferred Approach. Additional consultation was carried out in May 2014 on sand and gravel provision followed by a further consultation on sand and gravel provision in respect of Shelford West in October 2014. The most recent formal consultation on the Minerals Local Plan Submission Draft document closed on Tuesday 29th March 2016. All the representations received will be considered before approval is sought from Full Council to submit the Minerals Local Plan and supporting documents to the Secretary of State in advance of an examination in public led by an independent inspector.

#### **Other Issues**

26. Aside from the day to day determination of planning applications and related matters, there have been a number of changes to the way the Development Management Team works over the last year.
27. The Council's Scheme of Delegation for Planning Applications was updated in October 2015 to reflect legislative changes relating to matters such as referral of applications to the Secretary of State, in addition to allowing applications involving emerging technologies to be referred to committee.
28. The Council's Guidance Note on the Validation of Planning Applications was updated in February 2016 in order that the guidance note itself remains valid (local validation lists cannot be used in the validation of planning applications unless they are reviewed every two years).
29. The Town and Country Planning (Development Management Procedure) (England) Order 2015 was issued in April 2015 and consolidated the previous Order and the various amendments which followed it. The new Order now requires planning authorities to determine submissions made under a planning condition within a prescribed time, otherwise the applicant is treated as having deemed discharge for the submission. Planning authorities are also required to state the reason for attaching any conditions which require approval prior to a development starting.
30. The Town and Country Planning (General Permitted Development) Order 2015 was also introduced in April 2015. The order introduced new permitted

development rights allowing sewerage undertakers to install operational kiosks not exceeding 29 cubic metres and new permitted development rights for the installation of solar PV panels with a generating capacity up to one megawatt on the roofs of non-domestic buildings subject to certain restrictions.

31. The Development Management Team's planning applications and monitoring and enforcement database has been subject to further improvements in order to increase the efficiency of the team's work. These improvements largely centre on the increased use of electronic communication, rather than generating significant printing and postage costs as has been the case in the past and further developments to the database to bring about yet more efficiencies are planned for the future.

### **Statutory and Policy Implications**

32. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **RECOMMENDATIONS**

33. It is RECOMMENDED that the report and accompanying appendices be noted.

**TIM GREGORY**

**Corporate Director - Place**

### **Constitutional Comments**

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report." [HD – 12/04/2016]

### **Comments of the Service Director - Finance**

Comments of the Service Director – Finance The contents of this report are duly noted – there are no direct financial implications. [SES- 12/04/2016]

### **Background Papers Available for Inspection**

None

## **Electoral Divisions and Members Affected**

All

**For any enquiries about this report please contact:**

Report Author/Case Officer  
Ruth Kinsey  
0115

9932584

**Planning Applications Received and Determined**  
**From 7<sup>th</sup> March 2016 to 31<sup>st</sup> March 2016**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Retford West	Cllr Ian Campbell		Single storey extension to existing ground floor building. St Giles School, Babworth Road, Retford. Granted 09/3/2016
Worksop East	Cllr Glynn Gilfoyle	Extension to existing foundation unit, including demolition of Portacabin. Erection of a three-classroom modular building, with related works and associated alterations to access including a new path link from Milton Drive. St Augustine's School Complex, Longfellow Drive, Worksop. Received 10/03/2016	
Blyth & Harworth	Cllr Sheila Place		Variation of condition of planning permission 1/14/00537 to enable minerals development to be completed by 31/12/2023. Scrooby South, Great North Road, Scrooby. Granted 22/03/2016 (Committee)

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Tuxford	Cllr John Ogle		Installation of coal ash processing plant equipment, Cottam Power Station, Outgang Lane, Cottam, Retford. Granted 31/03/2016
<b>MANSFIELD</b>			
Mansfield South	Cllr Stephen Garner Cllr Andy Sisson	Construction of new 8-class single storey freestanding building including hall and ancillary spaces. Construction of sprinkler tank compound; new 2.4m high security fence to boundary; 2 new 5-a-side grass pitches; enlarge staff car park, retaining walls, new footpaths, steps, ramp and macadam hard play areas. Demolition of section of existing masonry wall and ramp. Construction of new timber screen to staff car park and associated re-grading and external works. King Edward Primary School, St Andrews Street, Mansfield. Received 14/03/2016	
Mansfield West	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis	Single storey 3 class building, Crescent Primary and Nursery School, Booth Crescent, Mansfield. Received 30/03/2016	
<b>NEWARK &amp; SHERWOOD</b>			



<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Collingham Southwell & Caunton	Cllr Maureen Dobson Cllr Bruce Laughton		Application for a new planning permission to replace extant planning permission 3/03/02626 CMA in order to extend the time limit for implementation, incorporating new access arrangements. Cromwell Quarry, Land to the east of the A1, Slip Road A1, Cromwell, Newark. Granted 09/03/2016 (Committee)
Blidworth	Cllr Yvonne Woodhead		Temporary stockpile of sand at Rufford sand Quarry until September 2019 to be used for the restoration of adjoining land associated with the Rufford coal fines recovery operation. Rufford Sand Quarry, Former Rufford Colliery, Land South of Eakring Road, Rainworth. Granted 10/03/2016
Balderton	Cllr Keith Walker	Varying the requirements of Conditions 1 & 2 of Planning Permission 3/14/00896/CMA to extend the timetable for completing the restoration and aftercare planting of Staple Quarry (Gypsum) landfill and Ayers Rock until 31st December 2016. Staple Quarry Landfill Site, Grange Lane, Cotham. Received 11/03/2016	

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Rufford	Cllr John Peck		Steel framed, open fronted, three sides partially clad building. Oakwood Fuels Limited, Brailwood Road, Bilsthorpe. Granted 21/03/2016
Blidworth	Cllr Yvonne Woodhead		Erection of a modular building with link canopy. Bilsthorpe Highways Depot, Bilsthorpe Business Park, Eakring Road, Bilsthorpe. Granted 22/03/2016 (Committee)
<b>ASHFIELD</b>			
Sutton in Ashfield West	Cllr Tom Hollis		We would like to place an 'Outdoor Classroom' on our school playing field. Mapplewells Primary School and Nursery, Henning Lane, Alfreton Road, Sutton in Ashfield. Granted 16/03/2016

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Sutton in Ashfield North	Cllr Jason Zadrozny		Construction of 2 single storey classroom extensions for Key Stage 1 and Key Stage 2. Dalestorth Primary and Nursery School, Hill Crescent, Sutton in Ashfield. Granted 17/03/2016
<b>BROXTOWE</b>			
Chilwell & Toton	Cllr Dr John Doddy Cllr Richard Jackson		Proposed development of 165 place primary and 25 place nursery school with sports playing field, car parking, lighting and associated landscaping works and CCTV (including demolition of existing school building). Sunnyside Spencer Academy, Great Hoggett Drive, Chilwell. Granted 17/03/2016
<b>GEDLING</b>			
Calverton	Cllr Boyd Elliott		Single storey foundation classroom extension with external canopy and associated landscaping and fencing. Manor Park Infants and Nursery School, Flatts Lane, Calverton. Granted 23/02/2016 (Committee)
<b>RUSHCLIFFE - None</b>			

**Applications outstanding over 17 weeks at 31st March 2016**

Division	Member	Description	Weeks Out Standing	Comments
<b>BASSETLAW</b>				
Misterton	Cllr Liz Yates	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration. Land off Springs Road, Misson	24	Awaiting Regulation 22 further information.
Worksop East	Cllr Glynn Gilfoyle	Retrospective application to vary condition 3 of planning permission 1/02/12/00126 to allow for changes to the scheme during construction. Worksop Sewage Treatment Works, Rayton Lane, Worksop	28	Received additional noise report, re-consultation underway.

Division	Member	Description	Weeks Out Standing	Comments
<b>MANSFIELD</b>				
Mansfield East	Cllr Alan Bell Cllr Colleen Harwood	Importation of 123,000 cubic metres (approx. 250,000 tonnes) of soils and construction wastes to facilitate the remodelling and upgrading of the existing practice ground outfield and short game area, construction of covered practice bays and extension of car park. Sherwood Forest Golf Club, Eakring Road, Mansfield.	26	Awaiting confirmation from the applicant to withdraw current application and re-submit a new application.
<b>NEWARK &amp; SHERWOOD</b>				
Newark West	Cllr Tony Roberts	Regularisation of use of additional land in connection with scrapyard, Briggs Metals Limited, Great North Road, Newark	272	Exchange of correspondence with the applicant, awaiting a response. Further letter sent with a dead line for a response.
Rufford	Cllr John Peck	Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure. Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe	123	Resolved to grant permission at 18/11/2014 Planning & Licensing committee. Called In by Secretary of State 19/12/2014. Public Inquiry held in November 2015 and decision from SOS expected in April 2016

Division	Member	Description	Weeks Out Standing	Comments
Collingham	Cllr Maureen Dobson	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham	71	Resolved to grant permission upon the agreeing and signing of S106 Legal Agreement
<b>ASHFIELD</b>				
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	190	No change- Still awaiting traffic impact assessment from the applicant
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Construction of a new waste transfer building to reduce dust and noise including an overflow picking station plus the consolidation of the site into a single waste transfer station. 15B Wigwam Lane, Hucknall.	57	Presented to Committee 19/01/2016, where it was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement



Division	Member	Description	Weeks Out Standing	Comments
Sutton in Ashfield East	Cllr Steve Carroll	Installation of a 5MW Solar PV Array with associated access track and temporary construction compound. Two Oaks Quarry, Derby Road, Mansfield.	29	Awaiting further ecology information, then delegated report to be prepared.
Kirkby in Ashfield North	Cllr John Knight	Proposed construction and operation of a recyclates bulking, waste transfer facility with associated infrastructure including external recyclates bays, weighbridge, weighbridge cabins, welfare facilities, parking areas, wash bay, sprinkler tank and associated pump house, site access improvements and landscaping, on land off Welshcroft Close, Portland Industrial Estate (part of the Former Summit Colliery), Kirkby-in-Ashfield.	23	Can be found elsewhere on the agenda
<b>BROXTOWE</b>				
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	167	No change - Noise issues still be resolved. Under government guidance new green belt issues raised concerning landscape

Division	Member	Description	Weeks Out Standing	Comments
<b>GEDLING</b>				
Newstead	Cllr Chris Barnfather	Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m3 of inert materials and soils. Newstead and Annesley Country Park, Newstead Village	174	Resolved to grant permission upon completion of S106 agreement at Committee on 25/02/2014. Applicant is re-opening negotiations for the completion and signing of the of the legal agreement – No Change
Calverton	Cllr Boyd Elliott	Improvements to Springwater Golf Club including the conversion of the practice range into a 6 hole Par 3 course; relocation and raising of 10th Tee and widening and lengthening of the 17th fairway using site derived and imported soils. Springwater Golf Club, Moor Lane, Calverton	44	Resolved to grant permission upon completion of S106 agreement at Committee on 19/01/2016.
<b>RUSHCLIFFE</b>				
Soar Valley	Cllr Andrew Brown	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	Not counting	Revised restoration scheme received and consulted upon, which has raised landscaping and bird strikes issues, which need to be resolved.  Held in abeyance by the applicant to run with the Extension application

Division	Member	Description	Weeks Out Standing	Comments
Soar Valley	Cllr Andrew Brown	Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake	86	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement. The applicant has asked for an extension of time until 31 <sup>st</sup> August 2016 to complete the S106 agreement.
Ruddington	Cllr Reg Adair	Section 73 planning application to vary condition 3 of planning permission 8/12/01028/CMA, condition 7 of planning permission 8/96/79/CMA and condition 9 of planning permission 8/94/00164/CMA to extend the permitted operational hours from 0730 hours to 0600 hours Mondays to Saturdays to allow 12 outbound pre-loaded HGV movements from the site and to bring forward the operating time on the IBA waste transfer area from 0730 hours to 0700 hours Mondays to Saturdays. Bunny Materials Recycling Facility, Loughborough Road, Bunny	22	Further information submitted, re-consultation process to be undertaken.

Planning applications received, decided and granted, year ending December 2015										
Planning authority	Applications			Decisions				Decisions made		Decisions issued under ROMPS
	Received	Decided	Granted	Within 13 weeks or agreed time		Within 16 weeks or agreed time		Reg 3	Reg 4	
				Number	%	Number	%			
England	1,276	1,174	1,090	1,009	86	1,039	89	1,248	7	21
County Councils	915	810	763	697	86	719	89	1,220	1	11
Buckinghamshire	12	1	1	1	100	1	100	14	1	
Cambridgeshire	15	13	13	8	62	8	62	19	-	
Cumbria	31	35	35	30	86	31	89	24	-	
Derbyshire	38	35	35	29	83	30	86	99	-	1
Devon	48	35	33	33	94	35	100	29	-	
Dorset	21	20	20	9	45	12	60	26	-	
East Sussex	18	15	14	13	87	13	87	58	-	
Essex	40	31	29	27	87	28	90	49	-	
Gloucestershire	26	19	19	19	100	19	100	20	-	
Hampshire	40	34	34	30	88	31	91	67	-	
Hertfordshire	30	14	10	14	100	14	100	31	-	
Kent	37	33	33	32	97	32	97	112	-	
Lancashire	37	38	29	37	97	38	100	65	-	1
Leicestershire	30	29	27	28	97	28	97	47	-	1
Lincolnshire	70	61	50	53	87	55	90	46	-	2
Norfolk	84	60	60	59	98	59	98	59	-	
North Yorkshire	18	22	22	20	91	20	91	82	-	2
Northamptonshire	31	33	33	31	94	31	94	37	-	1
Nottinghamshire	53	44	41	37	84	39	89	38	-	1
Oxfordshire	31	36	33	27	75	27	75	22	-	2
Somerset	25	31	27	19	61	22	71	44	-	
Staffordshire	55	40	39	39	98	39	98	23	-	
Suffolk	36	38	38	30	79	32	84	79	-	
Surrey	34	46	45	32	70	34	74	53	-	
Warwickshire	18	11	11	8	73	9	82	16	-	
West Sussex	24	23	20	19	83	19	83	47	-	
Worcestershire	13	13	12	13	100	13	100	14	-	



## **REPORT OF CORPORATE DIRECTOR, RESOURCES**

### **WORK PROGRAMME**

#### **Purpose of the Report**

1. To consider the Committee's work programme for 2016.

#### **Information and Advice**

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

#### **Other Options Considered**

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

#### **Reason/s for Recommendation/s**

5. To keep Members of the Committee informed about future business of the Committee.

#### **Statutory and Policy Implications**

6. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.



## **RECOMMENDATION**

That the committee's work programme be noted.

**Jayne Francis-Ward**  
**Corporate Director, Resources**

**For any enquiries about this report please contact: David Forster, Democratic Services Officer**

### **Constitutional Comments (HD)**

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

### **Financial Comments (NS)**

8. There are no financial implications arising directly from this report.

### **Background Papers**

Relevant case files for the items included in Appendix A.

### **Electoral Division(s) and Member(s) Affected**

All

## Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
24 <sup>th</sup> May 2016	2/2015/0672/ST	Sherwood Forest Golf Club, Eakring Road, Mansfield	Proposed remodelling and upgrading of the existing practice ground outfield and short game area incorporating a water harvesting scheme, construction of covered practice bays and extension of car park
24 <sup>th</sup> May 2016	1/16/00410/VOC	Harworth Colliery Spoil Tip, Blyth Road, Harworth,	Vary condition 3 of planning permission 1/14/01625/CDM to extend the time for restoration for a further 12 months
24 <sup>th</sup> May 2016	FR3/3478	Horsendale Primary School, Assarts Road, Nuthall	Erection of 2 No free standing two classroom buildings with entrance canopies and associated external works, and use of existing maintenance gate as a pedestrian entrance gate, and extension of car park.
24 <sup>th</sup> May 2016	7/2015/1450/NCC	Stanhope Primary & Nursery School, Keyworth Road, Gedling	Upper School: Erection of single storey 60 place freestanding double classroom with associated steps and ramp access. Lower School: demolition of No.1 boiler shed and excavation to enlarge existing staff car park, and provision of new hard play area.
28 <sup>th</sup> June 2016	7/2016/0403NCC	Land adjoining Stoke Bardolph Sewage Treatment Works, Stoke Lane, Stoke Bardolph	Extension to existing Anaerobic Digestion Facility utilising energy crops imported from outside the Stoke Bardolph Estate and installation of a gas to grid clean up plant
28 <sup>th</sup> June 2016	V/3395	Bunny Materials Recycling Facility, Loughborough Road, Bunny	Section 73 planning application to vary condition 3 of planning permission 8/12/01028/CMA, condition 7 of planning permission 8/96/79/CMA and condition 9 of planning permission 8/94/00164/CMA to extend the permitted operational hours from 0730 hours to 0600 hours Mondays to Saturdays to allow 12 outbound pre-loaded HGV movements from the site and to bring forward the operating time on the IBA waste transfer area from 0730 hours to 0700 hours Mondays to Saturdays.
19 <sup>th</sup> July 2015	1/15/01498/CDI	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 -

			Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration.
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**Planning Applications currently being considered by NCC which currently have not been timetabled to a committee meeting.**

Planning App.: 4/V/2015/0781  
Location: Embankment to the north-east of the railway bridge over Fackley Road, Teversal  
Development: Construction of new path and steps to form a new access to the Ashfield Bolsover Trail

Planning App.: F/3475  
Location: John Brooke Sawmills Limited, The Sawmill, Fosse Way, Widmerpool  
Development: Additional hardstanding on undeveloped land within the confines of the existing wood facility site, the construction of 5m high wall for noise attenuation purposes, and the re-orientation of the wood shredding building from that which is currently consented with amended roof design

Planning App.: F/3449  
Location: John Brooke Sawmills Limited, The Sawmill, Fosse Way, Widmerpool  
Development: Placement of a 950KW Pytec biomass boiler within the existing building "C" incorporating a 10m high flue. Construction of a new enclosure to the south side of the existing building to cover two Fliegi dryers and change of use of the existing building to a dry pellet store.