

## **Planning and Licensing Committee**

**Tuesday, 23 October 2018 at 10:30**

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

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### **AGENDA**

- |   |  |         |
|---|--|---------|
| 1 | Minutes of the last meeting held on 18 Sept 2018   | 3 - 8   |
| 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 | Animal Health Licensing Work carried out by the Trading Standards & Communities Service  | 9 - 12  |
| 6 | Storage and Bulking of Glass - Portland Industrial Estate, Welshcroft Close, Kirkby in Ashfield  | 13 - 66 |
| 7 | Response to Two Consultation Papers Relating to Shale Gas Proposals  | 67 - 84 |
| 8 | Development Management Progress Report   | 85 - 94 |

### **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 Peter Barker (Tel. 0115 977 4416) 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 Tuesday 18 September 2018 (commencing at 10.30 am)

**Membership**

Persons absent are marked with 'A'

**COUNCILLORS**

Jim Creamer (Vice-Chair)

Pauline Allan	John Longdon
Andy Brown	Rachel Madden
Richard Butler	Kevin Rostance
Neil Clarke MBE	Tracey Taylor
Sybil Fielding	Keith Walker
Paul Henshaw	Andy Wetton

**OFFICERS IN ATTENDANCE**

Pete Barker – Chief Executive's Department  
Rachel Clack – Chief Executive's Department  
Rob Fisher – Place Department  
Joel Marshall – Place Department  
Jonathan Smith – Place Department  
Debbie Wragg – Place Department

**1. CHAIR**

In the absence of Councillor Barnfather, Councillor Creamer took the Chair.

**2. MINUTES OF LAST MEETING HELD ON 17th July 2018**

The minutes of the meeting held on 17 July 2018, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair of the meeting.

**3. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Barnfather who had suffered a family bereavement. On behalf of committee members the Vice Chair expressed their sympathies.

#### **4. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

No declarations of interest were made.

#### **5. DECLARATIONS OF LOBBYING OF MEMBERS**

All Members had received material/correspondence relating to the extraction of shale gas, which did not preclude them from speaking or voting on Item 8, Draft Response to Two Consultation Papers Relating to Shale Gas Proposals.

#### **6. APPROVED PREMISES FOR CIVIL CEREMONIES**

Mr Fisher introduced the report which provided an annual update and overview of the County Council's role in licensing premises for the solemnisation of marriages and the registration of civil partnerships.

On a motion by the Chair, duly seconded, it was:-

#### **RESOLVED 2018/020**

That Committee receive an update report in the next 12 months and that this be included in the work programme.

#### **7. DANESHILL LANDFILL SITE, LOUND ROAD, RETFORD DN22 8RB**

Mr Smith introduced the report which concerned three planning applications seeking permission to extend the use of the recycling compound for a further temporary period of five years, for the recycling of inert construction and demolition waste.

Following the introductory remarks of Mr Smith, Mr Thistlethwaite was given the opportunity to speak and a **summary** of that speech is set out below:-

- I am a specialist waste and minerals planning consultant who has worked with the applicant, FCC Environment, to prepare the three applications.
- Recycled and secondary aggregate that would be produced by the site is increasingly making an important contribution to the UK's construction needs.
- By reducing the demand for primary aggregates it helps the wider industry improve its sustainability credentials.
- Currently in the UK over 30% of the aggregate used in the construction industry is generated from recycled sources, the continued option to use the Daneshill site will help to increase this.
- With the predicted growth in housing required to support the country's and Nottingham's own needs, facilities such as Daneshill have a crucial role to

play in ensuring that these developments are as sustainable as they practically can be.

- The recycled material generated by the Daneshill site can play an important part in the delivery of a wide variety of elements of the construction industry from a bulk fill material required to create level building platforms through to making up the constituent parts of cement and concrete mixtures.
- Whilst the Daneshill site has been moth-balled in recent years there has been the aspiration from the applicant to recommence recycling operations on site at short notice, as and when the market demand arises.
- The previous planning condition had required the restoration of the proposal by late 2017 and this stifled the use of the site as the opportunity for it to be used ended.
- By extending the use of the site for a further 5 years there is sufficient time to allow the limited investment required to recommence recycling operations to be economically viable.
- The site is a brownfield one and well located in terms of access to the road network whilst also being well screened from sensitive receptors. This is underlined by the fact that no objections were received from either statutory and council consultees or local residents.
- To further reassure members, the site will continue to be subject to regular monitoring visits by the council's and the applicant's own experienced teams to ensure it operates within its approved terms.
- The applicant has worked closely and collaboratively with NCC officers to agree the approach outlined in the report.
- The proposals are fully supported by the latest local and national planning policies and have the potential to contribute significantly to delivering sustainable development.

There were no questions.

Following the speech Members debated the item and the following comments and questions were responded to:-

- No lorry routeing plan is proposed. It is assumed traffic will go straight on to the A1, with volumes anticipated to be lower than those allowed for in the permission.
- Highways have not objected to the proposals and the situation will not be any worse for residents than that which they are currently experiencing.

On a motion by the Chair, duly seconded, it was:-

**Resolved 2018/020**

1. That planning permission be granted for planning application 1/18/00217/CDM subject to the conditions set out in Appendix 1 of the report.
2. That planning permission be granted for planning application 1/18/00218/CDM subject to the conditions set out in Appendix 2 of the report.
3. That planning permission be granted for planning application 1/18/00219/CDM subject to the conditions set out in Appendix 3 of the report.

**8. AB WASTE DISPOSAL LIMITED, BLEAKHILL SIDINGS, SHEEPBRIDGE LANE, MANSFIELD, NOTTS, NG18 5EP**

Mr Smith introduced the report which sought permission for a variation of approved plans to erect a covered waste bay building as well as full permission for a small wash down area.

The key issues related to the visual appearance and residential amenity concerns.

Following the introductory remarks of Mr Smith, Members debated the item and the following comments and questions were responded to:-

- Members welcomed any measures that limited noise and dust on site and minimised the taking of mud off the site.
- The proposals should result in an improvement and could be termed as a 'planning gain'.

**Resolved 2018/022**

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

**9. DRAFT RESPONSE TO TWO CONSULTATION PAPERS RELATING TO SHALE GAS PROPOSALS**

Mr Smith introduced the report which sought Members' views and input on the County Council's draft response to the Government's consultation papers relating to shale gas proposals entitled 'Permitted development for shale gas exploration' and 'Inclusion of shale gas projects in the nationally significant infrastructure project regime'.

Mr Smith informed Members that their views would be used to finalise the County Council's response on the two consultations which will be brought to Planning and Licensing Committee in October for final approval prior to being submitted to the Government as the Council's formal response.

Following the introductory remarks of Mr Smith, Members debated the item and the following comments and questions were responded to:-

- The Chair emphasised that the consultation was not about supporting fracking but around process and representation.
- Schemes allowed under permitted development could still contain conditions that Committee would need to approve, those to do with hours for example.
- Not all the consequences of planning decisions are always anticipated, for example the impact on the provision of affordable housing made by the residential conversion policy has meant access to Section 106 monies has been lost.
- It has been made clear at public meetings held to discuss the consultation that all individuals can make their own submissions. This participation has been encouraged with details of how to do so having been made available at such meetings.
- The importance of Members being seen as accountable was emphasised with decisions made locally and constituents' concerns addressed. The Authority's response could be re-worded to reinforce this point.
- Concern was expressed at the possible impact of multi-national companies having successfully been granted permission at other authorities subsequently seeking permission from this authority.

### **Resolved 2018/023**

That Members consider the draft response to the questions posed by the two consultation papers issued by the Government and provide comments to officers in order that they can finalise the County Council's formal response, which will be brought back to this committee in October for final approval.

### **10. DEVELOPMENT MANAGEMENT PROGRESS REPORT**

Mr Smith introduced the report and confirmed that it was the usual regular report detailing which reports were likely to come before Committee.

### **Resolved 2018/024**

1. That an update report entitled 'Approved Premises for Civil Ceremonies' be brought back to Committee in 12 months' time.

2. That a report detailing the Authority's final response to the Government's consultation papers relating to shale gas proposals entitled 'Permitted development for shale gas exploration' and 'Inclusion of shale gas projects in the nationally significant infrastructure project regime' be brought to the October meeting of the Committee for approval.

The meeting closed at 11.26am

**CHAIR**



**23 October 2018****Agenda Item: 5****REPORT OF THE CORPORATE DIRECTOR, PLACE****REPORT TO THE PLANNING AND LICENSING COMMITTEE OF THE ANIMAL  
HEALTH LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS &  
COMMUNITIES SERVICE****Purpose of the Report**

1. To update the Committee on the relevant Animal Health licensing work carried out by the Trading Standards & Communities Service on behalf of the Committee and the new changes that have come in to force.

**Information**Background

2. The Authority has responsibility for a number of licensing and registration schemes designed to ensure the safety of our communities.
3. Under the Performing Animals (Regulation) Act 1925 owners who train or exhibit performing animals are required to apply to the Authority for a licence. The Trading Standards Service is responsible for issuing these licences.
4. The current fee to owners is £17 per licence. There is no time limitation on any licence issued to an owner and any changes to those animals would need to be registered with the Authority; therefore many of the older licences issued will have naturally expired due to the animals' age and likelihood of them no longer being alive.
5. Since 1925 the types of animals licensed by the Authority has changed considerably. During the 1970's the register contained wild animals registered for a local circus, however, wild animals are no longer licensed through this Act. More recently the Service is licensing the keepers of more domesticated animals like dogs, cats, smaller mammals, birds of prey and reindeer that are used for training purposes or performances.
6. During 2017/18 a total of 5 performing animals licences were issued totalling £85 and in the current year of 2018/19 a total of 4 licences have already been issued.

Change in Legislation

7. With effect from 1<sup>st</sup> October 2018 all performing animals licenses will no longer be issued by the Authority. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force, bringing together all types of animal licensing including dog and cat breeding and boarding, horse hiring and the training or keeping of animals for exhibition. The licensing function for performing animals within Nottinghamshire moved to the District Councils from 1<sup>st</sup> October 2018, however, current licences will remain valid for a

period of 6 months until 1<sup>st</sup> April 2019, when the owner will need to apply for a new licence to the District Council, London Borough Council or Combined Authority in the area where their licensable activity takes place.

8. Trading Standards are currently writing to each current licence holder regarding the new requirements and liaising with each District Council as appropriate.
9. Trading Standards will engage with media colleagues to highlight the changes and impact on customers.

### **Other Options Considered**

10. None

### **Reason for Recommendation**

11. The new legislation, which came into effect on 1<sup>st</sup> October 2018, changed the Animal Health licensing function for the Authority and will affect current licence holders.

### **Statutory and Policy Implications**

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

### **Financial Implications**

13. The change will result in the loss of approximately £85 per year in loss of income to the Service which is negligible.

### **Human Resources Implications**

14. There is minimal implication as any corresponding actions required by the change will be absorbed by the existing staff group within the Trading Standards and Communities Service.

### **Implications for Service Users**

15. A small number of Service Users who currently have a performing animals licence will be affected as described in paragraph 7 above.

## **RECOMMENDATION/S**

- 1) It is recommended that Members agree to the appropriate use of the media to communicate the legal changes.

**Adrian Smith**  
**Corporate Director, Place**

**For any enquiries about this report please contact:** Claudine White, Team Manager, Trading Standards and Communities, Tel: 0115 8040277, **Email:** [claudine.white@nottsc.gov.uk](mailto:claudine.white@nottsc.gov.uk)

#### **Constitutional Comments [SLB 02/10/2018]**

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

#### **Financial Comments [RWK 01/10/2018]**

17.The financial implications are set out in paragraph 13 of the 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.

- None

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

- All



**23<sup>rd</sup> October 2018****Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE**

**PROPOSAL 1: PROPOSED CONSTRUCTION AND OPERATION OF EXTERNAL GLASS STORAGE BAYS WITH ASSOCIATED BULKING**

**ASHFIELD DISTRICT REF. NO.: 4/V/2018/0233**

**PROPOSAL 2: TO AMEND CONDITIONS 3,18,26,27 AND 31 OF PLANNING PERMISSION 4/V/2016/0665 TO FACILITATE THE PROPOSED DEVELOPMENT OF BAYS FOR THE EXTERNAL STORAGE AND ASSOCIATED BULKING OF GLASS**

**ASHFIELD DISTRICT REF.NO.: 4/V/2018/0417**

**LOCATION: PORTLAND INDUSTRIAL ESTATE, WELSHCROFT CLOSE, KIRKBY IN ASHFIELD, NG17 8EP**

**APPLICANT: VEOLIA ES NOTTINGHAMSHIRE LTD**

**Purpose of Report**

1. To consider two planning applications at Welshcroft Waste Transfer Station (WTS), Portland Industrial Estate, Welshcroft Close, Kirkby-in-Ashfield.
2. Proposal 1 relates to the proposed construction of external bays for the storage and associated bulking of glass at the existing WTS facility.
3. Proposal 2 relates to a Section 73 (variation of planning conditions) application which seeks to vary extant planning permission 4/V/2016/0665 to facilitate the development and operation of the glass storage bays, enabling locally collected glass to be deposited, stored and bulked up for onward transit.
4. The key issues relate to noise, traffic impacts, odour and overall residential amenity impacts.
5. The recommendation is to approve the two planning applications subject to the conditions set out in the appendices of the report.

**The Site and Surroundings**

6. The site is located within the Portland Industrial Estate in Kirkby-in-Ashfield, within 1km of the retail centre of Kirkby-in-Ashfield, 2km south of Sutton-in-

Ashfield Town Centre and 5.5km south-west of the centre of Mansfield. The M1 motorway is approximately 5.5km to the west.

7. The Portland Industrial Estate is an industrial area 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, with Lowmoor Road and Wolsey Drive to the east and north respectively.
8. The industrial estate is bounded by Lowmoor 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 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 Lowmoor Road to the east (see Plan 1).
9. Lowmoor 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.
10. The nearest property to the proposed site is Romo Fabrics to the immediate east of the site, beyond which is the nearest residential property situated at number 222 Lowmoor Road, with the eastern site boundary being approximately 65 metres from the property (approximately 60 metres from the edge of the front garden). In addition to properties on Lowmoor Road, there are further residential properties within David Street, Mary Street and Edward Street, at a distance from the eastern site boundary, of 125m (No.1 David Street), 115m (No.1 Mary Street), and 115m (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 Lowmoor Road.
11. 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 opening onto Wolsey Drive at its northern extremity. Formerly part of the Summit Colliery site, the site has now been developed into a waste transfer station mainly for the handling of residual municipal waste including the manufacture of RDF.
12. Access to the site is from Welshcroft Close to the west, via Southwell Lane and Wolsey Drive to the east, via Lowmoor Road.
13. Vacant undeveloped land lies mainly to the immediate north-west of the proposed development site.
14. Welshcroft Close abuts 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, with further industrial/commercial development to the north-east of the site on the northern side of Wolsey Drive.
15. 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.

16. The application site contains a large waste transfer station which occupies the south-eastern part of the site and associated ancillary infrastructure including weighbridges, associated kiosks including for staff office accommodation and welfare provision, site access road and site entrance/egress points onto Welshcroft Close and Wolsey Drive respectively, internal access and turning areas, and an element of site landscaping.
17. There are no definitive Rights of Way (ROW) adjacent to the site, 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 wider Summit Colliery.

## **Background**

18. 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. The construction of the Welshcroft facility completed the Company's geographical coverage of WTSs facilities across the county. Previous to this, the Ashfield/Mansfield area was an exception in that locally collected municipal waste continued to be handled initially outside Nottinghamshire.
19. The Welshcroft facility joined existing county facilities at Freeth Street, Nottingham, Giltbrook to the north-west of Nottingham; Brunel Drive, Newark Business Park, Newark-on-Trent and Claylands Industrial Estate, Worksop. These facilities provide full coverage across the County facilitating more sustainable patterns of waste management throughout Nottinghamshire.
20. The WTS provides a strategic bulking point within the Ashfield/Mansfield area for general municipal waste and if required recyclable materials from the local area. It enables material to be bulked up before being transported to another location for further treatment or disposal.
21. The WTS utilises residual waste for Refuse Derived Fuel (RDF) production with all storage currently contained within the building. The majority of the waste is shredded, baled and wrapped for loading into bulkers for shipment off site.
22. Whilst glass is not a waste stream which forms part of the County Council's PFI Waste Contract, kerbside collection of glass is now being undertaken in Ashfield and it is hoped a similar scheme will start in Mansfield in the near future. The ability to bulk up these glass collections at the application site would therefore be beneficial in this respect.

## **Planning history**

23. The two applications relate to an established waste transfer facility which currently operates under extant planning permission 4/V/2016/0665 granted by the County Council in December 2016, with the proposal for the glass recycling bays being situated within the current permission boundary.
24. In April 2016, Veolia Environmental Services Nottingham Ltd. was granted planning permission (Plg. Ref. 4/V/2015/0711) for the construction and operation of a waste transfer station with associated infrastructure on land at

Portland Industrial Estate, Kirkby-in-Ashfield, for the bulking, processing and transfer of waste materials from local householders in the Mansfield and Ashfield District and local businesses, including residual wastes, recyclables and green waste. The permission required all deposition, bulking and processing of waste to be carried out within the building. Throughput at the site was restricted to 75,000 tonnes per annum and the site was given approval to operate seven days a week.

25. Planning permission 4/V/2015/0711 was subject to one Non-Material Amendment (NMA) NMA/3545 issued in July 2016, to amend the general layout of the facility.
26. A further planning permission (Ref. 4/V/2016/0665) was granted in December 2016. The permission specifically varied the requirements of Conditions 3, 26, and 27 of planning permission 4/V/2015/0711 to facilitate the storage of wrapped RDF outside the building within a designated area to the front (west) of the waste transfer building. Conditions 26 and 27 had stipulated that there should be no outside loading or unloading of waste vehicles nor should there be any outside storage of waste, recyclables or other malodorous waste materials. Condition 3 incorporated a schedule of approved documents and layout plans which had identified that there would be no external storage on the site.
27. Following issue of planning permission 4/V/2016/0665, a number of revisions to the facility have been approved. NMA/3608 issued in January 2017 permitted an air extraction system to be installed along with some minor changes to the building elevations. Following construction a series of minor building amendments were approved via a final non-material amendment Reference NMA/3677 issued in July 2017.
28. The development commenced in September 2016 with waste receipt commencing in spring 2017.

#### Current context

29. The Welshcroft WTS was subject to a relatively high volume of complaints from local residents after it came into use at the end of the first quarter of 2017, with the complaints mainly routed via the Environment Agency (EA). The issues raised via complaint related to odour, dust, flies, and vermin. A local action group was set up to act as a point of focus for the local residents and for contact with the operator and regulatory bodies.
30. The issues raised were investigated. Evidence of odours off site on an intermittent basis was collected. Whilst residents reported problems with flies off site no specific issues with fly infestations on the site were noted or a direct causal link to the site demonstrated. No evidence was found relating to dust problems on site. Officers also found no evidence of vermin on site.
31. Over the summer of 2017 in discussion with County Council officers and the EA, Veolia made a number of revisions to the way the site was operated which included the installation of additional odour control measures including revisions to the air filtration system in the building and mist sprays. Veolia has also set up a Community Liaison Group which meets on a regular basis and subsequently set up an on-line reporting system where residents can report concerns directly to the operator. Towards the end of 2017 the members of the Community



Liaison Group concluded that the revised procedures had resulted in improved odour control but that the effectiveness of this would need to be demonstrated in the warmer months of 2018.

32. The site has been subject to routine monitoring by officers since the revised measures were put in place and it is considered that the current measures have satisfactorily controlled odour emissions.
33. Regarding the number of complaints, Veolia received 38 complaints to their on-line reporting system between 28 April and 30 September of this year. Within this period, no complaints were received in August or September. All complaints in this period related to odour, bar one which also related to dust. Veolia has confirmed that all of the complaints were responded to on an individual basis and that on each of these occasions when issues have been reported to them, the odour management systems have been operational and they have not detected odours when reviewed. It is noted that on a number of occasions complaints reported to Veolia on-line have been grouped together.
34. The EA received five communications in the same period, four being logged as complaints and one site inspection being undertaken. No issues were raised at their visit, with the site considered to be well run and managed. At the EA's site audit on 8 August it was determined that the site was operating to a high standard and was tidy, with abatement equipment being well maintained. It was considered that the 2017 issues had been resolved and no further issues were identified.
35. The County Council received four complaints in this period. These related primarily to odours but also raised concerns that the doors to the building are left open in breach of the requirements of the planning permission, flies remain an issue, and that complaints made via the Veolia on-line reporting system are not actioned. The site had been subject to inspections by Monitoring and Enforcement Officers in this period both in response to these complaints and also at unannounced visits. These visits have confirmed that the site has been operating in accordance with the extant planning permission and was well managed. During an inspection on 2 August odours were noted on Wolsey Drive and following a review of the situation this was traced back to an HGV parked up at the end of Wolsey Drive loaded with RDF bales which had parked up there having left the site. The matter has subsequently been raised with Veolia and revised procedures have now been introduced with instructions to the sub-contractor that loaded vehicles are not to park up in the Kirkby area.
36. Monitoring and Enforcement Officers have reviewed and discussed the on-line reporting system with Veolia due to the concerns raised. It is clear that Veolia take action on receipt of a complaint but officers have made a number of recommendations to Veolia to make the system more robust. It is acknowledged that many complaints are made well after an issue is experienced and that due to the transient nature of the odour this makes investigation difficult. Veolia have advised that in such instances they respond to these complaints by reference to their odour check sheets for the period the issue was reported. However, from the information relating to the on-line complaints, it appears that there have been instances when a complaint has been made at the time of the incident but there has been a delay in investigating this or recording any actions which were taken at that time. Officers have requested that Veolia prioritises actual visits to the problem area if reported at

the time of occurrence to assess whether or not a problem is capable of being both identified and actioned. Veolia has made a number of revisions to the odour reporting sheets to address the issues and has given a commitment to investigate live complaints if they have the resources available.

37. Whilst it is recognised that there were significant odour issues associated with the Welshcroft waste facility when it became operational in the first half of 2017, the EA and County Council officers are satisfied that design measures that have been put in place, including changes to the carbon filtration system together with improved operational practices, have significantly overcome the odour issues. The EA, which is the main regulatory body, is satisfied that the waste management operations are well run, and bar the observations on 2 August, County Council officers have not noted any specific odour issues either on or off site since the additional measures were put in place. The EA has also visited the site and again has not detected any odour or fly issues.
38. Veolia has confirmed that their daily site checks require them to inspect and note any issues with odour and flies. In relation to flies Veolia have advised that they use an automated fogging system twice a week inside the building to ensure that no infestation could build up.
39. It is acknowledged that Veolia manage the operations closely to ensure compliance with both the extant planning permission and the environmental permit. Officers acknowledge that Veolia have made changes to the way the site is operated and managed and procedures remain under review. For example, residents have raised a particular concern relating to the roller-shutter doors to the WTS being left open allowing odour to escape. No evidence of this has been noted during visits, and Veolia is currently investigating the potential to install CCTV cameras to allow the operation of the doors to be monitored and recorded.
40. In terms of recent operations, input into the site continues to be from Ashfield District Council (ADC), Mansfield District Council (MDC) and the County Council's Household Waste Recycling Centres (HWRCs). The total annual input into the site for year up to March 2018 was 51,000 tonnes, significantly below the 75,000 tonnes limit for the site. The carbon filtration system has been operating as normal, with this being tested and refreshed in July 2018. It is noted that the manufacturers' recommendations are to replace at 80 per cent usage, but Veolia advised that they had changed the carbon filter ahead of this. The site will continue to be actively monitored.

## **Proposed Development**

41. The planning applications seek to develop a designated glass storage area adjacent to the main waste transfer building, for the external tipping, storage and bulking of locally collected glass from district kerbside collections and local household recycling centres, and potentially a small quantity from local businesses within the Ashfield and Mansfield area; and to vary a number of planning conditions on the current extant planning permission 4/V/2016/0665 to facilitate these operations, with this request being submitted pursuant to Section 73 of the Town and Country Planning Act 1990.

## Proposal 1

42. Planning permission is sought to construct three 4 metre high concrete block bays within a designated area along the southern boundary of the site, to the immediate west of the main WTS building, to facilitate the safe storage of tipped glass. The structure would comprise a mix of wide blocks (measuring 0.8 metres high by 1.6 metres in length by 0.8 metres in width) and half blocks, of reinforced concrete 'Lego' blocks, stacked lengthways one on top of the other to a maximum height of 4 metres above ground level. The three linked bays would have an overall length of 28 metres and be 11.2 metres in width, with an overall footprint of approximately 314 square metres. There is a further area to the front of the bays for the turning and manoeuvring of vehicles delivering and collecting bulked loads of glass.
43. Any liquid falling on the area of the storage bays would drain to the foul sewer and the design of the scheme incorporates a discharge point to the foul water system.
44. There are no proposals to store glass above the height of the bay walls, and the glass would be bulked on a regular basis and exported to an approved re-processor.
45. All deliveries and collections of glass would be restricted to the hours of 9am to 3pm Mondays to Sundays including Bank and Public Holidays, to accommodate the HWRC deliveries, but with no loading of glass on Sundays.
46. Tipping and bulking would be limited to approximately 80 tonnes per week and would involve 4 to 6 lorry movements per day (i.e. 2 to 3 vehicles in and out). Exports of glass from the site would typically involve 1 to 2 vehicles per week.
47. There would be an annual throughput of approximately 4,000 tonnes of glass per annum (tpa), with this tonnage being accommodated within the currently consented maximum permitted tonnage of 75,000 tpa. Similarly, the importation and export of glass, to and from Welshcroft, would be accommodated within the maximum vehicle movements permitted for the site, and considered at the time of the original proposals within the Transport Assessment.

## Proposal 2

48. Extant planning permission 4/V/2016/0665 permitted the external storage of wrapped and packaged RDF, manufactured within the consented WTS building, within a designated area to the front of the main building. There is no intention on the part of the applicant to use the previously constructed storage area for its currently consented use and the area has been made available for a dedicated glass collection and storage facility, the details of which are set out above.
49. In relation to extant planning conditions 3, 18, 26, 27 and 31 of planning permission 4/V/2016/0665 the following variations are therefore sought:

*Condition 3 (approved plans) seeks a substitution of the relevant general arrangement plan as listed under extant Condition 3 to add in a new drawing illustrating the proposed footprint of the new development.*

*Condition 18 (operational hours) seeks the suggested revision to the wording as follows: 'External glass tipping and/or bulking shall only be conducted between the hours of 0900 hrs to 1500 hrs'.*

*Condition 26a (odour) seeks the suggested revision to the wording as follows: 'With the exception of glass stored on the site, unprocessed waste materials shall be removed from the Waste Transfer Station as soon as possible and in any event within 72 hours of its receipt at the site'.*

*Condition 26h (odour) seeks to remove the reference to the RDF bales storage, with the following amended wording: 'With the exception of the glass stored in the approved external storage area (as detailed on Revised Layout Drawing Reference VES\_TD\_WCROFT\_300\_002)A), no waste shall be stored, loaded or unloaded outside of the waste transfer building'.*

*Condition 27b (litter and dust) seeks the suggested revision to the wording as follows: 'The storage of waste materials within dedicated storage bays/areas inside the waste transfer building. External storage of materials shall be restricted to glass within the approved external storage area. No other waste materials including RDF bales shall be stored outside the building'.*

*Condition 31 (surface and foul water drainage) seeks the suggested revision to the wording as follows: 'The scheme shall incorporate a discharge to the foul water system from the external glass storage, as detailed on Drawing No. E362/E/04 Rev. H Schematic drainage layout received by the WPA on 11<sup>th</sup> October 2016' (albeit that this has been superseded by a Rev K in an approval letter dated 1 January 2017).*

50. In summary, it is considered that the above amendments are minor wording changes to extant planning conditions 3, 18, 26, 27 and 31 of planning permission 4/V/2016/0665 principally associated with the removal of reference to RDF storage within the area proposed for external glass storage.
51. No other changes are being proposed and the waste operations would continue to be controlled by the re-imposition of extant planning conditions to any new planning consent.

## **Consultations**

52. These comments relate to both linked planning applications. Both planning applications have been consulted on separately and the subsequent responses are summarised jointly in the following paragraphs, except for the County Council's Planning Policy comments which specifically relate to each proposal.
53. **Ashfield District Council** *No objection subject to planning conditions ensuring that all the mitigation measures recommended by the noise impact assessment are fully implemented and that on completion of the development a validation report is submitted to the County Council for its written approval. Such measures would include controlling the export of glass onto bulker vehicles, which shall not take place on Sundays; and the offloading and loading of glass which shall be limited to the hours of 0900 hrs to 1500 hrs. Other mitigation*

measures as detailed in Section 6.4 of the Noise Impact Assessment include the bulking bays being formed of 4 metre high concrete blocks and the loading of bulkers in as close proximity to the WTS building as is practicable to maximise the screening effect in the direction of Lowmoor Road receptors (for the purpose of the assessment the offloading is assumed to be to the north of the external glass bays for the 'worst case' noise impact).

54. *Subject to the above mitigation measures, the District Council considers the development to be appropriately located and would not adversely impact neighbouring residents.*
55. *It is confirmed that the Environmental Protection Team have reviewed the submitted Environmental Noise Assessment by Noise & Vibration Consultants Ltd and agree with the findings that the proposal would not have an adverse impact on neighbouring residents located east and south-east of Portland Industrial Estate.*
56. **Environment Agency** *No objection.*
57. **Highways England** *No objection.*
58. *It is confirmed that the proposals would have no material effect on the Strategic Road Network.*
59. **NCC (Highways) Ashfield** *No objection.*
60. *The Planning Statement has confirmed that the proposed glass storage would not generate any traffic in excess of that assessed in the Transport Assessment associated with the original consent. In consideration there are no objections to the amendments.*
61. **NCC (Noise Engineer)** *No objection subject to an additional condition controlling the tipping, bulking and loading of glass to between the hours of 9am to 3pm on weekdays and weekends, with no loading of glass for export from the site on Sundays.*
62. *According to BS4142 there is a low risk of noise impacts from the glass tipping operations and overall cumulative operations from the site, with the calculated 'Rating Levels' well below the recorded background noise levels (L90) during weekdays and weekends. In addition, an assessment of LAMax levels from glass tipping indicates that these levels would be below general ambient noise levels at the nearest noise sensitive receptors. Therefore, it is concluded that residential amenity in respect to noise would not be adversely affected by the current proposals (the tipping, bulking or loading of glass).*
63. **NCC (Planning Policy)** *No objection.*
64. **Proposal 1** - *In relation to the Nottinghamshire and Nottingham Waste Core Strategy Policies (WCS) (Adopted December 2013) WCS4 (Broad locations for waste treatment facilities) and WCS7 (General Site Criteria), this facility will be located within the area of an existing waste transfer facility. Therefore, it is likely to be an appropriate location for these storage bays, if the proposed development is in accordance with the environmental policies (relating to impacts such as noise) contained within the Nottinghamshire and Nottingham Waste Local Plan Chapter 3.*



65. *The proposals may also be supported by Waste Core Strategy Policy WCS8 (Extensions to existing waste management facilities) by potentially improving existing waste management methods at the site and/or increasing the site's capacity.*
66. **Proposal 2** - *The proposals would be supported by Policy WCS8, whereby this application proposes to facilitate the handling of additional materials and improve existing waste management methods on the site.*
67. *The proposals would be supported by Policy WCS13 if it is clearly demonstrated that there would be no unacceptable impact on any element of environmental quality or quality of life (of those working or living nearby) and if the proposed development is in accordance with the environmental policies contained within the Nottinghamshire and Nottingham Waste Local Plan Chapter 3.*
68. **NCC (Landscape)** *No objection.*
69. **NCC (Nature Conservation)** *No objection.*
70. *It is noted that the application site is within an existing recycling facility and it is not foreseen that the proposals would give rise to any significant ecological impact.*
71. **NCC (Reclamation)** *No objection.*
72. *The proposal does not pose any significant risk to site workers, adjacent properties and/or the wider environment from the point of view of contaminated land issues.*
73. **NCC (Flood Risk) Statutory** *No objection.*
74. *The proposals would have no impact on the surface water proposals.*
75. **Western Power Distribution, Cadent Gas Limited Company, and Severn Trent Water Limited** have not responded. Any response received will be orally reported.

## **Publicity**

76. The applications have been publicised separately by means of press notices and site notices which were placed at the site entrance and exit points; on the junction of Wolsey Drive and Lowmoor Road; at the end of Edward Street close to Lowmoor Nursing Home; on the junction of Mary Street and Lowmoor Road; at the junction of David Street and Lowmoor Road; and on Lowmoor Road itself. 38 neighbour notification letters sent to the nearest occupiers on Lowmoor Road, Kirkby-in-Ashfield, including the nursing home, and the nearest businesses in Portland Industrial Estate and on Lowmoor Road, in accordance with the County Council's adopted Statement of Community Involvement.
77. Ten letters of objection to Proposal 1 have been received, three of which are from the same householder. Three further letters of objection to Proposal 2 have been received from three separate households. The reasons for the objections are summarised jointly as follows:

### Noise impact

- a) Forty-two hours of glass impact noise per week is a nuisance as defined by Article 13 of the EU Waste Framework Directive (2008/98/EC) and enshrined in Part 6 of the Waste Regulations 2011, which states that Member States shall take the necessary measures to ensure waste management is carried out without endangering human health, without harming the environment and in particular without causing a nuisance through noise or odours;
- b) A problem of people becoming desensitised to the sound of breaking glass and this could have a knock-on effect for local burglaries;
- c) Additional noise pollution from extra vehicles, glass tipping and increased waste volumes increasing operations to 7 days a week;
- d) Individuals have heard glass recycling bins at supermarkets being emptied and it is an insufferable noise.

### Residential amenity impacts

- e) The number of emissions for such a small town will be overwhelming;
- f) Since operations began there have been endless issues with odours, rodents and pests and residents have been unable to use their gardens and property properly;
- g) The planning proposal will contribute to yet another degradation of residents' living standards. Last year the smell was absolutely horrific and local residents were having to rewash their clothes on the hottest days of the year which is not very eco-friendly;
- h) Current chemical usage, future chemical usage, and extra pollutants from extra lorries, which further impacts on everyone's way of life who lives close to the plant;
- i) Object to an operation generating glass impact noise near residential property especially one scheduled to run six hours a day, seven days a week, as property is less than 150 metres from the site and residents work from home.
- j) Noise impact on a local child with sensory issues surrounding noise, the child would have to be kept indoors with no windows open and wearing ear defenders in own home;
- k) To increase the capacity of the plant is an environmental disaster for the area and the residents and if the proposal goes ahead it would affect the quality of life for some 500 households for the foreseeable future;
- l) The residents in the area are entitled to good clean air and to be able to enjoy their properties.

### Odour impacts

- m) Smell from the fermented glass will be released into the atmosphere;
- n) Adding sickly-sweet 'linen fresh' perfume to the noxious smells does not constitute dealing with a problem, simply residents having to breath in the disguised stink, as well as chemically produced scents;
- o) Unwashed glass being stored at this location will further increase the risks and nuisance caused by odours and pests;
- p) Veolia has stated that odour abatement will never be 100 per cent effective due to the nature of the business, so why are local residents expected to put up with this facility.

#### Traffic impacts and safe access

- q) The amount of traffic using Lowmoor Road will be considerably increased with more traffic 7 days a week causing damage to roads; adding to local pollution levels as well as being a danger to families and the elderly trying to cross roads to catch local transport, and make driving from side streets onto Lowmoor Road even more treacherous;
- r) Additional increase in waste vehicles travelling along Lowmoor Road, the roads are not maintained to a reasonable standard and additional large, heavy vehicles are going to make this even worse; plus creating additional emissions and noise;
- s) Residents already have to tolerate the heaviest of traffic 5 days a week, with weekends still busy but generally consisting of cars, buses and small vans, and the local community do not want heavy traffic on Saturday and Sundays;
- t) Lowmoor Road already carries a staggering volume of traffic from dawn until dusk and beyond; with little respite at weekends, and this plan would add to already heavy traffic volume.

#### Cumulative impacts

- u) Less than 12 months ago, the facilities at the site massively affected surrounding residents with repulsive odours/plagued by foul smells, an infestation of flies from the site; and reports of odours. Residents were left unable to use their gardens for day-to-day activities such as drying washing or relaxing. The Environment Agency insisted on additional controls to help rectify these concerns, and residents do not even know yet if the fracas from 2017 has been solved and yet the operator is applying to expand operations that could introduce new odour vectors and will definitely introduce a source of noise;
- v) Enough problems with flies, rats, and traffic and to expand to glass is another invasion in residents' lives;
- w) It would add to the misery that this WTS has already brought to the area. Kirkby does not need any more noise or stinking industry; there is noise, chemical smells and heavy goods traffic 5 days a week;



- x) It is simply not acceptable that this plant is so close to residential homes and is now being planned to be expanded;
- y) The area is already industry-heavy, which residents tolerate because the vast majority of those businesses close down at weekends, and they cause as little disruption as possible.

#### Health issues

- z) The WTS has caused one resident to be ill and this resident does not want that for her children or for anybody else;
- aa) Obvious occupation by rats in the garden, living under sheds and crossing the lawns at will, residents can do no other than to link this directly to the WTS;
- bb) Homes inundated with flies, with residents filling several hanging fly papers up in their homes in a matter of hours.

#### Publicity arrangements

- cc) Letters were not received informing local residents near the site of either the original application for Welshcroft or this planning application; only 33 or so letters were sent to locals who may have to put up with a lifetime of noise, smells and associated chemical influence in their lives; the council is still adopting the method of publishing a sign on a lamp post, which is an outdated and archaic system, it needs to change and the very least that Planning can do is ensure that there are better ways to inform the public of these proposals;
- dd) underhand tactics to once again push through planning without any hassle;
- ee) no decision should be made until local people have had adequate time to make their feelings known; as it is 'we feel we are being ridden over roughshod and what we feel does not matter and that no one is on our side';
- ff) The fact that the County Council are in partnership with Veolia has made local people extremely suspicious of the way this has been organised; planning permission should not be overseen by a council which has a partnership with this business; it may be legal but it does not feel moral;
- gg) The map that was enclosed with the neighbour letter is a bit misleading, so it is requested that the case officer visits the area.

#### Other issues

- hh) Concerned that value of property has been severely affected by the site's construction;
- ii) If Veolia had intended to be a good neighbour to the area, they would have set up a facility which adequately protected the local community from pests, smells and other disturbances;

- jj) It does not matter what Veolia agrees to, once permission is granted, air and noise pollution will start seven days a week creating health issues for the whole area, as Veolia has demonstrated in the past that it is only interested in profits.
  - kk) The only reason residents' tolerate other industries is they close at weekends and have been here a long time;
  - ll) Currently the glass is sent to a facility in Worksop which is not near any residential area so bringing it so close to homes will only cause complaints.
  - mm) Many residents are putting in complaints to Veolia but are just receiving standard emails saying the same thing every time, so it is felt that problems are being swept under the carpet and the complaints are not being taken seriously.
78. Councillors John Knight, Rachel Madden and Jason Zadrozny have been notified of the applications.
79. Councillor John Knight (Member for Kirkby North) has objected to both of the planning applications. The grounds of objection are summarised as follows:
- a) There is a lack of management expertise at this site at the current level, and therefore it is unclear why an application has been submitted to expand and increase the nature and volume of items to be recycled here. What is the driver behind this expansion and why must this glass be brought specifically to the Welshcroft site, which has already been problematic with its existing recycling load?
  - b) There is currently inadequate managerial capacity on the site to ensure that the additional burden created by this new bottle recycling would be correctly managed to minimise disruption to residents;
  - c) There is a lack of clarity on the intended operational hours for this glass recycling, once again suggesting confusion in the planning from Veolia, not a good sign when they are expanding a site which has suffered from poor operational management and odour issues in the past.
  - d) How is the glass currently collected and managed in Ashfield District? Why do these arrangements have to change?
  - e) What plans do Veolia have for the glass once it has been recycled? This is appearing to be primarily a commercial venture designed to financially benefit Veolia, as opposed to providing any local benefit to the people of Ashfield;
  - f) The initial planning application indicated that no further expansion would be allowed on this site, which was strongly opposed by residents when planning permission was initially applied for;
  - g) There would be a substantial increase in traffic both entering and exiting the site, which in addition to any potential traffic management issues, would also increase noise and pollution from exhaust fumes;

- h) There is further potential noise pollution resulting from the crushing of glass on the site;
  - i) There is strong resident opposition to this proposal, arising not least from issues such as odour emissions which have arisen from poor management of the site to date; residents are mobilising to oppose this application;
  - j) Veolia have another site based in Mansfield which does not impinge on a residential conurbation, and is able to manage glass recycling. Why has consideration not been given to utilising this, rather than expanding a site which is already having a significant negative impact on residents' daily lives?
80. Councillor Cheryl Butler (Ashfield District Council) objects to Proposal 1 on the following grounds:
- a) The facility is already causing problems amongst the residents who live very close to the site;
  - b) Aware of the alleviation measures that Veolia have implemented to counter some of the problems when the site was initially set up, however to add further changes would have a further detrimental impact on the lives of the residents;
  - c) The changes will mean an increase in weekly journeys of 28 (in and out) for large vehicles over and above existing;
  - d) Increased noise and exhaust fumes, as well as inconvenience and highways safety concerns in a residential area;
  - e) It is noted that the applicant states that it is noisy anyway, so the proposal should have no impact, how disrespectful of them not to consider that the increase in noise would be detrimental to the residents;
  - f) Concern that the site is to operate every day including Bank Holidays; surely there has to be some respite in the disruption to the local residents;
  - g) Whilst this is the glass collection, there is concern that it also appears that there is an intent to increase this to include all recyclables (except food): namely card, paper, plastics, wood etc. Is it their eventual intention to have a mini version of the MRF on Crown Farm Industrial Estate in Mansfield? Is this the start of the slippery slope?
  - h) It is hoped that this application will be considered not to be in the best interests of the residents of this area and it is refused.
81. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Introduction

82. Veolia is a global company with expertise in the provision of recycling and waste management solutions for local communities and businesses.

83. To place this type of facility into its strategic context within the practice of sustainable waste management, waste transfer facilities such as Welshcroft Waste Transfer Station (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 appropriate 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 a reduction in transport distances or 'waste' miles.
84. Following a review of operational practices a decision has been taken by the applicant to maintain the storage of RDF within the main WTS building, given that it provides the optimal environmental conditions for treating residual waste. This is considered the most appropriate way forward, given that RDF has proven to remain relatively malodorous even in its manufactured baled and packaged state.
85. These proposals seek to provide a bulking facility for locally collected glass as envisaged at the time of the original application and create space within the building to allow a more effective and safer transfer/treatment process to take place for residual municipal waste within the building.
86. The principle of using the site for waste management operations has been established under the previous extant planning consents, with the suitability of the site having been assessed against relevant policy criteria, with this including the physical and environmental constraints on the development; existing neighbouring land uses; and any significant adverse impacts on the quality of the local environment.
87. Reference is now made to those material considerations relevant to the determination of these planning applications.
88. Material to the decision is an assessment of the environmental and amenity effects associated with the external tipping, storage and bulking of recyclable glass at the WTS, and whether or not the proposals continue to comply with WCS Policy WCS13. This policy supports 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 such development would not result in unacceptable environmental impacts. Also material to this decision are saved environmental protection policies in the Waste Local Plan (WLP).
89. Of particular relevance in the context of these applications are matters relating to associated noise impacts, given that these activities would not be contained within the main building, and given that the applicant seeks to extend deliveries of glass to the Welshcroft facility on Sundays and Bank Holidays.

#### Extended use of the site and compliance with waste planning policy

90. In national planning policy terms, the proposed development is given due consideration in light of the revised National Planning Policy Framework (NPPF)

(July 2018). The revised NPPF makes clear that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the key strategic policies in the Waste Core Strategy (WCS) and relevant saved environmental protection policies in the Nottingham and Nottinghamshire Waste Local Plan (WLP) and the Ashfield Local Plan Review 2002 (ALPR).

91. The WCS and WLP set out the County Council's policies material to the development, with a general presumption in favour of sustainable development.
92. This is directly reflected in WCS Policy WCS1, with this particular policy stating that planning applications which accord with Core Strategy policies and any other relevant policies in the other plans that make up the Development Plan, will be approved by the County Council without delay unless material considerations indicate otherwise. It states that when considering development proposals, the County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the revised NPPF at paragraph 11. This states that in decision taking a presumption in favour of sustainable development should apply. The role of the planning system in terms of achieving sustainable development means encouraging mutually beneficial economic, social and environmental development, with this theme continuing to run through decision-taking. This policy offers principle support for these proposals.
93. Overarching policy direction is set out in the National Planning Policy for Waste (October 2014) (NPPW) with a presumption in favour of sustainable development and resource efficiency (including supporting local employment opportunities and wider climate change benefits), and supporting activities which drive waste up the waste hierarchy.
94. The waste hierarchy which is set out in Appendix A of the NPPW and Figure 2.1 of the WCS identifies that recycling and preparing for reuse of waste material is preferred to disposal, with this being reflected in WCS Policy WCS3 which prioritises the development of new or extended recycling facilities. The proposals would be compliant with these principles, given that the development would enhance the site's capacity to beneficially manage locally collected recyclable glass. This would facilitate the local recycling of more waste material subject to there being no unacceptable environmental impacts. As such, the development would accord with the WCS and NPPW delivering on the key objectives of maximising the recycling of an inert waste stream and assisting in the process of driving waste up the waste hierarchy.
95. The proposals therefore support an upward trajectory in the recycling of glass at a local level, giving appropriate consideration to the waste hierarchy.
96. The principle of the importation and bulking of waste products on the existing site is established and the environmental considerations of the current operations were fully considered at the time of the previous applications. Notwithstanding this, it is considered that there is support in the context of WCS Policy WCS8 in that it states that the improvement of existing waste management facilities will be supported where it would reduce existing environmental impacts. In this respect, the proposals would be beneficial in terms of placing controls over the storage of the baled and wrapped RDF

ensuring that it is undertaken within the main building, including its loading into bulk containers for transport off site. Only glass tipping and associated activities would be permitted outside the main building. As such, it is considered that the development would accord with WCS Policy WCS8 in terms of increasing the range of waste streams managed at the site whilst ensuring that the vast majority of these waste streams are managed within the main waste transfer building. However, this is subject to the glass tipping activities remaining acceptable in terms of environmental impacts.

97. The proposed external bays would be appropriately located having regard to WCS Policies WCS4 and WCS7, being situated within an area of an established waste transfer facility, which is itself located in an industrial estate on land designated for employment. The proposed development would be in accordance with these policies subject to potential environmental impacts remaining within acceptable limits.
98. It is therefore concluded that the local development plan is supportive of the principle of these proposals subject to the development meeting the requirements of WCS Policy WCS13 (Protecting and enhancing our environment) and the saved environmental protection policies in the WLP which require waste facilities to demonstrate acceptable environmental impacts. These effects are considered below.

#### Consideration of environmental and amenity impacts

##### Noise

99. 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 aspects such as operating hours, which is particularly relevant in the case of these proposals; sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and setting maximum noise levels to help minimise noise impacts.
100. The representations from the local community as well as those received from Local Members highlight the concern of the local community to the potential for noise from the offloading and loading of glass and disruption that the perceived additional lorry movements could potentially cause particularly at the weekends and Bank Holidays when residents consider they have a right to enjoy a quieter environment.
101. It is recognised that the tipping of large quantities of glass has the potential to generate significant levels of noise, and accordingly a BS4142 noise assessment has been undertaken of the proposed operations to determine the likely impact at noise sensitive receptors (NSRs). The assessment also confirms that tipping, bulking and loading operations of glass in the outside areas would only take place between 9am and 3pm daily, although this would include Sundays and Bank Holidays. However, there would be no loading of bulkers for export off-site on Sundays.
102. The assessment includes an assessment of the background noise levels and a calculation of the predicted noise levels at NSRs from the tipping and loading of glass and assesses this against the assessment criteria in BS4142:2014



'Methods for rating and assessing industrial and commercial sound' which is the accepted standard for assessing noise levels from these types of operations. An assessment of LAMax levels due to the nature of the noise from tipping of glass has also been undertaken.

103. The nearest sensitive receptors comprise residential property to the east of the WTS in Lowmoor Road with the closest being number 222 which is located approximately 65 metres from the eastern boundary of the site with the Romo Fabrics industrial building located on intervening land between the site and this nearest NSR. Whilst both this building and the WTS building itself would act as an attenuation barrier between the proposed glass operations and the NSRs in Lowmoor Road, measures were built into the original planning permission to ensure that operational noise limits would be acceptable even if the neighbouring building (Romo Fabrics) were to be demolished at some future date as part of any redevelopment of the site. The noise limits established under extant planning consents 4/V/2015/0711 and 4/V/2016/0665 have been applied in the noise assessment, and would continue to be applied under any new schedule of conditions.
104. In assessing noise from the glass offloading, loading and bulking via HGVs or mobile plant at the nearest receptors, tonality, impulsivity characteristics and intermittency have all been considered and the following conclusions reached.
105. In terms of tonality, mobile plant with 'beeper' type reverse alarms is likely to contain this type of characteristic. The mobile plant working on site is fitted with broadband type 'white noise' reverse alarms and taking into account the location of the WTS building, proposed noise mitigation measures and the resultant noise contribution from these noise sources relative to existing residual noise, it would not be expected that tonal noise would be audible at the nearest receptors.
106. Glass offloading and its movement is associated with what is termed impulsivity characteristics. Impulse noise is a category of acoustic noise which includes unwanted, almost instantaneous (thus impulse-like) sharp sounds; and is characterised by transient short-duration disturbances. In terms of impulsivity characteristics this is something that is associated with glass offloading and movement. When the predicted noise contribution at the nearest receptors is taken into consideration together with the LAMax levels and residual noise from road traffic during daytime periods, it is expected that this characteristic would occasionally just be perceptible during short periods when no movement of road traffic occurred (which is uncommon) and based on a 'worst case' scenario a +3dB penalty may be applied.
107. The offloading and loading of glass with associated bulking outside would be intermittent and when the number of events is taken into account along with the predicted noise contribution relative the residual noise levels, the intermittency would not be anticipated to be distinctive during the daytime at the nearest sensitive receptors. This is due to the already existing intermittency character of local road traffic within the vicinity of the NSRs and the site contribution levels compared with ambient noise. However, for purposes of robustness a +3dB penalty has been allowed.
108. A baseline noise survey was carried out at the nearest residential areas to the site to determine typical baseline sound levels, with the noise monitoring being

carried out over a typical weekday and weekend period during appropriate weather conditions to provide a representative time period over which the proposed glass facility seeks to operate. To establish typical existing operational noise levels, a noise survey was also undertaken at the WTS site. The data obtained from these surveys was used to inform the noise model, which also assumed all plant was operating to provide an indication of the highest likely noise level. The methodology took into account source position, distance, duration of activity in relation to site activities and the nearest sensitive receptors. It was also assumed that in terms of LA<sub>max</sub> levels the highest likely peaks would be during offloading into bulking areas or loading into bulker vehicles.

109. The noise assessment has considered the effect of peak noise from the offloading, loading and movement of glass, cumulative noise effect from the air extraction system and noise 'break-out' from the WTS building. The assessment has also included the effect of on-site HGV and mobile vehicle movements.
110. The assessment according to BS4142:2014 concludes that there is a low risk of noise impacts from the glass tipping operations and overall cumulative operations from the site, with the calculated 'Rating Levels' well below the recorded background noise levels (L<sub>90</sub>) during weekdays and weekends. In addition, an assessment of LA<sub>max</sub> levels from glass tipping indicates that these levels would be below general ambient noise levels at noise sensitive receptors.
111. The predicted noise contribution from the operation of the external glass activities of 32dB(A) to 38dB(A) Leq1hr also meets the World Health Organisation's daytime guidance for community noise in relation to protection of amenity.
112. It has been demonstrated that predicted noise levels from the glass tipping, bulking and loading operations including associated mobile plant and HGV movements would be well below the existing representative background sound levels. Waste management activities are therefore considered unlikely to result in any adverse impact in accordance with BS4142: 2014.
113. 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 both impulsive and intermittent noise) remaining below the background noise level during the proposed daytime hours.
114. Therefore, it is concluded that residential amenity in respect of noise would not be adversely affected by the proposals subject to planning conditions restricting the tipping, bulking and loading of glass to between the hours of 9am to 3pm Mondays through to Sundays, including Bank Holidays, and controlling the loading of glass for export from site to weekdays and Saturdays only, with no such operations on Sundays.
115. Both the County Council's Noise Engineer and Ashfield District Council's Environmental Protection Team are satisfied that the proposal would not adversely impact neighbouring residents located east and south-east of Portland Industrial Estate subject to adhering to the mitigation measures set out in the noise assessment, including the loading of bulkers as close to the WTS building as is practicable to maximise the screening effect and associated



attenuation in the direction of residential receptors in Lowmoor Road. Planning conditions would ensure that these recommendations are implemented.

116. 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.

#### Traffic and Highways

117. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated on 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. Paragraph 109 of the revised NPPF states that development proposals should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. Paragraph 102 of the revised NPPF seeks to ensure that the potential impacts of the development on the transport networks are addressed. Also of relevance is WCS Policy WCS11 (Sustainable Transport) which aims to make the best use of the existing transport network and minimise the distances travelled in undertaking waste management.
118. Residents living along Lowmoor Road are concerned about an increase in heavy goods vehicles travelling along their road seven days a week, particularly at the weekends and on Bank Holidays. These concerns are shared by the Local Members. However, attention is drawn to the fact that the extant planning permissions already allow the site to operate seven days a week, and HGV traffic was assessed on this basis at the time of the original planning application.
119. The Transport Assessment (TA) submitted in support of the original planning application identified the anticipated pattern of trips by vehicles importing and exporting waste to the Welshcroft site. It identified the impact on the local highway network including along Lowmoor Road, taking into account weight restrictions in place along Southwell Lane which restrict HGVs from travelling the length of this road.
120. It was concluded that these inbuilt restrictions would prohibit HGV traffic from travelling through the main settlement of Kirkby, and identified that the most straightforward and economically viable route for onward transportation of waste material on leaving the site via Wolsey Drive would involve turning left onto Lowmoor Road, and travelling north to the A38 via Penny Emma Way. It was concluded that there was no reason why vehicles leaving the site should turn right onto Lowmoor Road, thereby taking traffic by the nearest residential properties to the site, 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.
121. It was considered that the site's strategic location combined with its access/egress arrangements meant that outbound vehicles would follow the most efficient route and head towards the A38 (T) and Mansfield Ashfield Relief

Road. Only locally collected waste, mainly from local households and businesses within Kirkby-in-Ashfield would be delivered into the site via Welshcroft Close, with no outward transit of bulked up waste materials via this route.

122. The indications and conclusions to be drawn from the TA were that any onward movement of waste materials would avoid taking HGV traffic by residential property on Lowmoor Road thereby mitigating residential amenity impacts from vehicular noise and vibration, on the nearest sensitive receptors. The TA demonstrated that lorry movements would not give rise to significant disturbance to local residents. As such, subject to planning conditions controlling traffic management, the WTS development was considered to be in accordance with WLP Saved Policy W3.14.
123. There is nothing to indicate that the lorries involved in transporting the recyclable glass would do anything other than follow the same route. In drawing conclusions from the TA with regards to the current proposals, it is reasonable to assume that vehicles would continue to follow the most viable route taking associated traffic away from the nearest residential neighbours in Lowmoor Road. It is considered that the residential amenity impacts for those nearest sensitive neighbours in Lowmoor Road would be minimised in accordance with WLP Saved Policy W3.14 and the revised NPPF based on the conclusions of the TA together with the relatively low numbers of vehicles associated with the proposed development.
124. Material to the proposed development is the fact that the proposed glass storage facility and associated bulking operations would not generate any traffic over and above that assessed in the TA at the time of the original planning application. Within this context, both the County Highways Authority and Highways England are able to support the proposals given that the associated glass operations would have no material effect on either the local highway network or on the strategic road network, and there are no further recommendations from either consultee.
125. Extant planning conditions would be re-attached to any new schedule of conditions and would seek to ensure that the delivery and collecting of glass to and from the WTS would not generate any extra lorry movements above and beyond the 95 vehicles (190 vehicle movements) per day permitted to visit the Welshcroft site over any 24 hour period.
126. To put the proposed glass operations into perspective, it is noted that this relates to a limited throughput of approximately 80 tonnes of glass per week involving low-numbers lorry movements of approximately 2 to 3 vehicles (4 to 6 vehicle movements) per day in relation to glass deliveries to the site. A further 1 to 2 vehicles per week would be involved in collecting bulked glass for export off site. This represents only a small fraction of the permitted levels of vehicles allowed to visit the site. Subject to planning conditions, the proposed development would continue to operate in accordance with WLP Saved Policy W3.14.
127. Another potential benefit of providing glass tipping/bulking facilities at Welshcroft WTS is to improve on the figures for 'waste' mileage. From Welshcroft, bulked glass would be transferred to a recycling facility for reprocessing into reconstituted glass. Currently recycling centre glass is taken to Worksop where

it is bulked and then transferred. Transporting glass from local recycling centres a shorter distance to the Welshcroft transfer station benefits the environment by eliminating the need to transport numerous smaller loads as currently happens now, thereby delivering a reduction in waste miles and associated carbon emissions. The proposal therefore accords with WCS Policy WCS11 (Sustainable Transport) in terms of making better use of the existing transport network and minimising the distances travelled in the managing of local waste. In the event that Ashfield and Mansfield District Councils do contract with the applicant to deliver their glass into Welshcroft these local authorities would get the advantage of a proximate dedicated waste transfer station in their locality, with the benefit of potential efficiency savings for them.

128. Whilst concerns have been raised by residents relating to the safety of pedestrians particularly the elderly, crossing Lowmoor Road to access public transport, it is noted that at the time of the original planning application, in terms of the TA the Highways Authority was satisfied that there were no existing road safety issues in the vicinity of the proposed site. It was considered that the comparatively low levels of traffic that would be added to existing flows as a result of the waste transfer station's development would have no significant impact in terms of road safety; and the junctions would continue to operate within their designed capacity.
129. It is therefore considered that the proposed lorry movements associated with the glass operations would not materially impact on the safety of pedestrians crossing Lowmoor Road given the comparatively low-level of lorry movements associated with these proposed operations.
130. It is considered that the development would not result in a significant material impact on the local highway network in terms of highway capacity or highway safety; or on residential amenity.

#### Operational hours

131. Concerns have been raised by local residents regarding the glass tipping and loading operations extending to seven days a week. Whilst these concerns are acknowledged, it is important that the facility has the ability to allow deliveries of glass and other waste streams seven days a week as it reflects the fact that not only does the facility take household kerbside waste collections, but it also takes waste from Household Waste Recycling Centres (HWRCs). HWRCs are typically busy at weekends, particularly when there is a Bank Holiday and so they need to be regularly emptied so that the public can continue to use them over these long weekends. Subsequently, waste transfer stations in the county need to operate seven days a week to accept these deliveries.
132. The tonnage of glass to be brought into the site for bulking up and onward export is estimated to be in the region of 4,000 tonnes per annum and in consideration of the local residents, the applicant has proposed a daily restriction on the hours the Welshcroft site would accept glass from 9am to 3pm Mondays to Sundays. Again to put these operational hours into context, attention is drawn to the fact that under the existing extant permission, the Welshcroft site already operates between the hours of 7am to 7pm at weekends and on Bank and Public Holidays, with operational hours between 6am to 10pm Mondays to Fridays. Extant planning conditions would be varied to

accommodate the offloading and loading of glass and associated activities between the restricted hours of 9am to 3pm. It is considered that time-limiting these activities together with the intermittent nature of these operations would mitigate amenity impacts on the nearest residential receptors to the site. As such, it is considered that subject to planning conditions limiting operational hours, the proposed development is in accordance with WCS Policy WCS13.

#### Air Quality/Dust

133. Waste operations including associated HGV movements 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. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway.
134. Further policy direction is provided under Appendix B (Locational Criteria) of the NPPW stating that the extent to which adverse air emissions, including dust, is capable of being controlled through the use of appropriate measures, is a material consideration.
135. Current operating practices together with the design of the WTS have proven effective in terms of mitigating dust emissions. The main waste transfer building is fitted with a dust suppression system, for use as and when required. To date, there has been no tipping/storage bays external to this building, and waste material has been handled, stored and processed (including shredding) within the confines of the building. The baled and packaged RDF would continue to be stored inside the building under these proposals. Therefore, there have been no significant fugitive dust emissions associated with the existing development.
136. With regards to the proposals for the outside tipping and storage of glass, it is noted that the received glass would be stored below the height of the proposed storage bay walls. Therefore, it is anticipated that this level of containment would mitigate dust impacts. It is also noted that dry recyclable materials such as glass have low potential for dust generation. As such, the development remains compliant with Saved WLP Policy W3.10 subject to planning conditions controlling the stocking height of the bulked glass.
137. To reduce any potential for lorries transporting mud/debris onto the surrounding road network, which could be a source of potential residual dust emissions, all external servicing areas across the site have been hard-surfaced (bound concrete/tarmac surfacing) to minimise dust generation associated with the movement of vehicles, and to prevent any arisings of mud and debris. The potential for mud and detritus being transported onto the public highway now the facility is operational is extremely limited and this would equally apply to the movement of glass. As such, the proposals accord with WLP Saved Policy W3.11.
138. Extant planning conditions requiring the sheeting of lorries, the cleaning of hard surfaces and storage bays, and the regular sweeping of the external yard areas would be re-imposed in any new schedule of planning conditions in accordance with WLP Saved Policy W3.10.

139. 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 proposed construction of the external storage bays.
140. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated and the pollution control authorities (Environmental Health and the EA) have not raised any concerns relating to environmental impacts such as dust and air quality that could potentially affect public health.

#### Odour

141. 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.
142. Odour has been raised as an issue in the neighbour representations, with concerns that unwashed glass being stored at this location would further increase the risk of residual odours from the site. Whilst it is understandable that odour remains a concern, odour is not considered to be a significant issue associated with the glass operations given that the waste being handled consists of an inert extremely stable material which is not malodorous. Glass is a very different material to the municipal waste and associated RDF manufacture and it is not odorous in nature.
143. The applicant has confirmed that in their experience as a waste operator odour is not an impact that tends to be generated from the external glass tipping, storing and loading activity, as proposed in the planning application. If deliveries of glass include any other materials which have the potential to cause odours, then these should be removed and transferred into the main waste transfer building and a condition would be attached to any permission granted to secure this matter.
144. There is only a negligible risk of malodours being produced by the external glass storage bays, given that the only material being stored is separately collected recyclable glass with limited potential to generate odour. The fact that there is no processing on site means that the material would only be stored for a limited period of time prior to its onward transit to either a permitted re-processor or other suitably permitted site. Any potential sources of residual odour from, for example, contained liquids or rainfall falling on the waste, would be mitigated by the drainage arrangement given that drainage would be direct to the foul sewer via the engineered drainage system. The existing inspection regime would be extended to cover the glass storage area and the storage bays would be subject to regular cleaning.
145. In relation to the proposed glass operations, the applicant confirms that any complaints received would be thoroughly investigated and appropriate actions taken and recorded as necessary. As referenced earlier in the report, there is



an on-line reporting system available to local residents in the event of a complaint.

146. There is nothing to indicate that the proposed development and operation of the external glass storage bays would be anything other than neutral in terms of associated residual odours. As such, the proposals would be fully in accordance with WLP Saved Policy W3.7 and WCS Policy WCS13.
147. Whilst a number of residents have complained about the odour masking agent being used on the site to help overcome odour emissions from current waste operations, WLP Saved Policy W3.7 supports the use of such measures.
148. The proposals would be beneficial in terms of regularising the on-going storage of manufactured RDF within the main waste transfer building, thereby efficiently optimising odour control. Sufficient internal storage space is available provided recyclable materials such as glass are managed outside. The controlled environment inside the WTS building would limit odour emissions escaping the building into the atmosphere.
149. Improvements have been made to the internal odour management system, notably the introduction of a carbon filter system which works by removing potentially malodorous air from the building by an extraction system which involves diverting the air through a series of activated carbon filters before being expelled from the building. These proposals would ensure that the final stages of the operational practices involving the storage of the shredded, baled and wrapped RDF and its loading onto bulker lorries for export off site 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 Lowmoor Road. The controlled environment inside the building would limit odour emissions associated with these final processes.
150. Overall, it is concluded that odour emissions from the storage and onward export of RDF is capable of being suitably controlled as demonstrated under these proposals and subject to the variance of extant planning conditions, would not cause nuisance to surrounding residential and commercial property thus satisfying the requirements of WLP Saved Policy W3.7.
151. Attention is drawn to the fact that a waste permit covering on-site waste operations would be the primary regulator with regards to odour management control.
152. Both the revised NPPF and NPPW reference the fact that it is the pollution control organisation's 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 continue to be imposed and monitored by the EA through the permitting regime, to ensure local amenity is protected. The intention of the WPA is not to duplicate these controls.
153. Overall, it is concluded that odour emissions from glass handling 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.

### Visual impact

154. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities and associated activities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights.
155. The visual impact of the development is assessed as being low to insignificant. The WTS and Romo buildings would screen the development from the nearest residential property in Lowmoor Road with views of the bays being obscured.
156. The development would be visually integrated into the wider industrial setting, and the scale and massing of the proposed concrete bays would not be dissimilar to other industrial type ancillary structures on the Portland Industrial Estate. With regards to materials, the proposal is of a functional reinforced concrete construction, which together with the proposal's scale, form, massing and height is acceptable development given its industrial setting. The proposal would be proportionately lower than the eaves of the main waste transfer building and subject to planning conditions, which would seek to ensure that the bay structure is completed in accordance with the submitted details, and placing controls over its height, the proposal would accord with WLP Saved Policy W3.3 in terms of visual amenity impacts. The proposed development is also in accordance with Saved Policy ST1 of the ALPR given that it would not adversely affect the amenity of neighbouring properties.

### Contamination

157. The proposals relate to an inert recyclable waste stream which glass is, with no implications for contaminant issues, and the manufactured RDF would remain contained within the WTS building.
158. The County Council's Reclamation Officer has confirmed that the development does not pose any significant risks in terms of contaminated land issues, either in respect of site workers, adjacent properties and/or the wider environment. As such, the development would remain compliant with WCS Policy WCS13.

### Vermin

159. Representations from local residents have identified pests and vermin (flies and rats) as a concern in relation to the proposed glass operations. However, the recyclable glass and any residual contents would not provide a significant and accessible food source to attract pests and vermin. A supporting statement outlines a number of measures that would be taken by the operator to address any negligible risk, including the tipping of glass within the designated storage area in accordance with the conditions of the environmental permit; the regular cleaning and inspection of the storage bays; minimising the time the collected glass is held on the site; and as required, a specialist pest controller would be contracted to inspect the site.
160. The main controls to limit nuisance from vermin would continue to 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. The current permitting regime controls site operations, and in particular, ensures

the regular throughput of incoming waste and its rapid turnaround, which limits the potential for vermin nuisance.

161. Efficient operational practices seek to minimise the potential for vermin and pests and this regime would continue to be supplemented by regular inspections by external specialist pest controllers. Other mitigation measures would include the handling and storage of residual municipal waste materials in the confinement of the waste transfer building only; and these proposals seek to ensure that the manufactured RDF, even when baled and packaged, remains contained in the building. Other measures include 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 recyclables to approved waste treatment facilities, to minimise the time collectables are held on site after receipt. Added to this, there would be extremely limited outside storage of waste, with this only extending to recyclable glass.
162. Subject to the implementation of the measures detailed above and the rigorous application of the Environmental Permit, vermin is considered capable of being suitably controlled and the proposals should not give rise to any associated problems.

#### Health impact

163. Whilst the neighbour representations have raised issues regarding health impacts associated with operations at the WTS, it is pointed out that these proposals relate to the construction of glass storage bays and associated operations; and the retaining of RDF inside the building, including during its loading for export off site.
164. There is nothing to indicate that there are any health impacts associated with the treatment of glass. It is a non-hazardous, inert waste stream, and the site is subject to the EA's waste permitting regime, placing pollution controls over the site. The pollution control authorities (Environmental Health Team and EA) have not raised any concerns relating to impacts on public health associated with Welshcroft's waste operations. The indications are that the proposed development would have a neutral impact on the health of the local population.

#### Drainage and surface water

165. Policy W3.5 of the WLP states that planning permission should not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water.
166. The storage bays would be located outside within the area previously proposed for the storage of wrapped RDF bales, with this area having been constructed to drain to the foul sewer via the engineered drainage system, thereby capturing any liquids from glass or rainfall falling on the glass waste.
167. The glass would be stored outside within a sealed drainage area and would meet the required standards imposed through the site's environmental permit. The variation of planning conditions would ensure that the RDF would not be stored external to the building.



168. It is noted that the development would be constructed on impermeable hardstanding and incorporates a closed water collection system, preventing seepage into the groundwater. It is considered that the drainage scheme for the disposal of foul and surface water is appropriately robust having been constructed for the storage of RDF and complies with the appropriate pollution control authority. This would serve to mitigate any potential impacts, in terms of polluting local ground or surface water, albeit that this would not be expected given that glass is an inert, stable, non-hazardous material. As such, the proposed development would be fully in accordance with WLP Policy W3.5.
169. The County Council as Lead Flood Risk Authority has confirmed that no impacts on surface water would arise from these proposals.

#### Litter Control

170. WLP Policy W3.8 requires planning decisions to have regard to the potential for litter nuisance and the measures to be put in place to minimise impacts.
171. The external storage of waste has potential to create litter, but in this instance it is considered that the 4 metre high bay structures would be sufficient to contain the recyclable glass, given that the glass would be stored below the height of the bay walls, so that it is completely contained. This would ensure that the glass is not vulnerable to wind-blow and dispersal.
172. A number of key measures are in practice to minimise the occurrence of windblown litter, with the site being managed in accordance with good practice guidelines. The EA's permitting regime covering site operations places controls over litter and the WTS operates under stringent site management procedures to ensure windblown litter is effectively managed in accordance with the site's Environmental Permit.
173. Measures deployed would include all tipping and storage of municipal residual waste materials being undertaken within the waste transfer building, and under these proposals that would include the baled and wrapped RDF. This would effectively minimise the potential for windblown litter. Transportation of waste materials would be within enclosed or sheeted vehicles, and these arrangements would remain in place and be extended to the transporting of glass. Other measures 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.
174. Perimeter security fencing would also assist in minimising windblown litter releases from the site.
175. Extant Condition 27 covers the suite of measures detailed above and under these proposals would be varied to ensure that the external storage of materials is restricted to recyclable glass only. It would remove the reference to the external storage of baled RDF. A similarly worded condition would also be attached to any consent issued for the glass storage bays, and subject to this it is considered that the proposed development would not give rise to any significant litter concerns and would be compliant with WLP Saved Policy W3.8.

#### Sustainability

176. WCS Policy WCS1 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 core objective of supporting sustainable waste management practices in the Ashfield/Mansfield area. These proposals would enhance the management of waste as a local resource in line with the proximity principle and facilitate the more efficient collection and transportation of glass by collecting it in bulk at a local strategic collection point, thereby reducing the multiple shorter trips that presently occur, and the overall 'waste' miles.
177. It primarily achieves the objective of moving locally collected recyclable glass up the waste hierarchy in accordance with national and local waste policy, by way of the export of bulked up glass for re-processing. It would promote the diversion of recyclable waste from potential landfill disposal, for reprocessing offsite. As such, the proposals would accord with the overarching policy objective of achieving sustainable development in line with the revised NPPF, the NPPW and WCS Policy WCS1. The original planning proposals envisaged recyclable waste streams being managed at Welshcroft, and these proposals actually put this into practice.
178. The application has been considered against the revised NPPF, the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable development by directly increasing the capacity of a sustainable waste management operation.
179. The proposal accords with the principles of sustainable development, and in line with this policy direction, delivers on core objectives in terms of supporting and enhancing an existing waste materials recycling operation.

#### Publicity/Consultation

180. A constant theme of the neighbour representations has been the perceived shortcomings surrounding the WPA's arrangements for publicising the planning applications and notifying local residents.
181. In response, it is considered that appropriate publicity/consultation was carried out for both planning applications by the County Council as part of the planning application process. This involved the applications separately being advertised by a press notice in the Mansfield Chad on the 25<sup>th</sup> April 2018 (Plg. Ref. 4/V/2018/0233) and 18<sup>th</sup> July 2018 (Plg. Ref. 4/V/2018/0417), site notices were placed around the locality and clearly displayed, including at the site entrance and egress. Again for both applications, 38 neighbour notification letters have been sent to the nearest residential properties in Lowmoor Road, including Lowmoor Nursing Home, and including eleven businesses on Lowmoor Drive, Welshcroft Close and Wolsey Drive, in accordance with the County Council's Adopted Statement of Community Involvement (Nottinghamshire County Council's Statement of Community Involvement 2018 Adopted March 2018). These were identified as being the nearest sensitive properties to the proposals and those that have the potential to be directly affected by the development.
182. The same publicity arrangements were followed for each of the two planning applications.

183. As raised by a local resident, it is also confirmed that the case officer did visit the site as part of this process.

#### Other Issues

184. The following paragraphs seek to address various concerns raised by Local Members which have not so far been covered in the main body of the report.
185. Welshcroft WTS is not currently a recycling site, it is a residential waste treatment facility and no request has been made by the applicant to increase the tonnage of residual waste accepted at the site as part of these proposals, but simply to bring in relatively low-level quantities of glass waste from the local area within the overall permitted tonnage of 75,000tpa.
186. The proposed development does not represent a further expansion of operations compared to what was initially permitted given that the collection and bulking of recyclables including glass formed part of the original planning application. The only amendment to working practices is to contain the RDF storage inside the main building and to undertake glass tipping outside to ensure sufficient space remains available inside the building.
187. For clarification, the initial planning application for the development of the WTS only received a single representation from the adjoining site occupied by Romo Fabrics.
188. The applicant refutes the criticisms levelled at its Welshcroft site regarding the inadequate management of current waste operations, and have countered this by pointing out that the manager and his team are experienced and hold the required technical qualifications to operate this type of facility. It considers that the operation of the site has in fact been exemplary, and that when Veolia's investigations identified that improvements could be made to the technical solution for odour abatement these were made without delay. Attention is drawn to the fact that the regulators have always been supportive of the company's proactive approach. This is borne out by the main regulatory bodies, with the EA and the WPA generally satisfied that the Welshcroft site is well managed. Whilst there is further scope for improvement for as long as complaints from local residents are being received and there is a requirement on the part of the operator to remain vigilant, there is a recognition that the situation has significantly improved since the summer of 2017 when there was an identified odour issue. The absence of complaints to the applicant's on-line reporting system during August and September should also be noted (see paragraph 33 above).
189. It is considered that there is sufficient management expertise on the site at the current operational level to be able to diversify into recyclables, with this extending to glass, as envisaged at the time of the original planning application for the WTS. Under that submission, it was stated that whilst the site would predominantly handle residual waste from householders in the Ashfield and Mansfield districts and local businesses, it would have the flexibility to accept recyclable materials. Supporting information anticipated that this would involve deliveries of dry recyclables (including glass, paper, card, plastics, cans, and wood) which would arrive as separate collections and would be tipped into designated bays within the building, for bulking up and onward transit.

190. The applicant would use the site to tip recycling centre glass, and if and when its proposed new service commences, envisages attracting glass from Ashfield and Mansfield Districts. In order to attract this glass supply, Veolia needs to have the consent of both the EA and the WPA; with the EA having already consented this, these proposals seek similar consent from the County Council as the Waste Planning Authority.
191. The applicant has confirmed that it is not responsible for the collection of glass in Ashfield District and is not aware as to whether or not these arrangements would change.
192. Substantive environmental controls covering the waste management operations would continue to be dealt with under an environmental permit authorised by the EA, and enforced by them. The WPA is satisfied that the waste management facility is appropriately regulated to ensure that it meets current environmental standards.

#### Non-material issues

193. It is advised that the concern raised by local residents regarding impacts upon property values is not a material planning consideration.

#### **Other Options Considered**

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

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

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

#### Crime and Disorder Implications

196. The development would be located within an established waste transfer site benefiting from perimeter security fencing, security lighting and CCTV coverage.

#### Data Protection and Information Governance

197. All members of the public who have made representations on these applications are informed that copies of their representations, including their names and addresses, are publically available and are retained for the period of the applications and for a relevant period thereafter.

### Human Rights Implications

198. 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 tipping and storage of glass in storage bays external to the building, and its transport off site. The proposals have the potential to introduce impacts such as noise and traffic upon the nearest residential receptors to the site at weekends and Bank and Public Holidays. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting a local waste management facility to beneficially treat/manage recyclable glass and support potential reductions in waste miles and carbon emissions. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

199. The report and its consideration of the planning applications have been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

### Implications for Sustainability and the Environment

200. These have been considered in the Observations section above.
201. There are no financial, human resource, safeguarding of children and young adults at risk or implications for service users.

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

202. In determining these applications 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 revised National Planning Policy Framework.

### **RECOMMENDATIONS**

203. It is RECOMMENDED that planning permission be granted for planning application 4/V/2018/0233 subject to the conditions set out in Appendix 1.
204. It is RECOMMENDED that planning permission be granted for planning application 4/V/2018/0417 subject to the conditions set out in Appendix 2.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments [SG 11.10.18]**

I confirm that the recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference. Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.

### **Comments of the Service Director - Finance [RWK 08/10/2018]**

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

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

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

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

Kirkby North

Councillor John Knight

Report Author/Case Officer

Deborah Wragg

0115 9932575

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

**RECOMMENDED PLANNING CONDITIONS (4/V/2018/0233)**

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 of the development within 7 days, of its occurrence.

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

3. The development hereby permitted shall only be carried out in accordance with the submitted application, recommendations of reports and the following plans and drawings, except where amendments are made pursuant to the other conditions below:

(a) Planning application form received by the WPA on 21st March 2018;

(b) Location Plan titled 'Site Location Plan' Drawing No. VES\_TD\_WCROFT\_300\_001 Revision A received by the WPA on 21<sup>st</sup> March 2018;

(c) Supporting Statement received by the WPA on 5<sup>th</sup> April 2018;

(d) Drawing titled 'GLASS\_BAY\_ELEVATIONS' Drawing No. VES.DTO\_WCROFT\_300\_013 received by the WPA on 9<sup>th</sup> April 2018;

(e) Site Layout Plan titled 'Proposed Site GA' Drawing No. VES\_TD\_WCROFT\_300\_002 Revision A received by the WPA on 10<sup>th</sup> April 2018;

(f) Environmental Noise Assessment Relating to External Storage & Bulking of Glass by Noise & Vibration Consultants Ltd, Ref.No.: R18.0602/DRK dated: 2<sup>nd</sup> July 2018, received by the WPA on 20<sup>th</sup> July 2018.

*Reason: To define the permission and for the avoidance of doubt.*

4. Except in the event of an emergency or with the prior written agreement of the WPA, no construction work, including deliveries, shall be carried out or plant operated other than between the following hours:

07:30hrs to 18:00hrs Mondays to Fridays,

0800hrs to 13:30hrs on Saturdays;

and at no times on Sundays, Bank or Public Holidays.



*Reason: In the interests of residential amenity and to accord with W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

5. No vehicles either involved in the construction work or in the glass operation works shall leave the waste transfer site in a condition whereby mud, clay or other deleterious materials are carried on to the public highway.

*Reason: In the interests of highway safety.*

6. The concrete bay walls hereby permitted shall not exceed 4 metres in height.

*Reason: To ensure there are no visual amenity impacts and to accord with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

7. The stockpiles of glass shall not exceed the height of the storage bay walls or extend beyond the front edge of the bay walls.

*Reason: To ensure that the glass is contained in the storage bays and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

8. The maximum number of HGVs arriving/departing the site, including those associated with Planning Permission 4/V/2018/0417, shall not exceed 95 trips (190 two-way movements) in any 24 hour period and this figure shall include lorry movements associated with glass operations (offloading/tipping and collecting/loading of glass). 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.*

9. The maximum amount of glass material accepted at the site shall not exceed 4,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of glass 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.*

10. The development hereby permitted, shall only take place within the following hours:

Mondays to Sundays, including Bank and Public Holidays for glass deliveries and tipping	09:00hrs – 15:00hrs
Mondays to Saturdays, for the loading of glass onto bulker vehicles and export of glass on bulker vehicles (there shall be no export of glass on bulker vehicles on Sundays)	09:00hrs – 15:00hrs

*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.*

11. 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.*

12. Measures shall be employed to ensure that litter and dust generated within the site during the operational phase of glass related activities are kept to a minimum and are 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 recyclable glass within the dedicated storage bays shown on Drawing No. VES\_TD\_WCROFT\_300\_002 Revision A. External storage of materials shall be restricted to recyclable glass only within the approved storage area. No other waste materials shall be stored outside the 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 external hard surfaces;
- (e) The vehicle wash bay shall be maintained in working order at all operational times;
- (f) The sheeting of all unenclosed recyclable glass 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.*

13. The loading of bulkers shall be carried out in as close proximity to the waste transfer building as is practicable to maximise the screening effect in the direction of Lowmoor Road receptors (for the purpose of the assessment the offloading is assumed to be to the north of the external glass bays for the 'worst case' noise impact).

*Reason: In the interests of amenity and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. Noise levels from the site associated with the tipping, bulking and loading of glass into bulker vehicles for export off site shall 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.*

15. 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.*

16. 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.*

17. The operator shall inspect all incoming loads of glass upon delivery to the site. Any putrescible or potentially odorous wastes contained within incoming loads of glass shall be removed from those loads immediately upon receipt and moved to the main waste transfer building.

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

#### Notes to applicant

1. The Environment Agency notes that the previous/existing use at the site is a waste transfer station. There may be the need for the current site operator to surrender or apply for a variation of any existing permit and in this regard it is advised that the applicant contacts the Environment Agency at [RegulatedIndustryDNL@environment-agency.gov.uk](mailto:RegulatedIndustryDNL@environment-agency.gov.uk)

## RECOMMENDED PLANNING CONDITIONS (4/V/2018/0417)

### Scope of the permission and approved plans

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 of the development within 7 days of its occurrence.

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

3. This permission is for the continued operation of a waste transfer facility within the area outlined in red on Location Plan Drawing No. VES\_TD\_WCROFT\_300\_001 Revision P2 titled 'Existing Site Plan' dated 02.10.15 and received by the WPA on 17<sup>th</sup> May 2018 involving the import, bulking, and processing (shredding) of residual municipal waste materials from local households and businesses with all operations only permitted within the waste transfer building shown on Plan Drawing No. VES\_TD\_WCROFT\_300\_002 Revision A titled 'Proposed Site GA' dated 05.03.2018 and received by the Waste Planning Authority (WPA) on 17<sup>th</sup> May 2018; and the external tipping, storage, bulking and export of dry recyclable glass only within the area edged red on Plan Drawing No. No. VES\_TD\_WCROFT\_300\_002 Revision A titled 'Proposed Site GA' dated 05.03.2018 and received by the WPA on 17<sup>th</sup> May 2018. The development shall be carried out and maintained in accordance with the following plans and documents, except where amendments are made pursuant to the other conditions below:

Original Documentation submitted in support of Planning Application 4/V/2015/0711 (except where amended by current Section 73 submission)

- (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\_-003 REV P4 Proposed Site GA Vehicle Tracking dated 3 June 2015;
- (e) Site layout as shown on Drawing No. VES\_TD\_WCROFT\_300\_002 Revision A titled 'Proposed Site GA' dated 05.03.2018 and received by the Waste Planning Authority (WPA) on 17<sup>th</sup> May 2018

- (f) Drawing Number 1602-C05 F Revised Waste Transfer Building and Elevations and provision of revised air extraction system and containerised units received by the WPA on 16 June 2017 under NMA/3677 and approved 27 July 2017
- (g) Drawing Number VES\_TD\_WCROFT\_300\_006 Revision P2 – WTS Building Fencing and Gate Details received by the WPA on 5 November 2015;
- (h) Weighbridge cabin elevations and layout shown on Drawing 9360563-003.dwg (floor plans) and 1602 C08 Rev D (elevations) received by the WPA on 16 June 2017 under NMA/3677 and approved 27 July 2018.
- (i) Drawing Number ST14407-003 – Softworks Plan received by the WPA on 5 November 2015;
- (j) Drawing Number 1602-C09 D Welfare Cabin Elevations and internal layout shown on Drawing Number 9360564.001.dwg both received on 16 June 2017 under NMA/3677, including a colour change to Moss Green RAL6005 and approved on 27 July 2017;
- (k) Environmental Noise Assessment Relating to Proposed WTS by NVC Ltd received by the WPA on 5 November 2015;
- (l) Transport Statement by BWB Consultancy received by the WPA on 5 November 2015;
- (m) Flood Risk Assessment and Conceptual Drainage Strategy September 2015 by Wardell Armstrong received by the WPA on 5 November 2015;
- (n) Proposed Site GA Vehicle Tracking received by the WPA on 6 July 2016.

Documents submitted in connection with Section 73 planning application 4/V/2016/0665

- (a) Planning application forms received by the WPA on 11 October 2016;
- (b) Supporting statement received by the WPA on 11 October 2016.

Documents submitted in connection with Section 73 planning application 4/V/2018/0417

- a) Supporting Statement and planning application forms received by the WPA on 17<sup>th</sup> May 2018 and 22<sup>nd</sup> May 2018 respectively except for the reference to Condition 23(a) which should make reference to Condition 18 instead;
- b) Environmental Noise Assessment by Noise & Vibration Consultants Ltd. Ref. No.: R18.0602/DRK, dated 2<sup>nd</sup> July 2018 and received by the WPA on 20<sup>th</sup> July 2018.

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

## Construction Materials

4. The buildings and boundary fencing/gates provided on the site shall be maintained to the following specification for the duration of the development:

### 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: Moss Green RAL6005

### Fencing and Gates

- Moss Green Palisade and Paladin

*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

5. The floodlighting on the site shall be installed and maintained in accordance with the approved details shown on the external lighting plan Drawing No. 0464-E04 Rev. A titled 'External Electrical Services Layout' received by the WPA on 19<sup>th</sup> December 2016; Drawing entitled 'Horizontal Illuminance (lux)' (Project No. C2016-0464) received by the WPA on 19<sup>th</sup> December 2016 and the details shown on THORN sheets entitled 'Areaflood LED' 96269125 AREA2 84L35 A/CB L740 CL1, 'Areaflood LED' 96269129 AREA2 84L70 A/CB L740 CL1, 'HiPak' 96642757 HIPAK LED 25000-840 HF WD and Drawing entitled 'Steel Tubular Columns (QCZR)' QCS1C8M/96227658 QCZR COL 8M MGR ST LN received by the WPA on 19<sup>th</sup> December 2016 and the details contained in a letter from Veolia dated 19<sup>th</sup> December 2016, Ref: Notts/Welshcroft/WPA/Cond\_JC19122016, received by the WPA on 19<sup>th</sup> December 2016 and approved in writing by the WPA in a letter dated 14<sup>th</sup> March 2017 in relation to Condition 6 of planning permission 4/V/2015/0665. The details indicate that the



lighting is focused around the operational areas with spillage beyond the site boundary minimised.

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 16 below.

The floodlighting shall thereafter be 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.*

#### Access and Parking

6. The concrete and tarmac site access areas shall be maintained for the duration of the development.

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

7. The visibility splays of 2.4m x 47m shall be maintained in accordance with the 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 as part of Condition 9 of planning permission 4/V/2015/0711. 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.*

8. At all times, measures to prevent the deposit of debris upon the adjacent public highway shall be carried out in accordance with the details contained in a letter from Veolia dated 1<sup>st</sup> August 2016 Reference Notts/Welshcroft/WPA/Cond\_JC01082016 received by the WPA on 2<sup>nd</sup> August 2016 and approved by the WPA in a letter dated 17<sup>th</sup> August 2016 in relation to Condition 10 of planning permission 4/V/2015/0711. The approved measures shall thereafter be maintained for the duration of all site operations.

*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.*

9. If the measures to prevent the deposit of debris on the adjacent public highway approved under Condition 8 above prove to be ineffective, then, within two weeks of a written request from the WPA, additional measures, 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.*

10. The gates at the access point shall open inwards only and be constructed in accordance with the details shown on Drawing Number 1602-C11 A approved in relation to Condition 28 of planning permission 4/V/2015/0665 .

*Reason: In the interest of highways safety.*

11. The road and footway extension on Wolsey Drive shall be maintained in accordance with the approved details shown on Drawing titled 'Section 278 and adoptable highway works Wolsey Drive – Drainage layout' Drawing No. E362/R/02 Rev. E' received by the WPA on 2<sup>nd</sup> February 2017, Drawing titled 'Section 278 and adoptable highway works Wolsey Drive – Long Sections' Drawing No. E362/R/03 Rev. C, received by the WPA on 2<sup>nd</sup> February 2017, Drawing titled 'Section 278 works Welshcroft Road Site Entrance' Drawing No. E362/R/04 Rev. A received by the WPA on 2<sup>nd</sup> February 2017 and Drawing titled 'Section 278 and adoptable highway works Wolsey Drive – Highway layout' Drawing No. E362/R/01 Rev. G, received by the WPA on 1<sup>st</sup> March 2017, as approved in a letter from the WPA dated 14<sup>th</sup> March 2017 in relation to Condition 13 of planning permission 4/V/2015/0711. The development shall thereafter be maintained in accordance with the approved details.

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

12. The surfacing and marking out of the site car park and servicing arrangements shall be appropriately maintained, and drained in accordance with Drawing No. E362/E/04 Rev. K Schematic drainage layout received by the WPA on 7<sup>th</sup> November 2016 an approved in relation to Condition 31 of planning permission 4/V/2015/0711 such that surface water does not discharge onto the public highway. The development shall thereafter be maintained in accordance with the approved details.

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

### Traffic

13. 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.*

14. The HGV traffic routeing to and from the Waste Transfer Station site including on site signage directing vehicles leaving the site; and details of written instructions to be given to drivers to inform them of the appropriate route to be taken shall accord with the details contained in the document entitled 'Outline HGV Traffic Management Plan, Welshcroft Close RDF' (dated March 2017)' and the details contained in a letter from Veolia dated 15<sup>th</sup> March 2017, Reference No. Notts/Welshcroft/WPA/Cond\_JC15032017 and approved by the WPA in a letter dated 19<sup>th</sup> May 2017 in relation to Condition 16 of planning permission 4/V/2016/0665.

The traffic management plan and the signage shall thereafter be implemented and maintained in full accordance with the approved details 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

15. The landscaping scheme (including the appropriate treatment of the Japanese Knotweed) shall be implemented and maintained in accordance with the approved Plan titled 'Site Plan' Drawing No. 1602-C12 E received by the WPA on 1<sup>st</sup> March 2017 and the details pertaining to the Japanese Knotweed detailed in a letter from Veolia dated 19<sup>th</sup> December 2016, Reference Notts/Welshcroft/WPA/Cond\_JC19122016, received by the WPA on 19<sup>th</sup> December 2016, and approved in writing by the WPA in a letter dated 14<sup>th</sup> March 2017 in relation to Condition 17 of planning permission 4/V/2016/0665.

The planting scheme shall be maintained in accordance with the approved maintenance scheme including a mowing regime for the wildflower areas, 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

16. Except in the case of an emergency when life, limb or property are in danger and such instances are to be notified in writing to the WPA within 48 hours of its 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 arriving and exiting the site at a maximum

rate of two HGV trips per hour (four movements) and associated tipping/bulking operations which shall be contained within the waste transfer building.

Glass Operations (external to the waste transfer building)

Mondays to Sundays, including Bank and Public

Holidays for glass deliveries and tipping 09:00hrs – 15:00hrs

Mondays to Saturdays, the loading of glass onto

bulker lorries and its export

09:00hrs – 15:00hrs

There shall be no loading or export of glass on Sundays.

*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

17. Noise levels from the site shall not exceed the background noise level (L90) at any nearby receptor when assessed in accordance with BS4142:2014. The noise level shall 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.*

18. 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.*

19. 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.*

20. 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.*

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

- (a) Eastern and southern building facade Min composite Rw=35dB

- (b) Building roof min composite Rw=35dB
- (c) All other facades min composite Rw=25dB

*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. The approved Noise Management Plan entitled 'Welshcroft Close Waste Transfer & Treatment Facility – Noise Management Plan (dated March 2017) and the details contained in a letter from Veolia dated 15<sup>th</sup> March 2017, Reference No. Notts/Welshcroft/WPA/Cond\_JC15032017 and approved by the WPA in a letter dated 19<sup>th</sup> May 2017 in relation to Condition 25 of planning permission 4/V/2016/0665. Within 1 month of the commencement of this development the approved Noise Management Plan shall be reviewed and amended accordingly to take account of the external glass operations including tipping/bulking and loading of bulker lorries for export off site, such revised scheme shall be submitted to and approved in writing by the WPA. The site shall be operated in accordance with the approved amended 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

23. 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) With the exception of glass stored on the site, unprocessed waste materials shall be removed from the Waste Transfer Station as soon as possible and in any event within 72 hours of its receipt at the site;
  - (b) 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;
  - (c) The regular cleaning of all areas within the waste transfer building and the external glass storage area as shown edged in red on Drawing No. VES\_TD\_WCROFT\_300\_002 Revision A titled 'Proposed Site GA' dated 05.03.18 and received by the WPA on 17<sup>th</sup> May 2018;
  - (d) 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;
  - (e) The use of masking agents where necessary to neutralise any malodours;
  - (f) No vehicles loaded with waste shall be parked outside the waste transfer building except where securing loads for departure from the site;
  - (g) All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted;

- (h) With the exception of glass stored in the approved external storage area (as detailed on Drawing No. VES\_TD\_WCROFT\_300\_002 Revision A titled 'Proposed Site GA' dated 05.03.18 received by the WPA on 17<sup>th</sup> May 2018), no waste shall be stored, loaded or unloaded outside the waste transfer building.

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. In the event that these additional steps fail to prevent odour releases from the external storage of glass then the operator shall cease external storage of these materials within 14 days of a written request from the WPA.

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

#### Litter and Dust

24. 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. External storage of materials shall be restricted to glass within the external storage area. No other waste materials including RDF bales shall be stored outside the building.
- (c) The use as appropriate of water bowsers 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.*

25. The perimeter security fence and gates (including access to the Welbeck Ecology Site) shall be maintained in accordance with the approved details shown on Drawing No. 1602-C11 A, titled 'Fence & Gates' dated September 2016 by JCP Architects and details shown on specification sheet titled 'IAE DUEX 868', as received by the WPA on 7<sup>th</sup> November 2016 and details contained in a letter from Veolia dated 4<sup>th</sup> November 2016, Reference Notts/Welshcroft/WPA/Cond\_JC04112016, and approved by the WPA in a letter dated 6<sup>th</sup> February 2017 in relation to Condition 28 of planning permission

4/V/2015/0665. The perimeter fencing and gates shall 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 the satisfactory enclosure of the site.*

#### Vermin

26. 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

27. The maximum amount of waste material, including recyclable glass, 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*

#### Surface and foul water drainage

28. The surface water and foul water drainage scheme shall incorporate a discharge to the foul water system from the external glass storage area, as detailed on Drawing No. E362/E/04 Rev. K Schematic drainage layout, Drawing No. E362/E/05 Rev C Drainage details sheet 1 and Drawing No. E362/E/06 Rev B Drainage details sheet 2 received by the WPA on 7<sup>th</sup> November 2016 accompanying design statement and calculations and approved by the WPA in a letter dated 11<sup>th</sup> January 2017 in relation to Condition 31 of planning permission 4/V/2015/0711. The drainage scheme shall be maintained for the duration of the development, or as modified as a result of the glass storage planning permission.

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

29. 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.*

30. 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

31. 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.

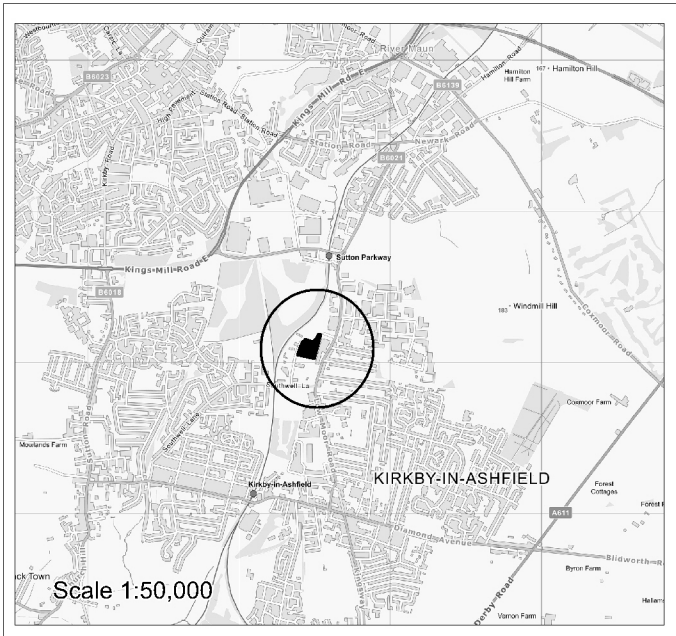
*Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

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

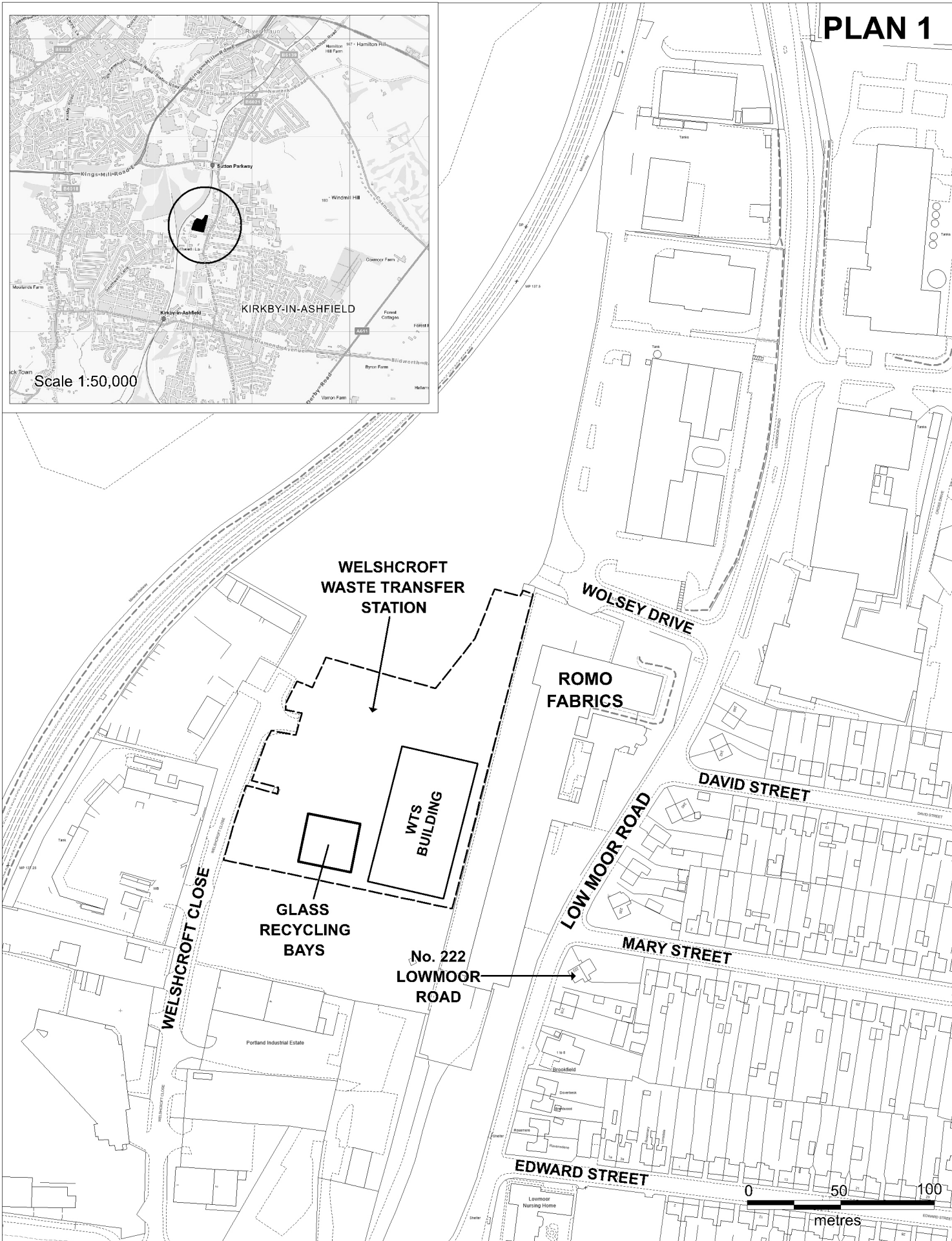
1. The activities associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to 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)
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 [hdc.north@nottscg.gov.uk](mailto:hdc.north@nottscg.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/highway\\_req\\_development\\_part6.htm](http://www.leics.gov.uk/index/6csdg/highway_req_development_part6.htm)



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**

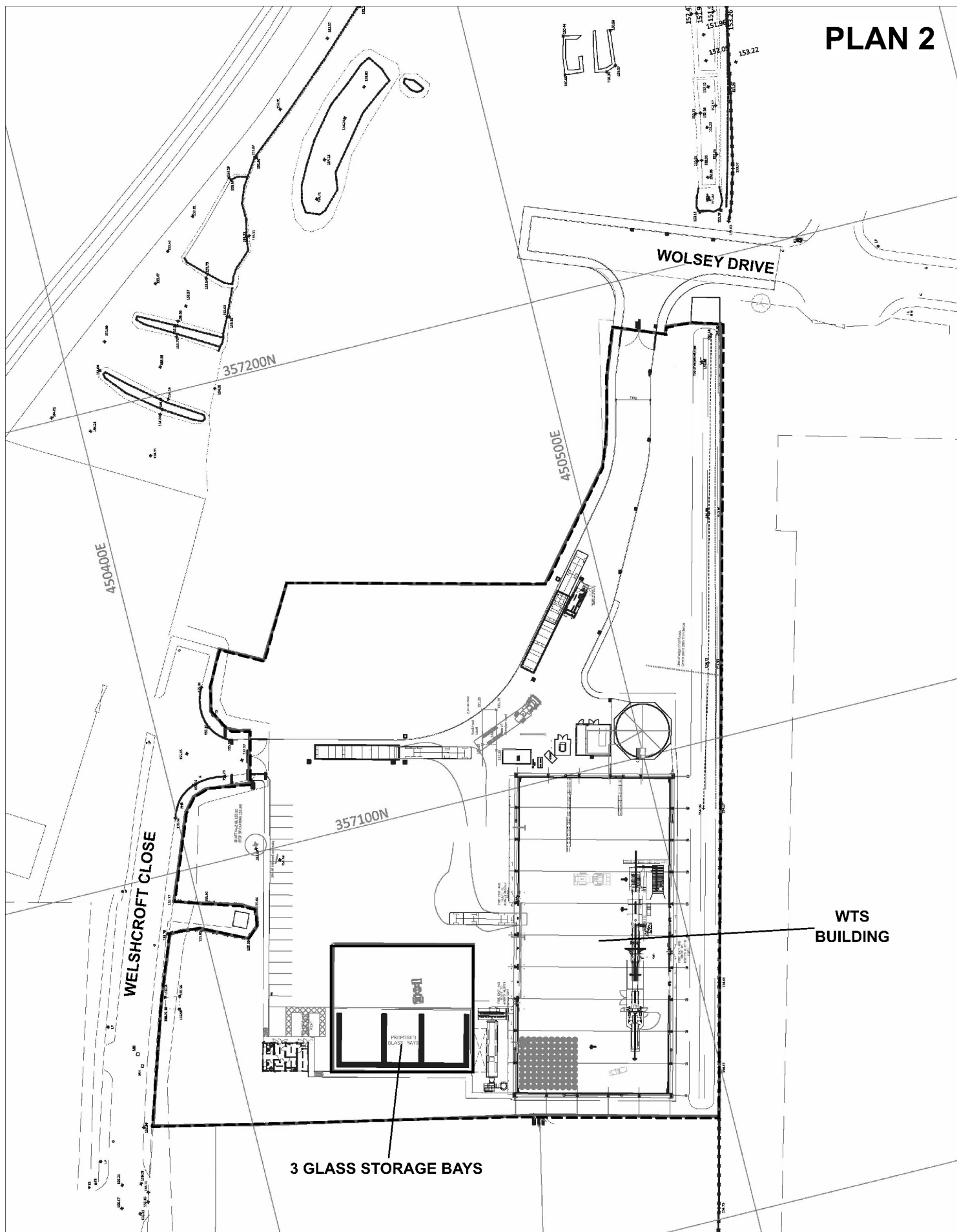
Proposed Construction and Operation of External Glass Storage Bays with Associated Bulking.  
 Planninf Application No. 4/V/2018/0233  
 To amend Conditions 3, 18, 26, 27 and 31 of planning permission 4/V/2016/0665 to facilitate the  
 proposed development of glass storage and associated bulking of glass.  
 Planning Application No. 4/V/2018/0417  
 Portland Industrial Estate, Welshcroft Close, Kirkby-in-Ashfield

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Scale 1:2,500  
 Produced by: JW  
 Date: OCTOBER 2018







**23<sup>rd</sup> October 2018****Agenda Item: 7****REPORT OF CORPORATE DIRECTOR – PLACE****RESPONSE TO THE MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT  
AND THE DEPARTMENT FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY ON THE  
TWO CONSULTATION PAPERS RELATING TO SHALE GAS PROPOSALS****Purpose of Report**

1. To seek Members' approval of the response to the Government's consultation papers relating to shale gas proposals entitled 'Permitted development for shale gas exploration' and 'Inclusion of shale gas projects in the nationally significant infrastructure project regime' as set out in the appendix to this report.

**Background information**

2. A report was brought to this Committee on 18<sup>th</sup> September setting out officers' draft response to the questions posed in the consultation papers. The draft responses were debated and were agreed subject to there being a change in emphasis in relation to the loss of local decision making and representation of local constituents in matters relating to shale gas applications. It was agreed that the response would be amended to make greater reference to the lack of local decision making and local accountability which is likely to occur should these government proposals be brought into effect. The formal responses to the consultation papers have been updated to take these changes on board. These are set out as an appendix to this report.

**Motion to Full Council on 20<sup>th</sup> September**

3. Following the Planning and Licensing Committee there was a motion moved by Councillor Creamer on behalf of the Labour Group at Full Council on 20<sup>th</sup> September. An amended motion was moved by Councillor Barnfather which sought to make minor technical clarifications to the original motion. The amended motion stated the following;
4. "This council congratulates its Planning Officers for the comprehensive written evidence submitted to the House of Commons Communities and Local Government Committee on guidance for local authorities taking planning decisions on fracking applications.

Summarising this written evidence, the authority highlighted the need for involvement in such applications throughout the various stages of the decision making process. This authority's response also emphasised:

'The need to include both local professional and specialist input, as well as opportunities for elected members to represent their communities. The views of local people must be given the same level of consideration as is currently the case. It must remain a fair and transparent process and one with which local people feel able to engage'.

In this spirit, the Council respects the rights of Community Liaison Groups which are properly established as a condition of a planning permission to provide an open dialogue between local residents, the County Council as the Minerals Planning Authority and the site operators.

This Council welcomes the opportunity to comment on the two Ministry of Housing, Communities and Local Government consultation documents, 'Permitted development for shale gas exploration' and 'Inclusion of shale gas projects in the Nationally Significant Infrastructure Project regime', and supports the findings of the Housing, Communities and Local Government Committee report on 'Planning guidance on fracking', in particular that:

- 1) No justification or evidence had been provided for why fracking has been singled out to be included in a Nationally Significant Infrastructure Projects regime.
- 2) Mineral Planning Authorities should be free to adapt their Local Plans as they see fit as long as they do not arbitrarily restrict fracking developments. It is essential that Mineral Planning Authorities have the right to put conditions in their Local Plans which can be justified having proper regard to local circumstances.
- 3) It is essential that Mineral Planning Authorities are sufficiently resourced to deal with fracking planning applications.

This council is in general support of the guidance issued by the House of Commons Select Committee, published July 5<sup>th</sup> 2018. Furthermore, this Council resolves to respond to the current consultation on 'Permitted development for shale gas exploration' and the consultation for 'Inclusion of shale gas production projects in the Nationally Significant Infrastructure Project regime'. We believe that, on balance, the right to determine shale gas exploration applications for Nottinghamshire should remain within our jurisdiction, and we do not support any proposal to grant the status of 'Permitted Development' for shale gas exploration applications."

5. The reference to the rights of Community Liaison Groups was made due to experience in relation to the Misson and Tinker Lane shale gas exploration sites. An interim court injunction originally named the Tinker Lane Community Liaison Group amongst a list of 'organisations, groups and individuals believed to oppose the Claimants' activity'. This entry was removed from the final injunction. The Tinker Lane CLG was properly established, as a condition of the



planning permission, to provide an open dialogue between local residents, the County Council and IGas as site operators.

6. The amended motion became the substantive motion and was unanimously agreed by Full Council.

### **Summary of changes to response**

7. In the light of the debate at Planning and Licensing Committee on 18<sup>th</sup> September and the motion passed at Full Council on 20<sup>th</sup> September the following changes to the final response have been made;
  - All references to the “views of officers” has now been changed to the “views of Nottinghamshire County Council”.
  - The text has been updated to reflect Full Council’s view of the benefits of local decision making and local accountability.
  - The response has been amended to reflect Full Council’s view “that there is no justification for singling out fracking to be included in the ‘Nationally Significant Infrastructure Project’ regime.
  - In terms of financial considerations, the following wording has been added “It is essential, more than ever, that Minerals Planning Authorities are sufficiently resourced to deal with shale gas planning applications”
  - All proposed new text is shown in bold text and all wording now considered to have been superseded is shown as crossed out.

### **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.

### **Human Rights Implications**

9. 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**

It is recommended that Members approve the detailed response as set out in the appendix to this report as the formal comments of the County Council to the Government departments on their two consultation papers.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments [RHC 26/9/2018]**

Planning & Licensing Committee is the appropriate body to consider the contents of this report

### **Comments of the Service Director – Finance [RWK 26/09/2018]**

There are no specific financial implications arising directly from the 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 Divisions and Members Affected**

All

Report Author

Jane Marsden-Dale

0115 9932576

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

## The questions and responses to the Consultation paper “Permitted development for shale gas exploration”.

### Question 1

a) Do you agree with the following definition ('Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test') to limit a permitted development right to non-hydraulic fracturing shale gas exploration?

This is quite a technical question. Paragraph 20 of the Consultation document indicates that the purpose would be to allow “*operations to take core samples for testing purposes*” (i.e. the core samples would be tested). However, the suggested definition indicates there would be a testing period not exceeding 96 hours, with the OGA Consolidated Onshore Guidance explaining that “*when testing a discrete section of the well, each section can be produced for a maximum of 96 hours but the total quantity of oil produced from all sections should not exceed 2,000 tonnes per section*”.

This means the suggested definition would allow for a degree of production, which seems to contradict the approach that is being taken in paragraph 20.

As such, **Nottinghamshire County Council (NCC)** does not agree with the proposed definition.

b) If ‘No’, what definition would be appropriate?

**NCC** recommends the following, more appropriate, definition:

*“Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids by obtaining borehole logs and taking core samples for testing purposes”*

This suggested definition is based upon **the Council’s** experience of dealing with a planning application for a monitoring borehole at the Tinker Lane site where the Environmental Statement stated:

*“The well has been designed to obtain logs and core. This would enable an understanding of the geological sequence beneath the site to be obtained. Logging is the physical measurement of subsurface properties by lowering specialist tools down the wellbore. Coring is the collection of rock samples from the wellbore. These would then be analysed at the surface in order to understand the small scale properties of the rocks”.*

There is a fundamental difference between collecting geological information in the form of borehole logs and core samples and testing the in situ rock (either with or without fracturing). **NCC** is of the view that there would not be an issue with putting gas

monitoring equipment on top of the borehole for 96 hours to record any 'natural' flows of gas due to the pressure release. To not do so would be a missed opportunity in terms of data collection.

## Question 2

**Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Yes/No**

**Nottinghamshire County Council** does not consider that it would be appropriate for exploration to be granted planning permission through a permitted development right, for the reasons stated below.

### Local involvement

The effect of the proposed legislation would be to make a national grant of planning permission for shale gas exploration and thereby removing the local level of decision making and local accountability that communities expect. **Members of the Council's Planning and Licensing Committee have stated that they wish to continue to have the power to make decisions on all shale gas applications in the spirit of local democracy. They wish to continue to receive reports, with recommendations, from planning officers, to enable them to continue to make planning decisions on proposals which may affect the communities that they represent.** Although the Government has stated that it remains fully committed to ensuring that local communities are fully involved in planning decisions that affect them, it remains to be seen how the permitted development process would enable full public involvement as the purpose of the consultation is to take shale gas exploration out of the current planning process.

### Permitted development legislation

The GPDO legislation has been subject to significant levels of amendment in recent years, each time increasing the scope of permitted development with varying degrees of effectiveness. In some instances the new or amended rights have been particularly high profile with a large uptake from developers. For example research from the Local Government Association (LGA) found that 1 in 10 new homes across England in the last two years had come about through the new office to residential conversion permitted development rights, with some cities recording a majority of new homes being created this way. The LGA though highlighted that this has impacted on the inability of local authorities to secure any developer contributions towards local infrastructure or affordable housing requirements.

Paragraph 34 of the consultation document acknowledges that it is unclear how effective the proposed legislation would be (in the Government's aim to further the industry) given it envisages a range of exclusions, limitations and restrictions. This shows that these types of proposals would result in multiple and complex planning

issues which require expert consideration by planning and regulatory experts with local knowledge on a case by case basis.

#### Prior approval and fee income

In some of the more recent amendments to the GPDO the legislation has introduced the requirement for prior approval for certain limited and technical matters such as flooding, noise and transport. The introduction of a similar type of procedure for shale exploration would allow at least some consideration of these technical matters at a local level and provide additional safeguards to prevent unacceptable developments. It does however introduce additional work for the Minerals Planning Authorities which has not been matched with an appropriate level of fee payment (currently £96 or £206 for prior approvals). The consultation also considers whether there should be a level of public consultation which, together with the technical assessments, can result in a similar level of work as a full planning application. If such an approach is taken forward it would be appropriate to make an accompanying amendment to the Town and Country Planning (Fees for Applications, etc.) Regulations to set an appropriate fee level. **NCC** suggests that it sets the fee as it would be the same if a full application was being made. For the applications dealt with at Nottinghamshire Tinker Lane attracted a fee of just under £10,000 and Misson Spring just under £23,000. Officers suggest there should be a fee schedule based upon a certain amount per well, or based on the site area similar to planning application fees at present.

Another potential method of dealing with a fee shortfall might be for there to be an extension of the existing shale wealth fund provisions which would allow for grants to be paid to the MPAs who deal with these matters.

#### Unreasonable delays

This proposal to make shale gas exploration permitted development appears to be an attempt to speed up the time it takes to get exploration off the ground, which would remove the thorough consideration of potential impacts and the measures which can be put in place (through conditions and S106 obligations) to mitigate and compensate such impacts.

With reference to Paragraph 11 of the consultation document in relation to the time taken to deal with the application, this states that MPAs have taken up to 83 weeks for a decision with agreement for time extensions. This is a direct reference to the Misson Springs planning application. However, in the case of that application the delays were due to multiple Regulation 22 requests for further information, which the applicant was slow at providing; the long and complex Section 106 negotiations involving numerous parties; the requirement for a restoration bond and delays caused by the legal challenges relating to restrictive covenants raised by objectors during committee proceedings. All these factors increased the time taken to deal with an already complex application. It is likely that even if exploration were made permitted development there may be so many processes, limitations and other complex considerations that decisions may not be much quicker than the current process.

### Enforceability

If shale gas exploration development was to be defined as permitted development the limitations list would have to be very carefully worded to cover all the possible impacts and issues which might fall to be considered in the planning arena for each and every possible site. These would then have to be enforceable which would no doubt be via an enforcement notice for unauthorised development if it fell outside those permitted. If only one aspect was breached the County Council would have to consider whether it would be expedient to take enforcement action bearing in mind the undoubted public pressure the authority would be put under to act.

To conclude, permitted development rights should only be used to free up the planning system by allowing uncontroversial and limited impact development to be granted. **NCC** does not consider that this should relate to shale gas exploration for the reasons given above.

### **Question 3**

**a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following?**

Areas of Outstanding Natural Beauty; National Parks; The Broads; World Heritage Sites; Sites of Special Scientific Interest; Scheduled Monuments; Conservation Areas; Sites of archaeological Interest; Safety hazard areas; Military explosive areas; Land safeguarded for aviation or defence purposes; and protected groundwater source areas.

This appears to be a relatively comprehensive list and, as such, officers generally agree with the suggested list of excluded areas where permitted development rights would not apply. Additionally, if the development would be EIA development then the new rights do not apply and officers consider that it would be useful to make reference to this within this list of restrictions.

All excluded areas set out above have definitions within the legislation so it would be beneficial for the legislation to cross reference to these definitions. For instance:

“Sites of archaeological interest” (as defined in The Town and Country Planning General Permitted Development (England) Order 2015) means land which:

- (a) *is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments);*
- (b) *is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance) (19), or*



- (c) *is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record.*

It will be necessary to provide absolute clarity in terms of the definitions of the various excluded areas within the list. For instance if “sites of archaeological interest” included any site with a Historic Environment Record (HER) on it, there may be very few sites in Nottinghamshire that would qualify for permitted development. Both the Misson Springs and Tinker Lane sites have records as they have been identified as having archaeological interest and would, in planning terms, be regarded as Non Designated Heritage Assets.

The definition of “Protected groundwater source areas” is set out in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 as follows:

- (1) *For the purposes of Class JA, “protected groundwater source area” means any land at a depth of less than 1,200 metres beneath a relevant surface area.*
- (2) *In paragraph (1), “relevant surface area” means any land at the surface that is:*
  - (a) *within 50 metres of a point at the surface at which water is abstracted from underground strata and which is used to supply water for domestic or food production purposes, or*
  - (b) *within or above a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes.”*

It is worth noting that reference to protected groundwater source areas, as defined above, appears to be the same as Source Protection Zone 1 (Inner Protection Zone) only, and would not include SPZ2 and 3. In the case of the planning applications submitted to Nottinghamshire County Council, Tinker Lane fell into SPZ3 and Misson Springs was just outside a SPZ 3.

**b) If ‘No’, please indicate why**

**NCC** recommends some additional area should also be protected from non-hydraulic fracturing shale gas exploration development, as detailed in the answer to (c) below.

**c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?**

Irreplaceable habitats

The revised NPPF includes greater protection for ‘irreplaceable habitats’ including ancient woodlands and trees. They are defined in the NPPF as *Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.*

*They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.*

In line with this and the Government's 20 year Environment Plan, this additional protection could be given. This would be particularly relevant to Nottinghamshire in the case of Sherwood Forest.

#### Listed Buildings

Whilst the demolition of a Listed Building would require planning permission there is no restriction where a proposal would indirectly affect the setting of a listed building. Currently Article 5 offers the only power available to MPAs in such cases where there would be an unacceptable adverse impact to the setting of a Grade I listed building. This is a very limited power and does not fully respond to the legal duty local authorities and the Secretary of State have to preserve listed buildings and their settings and Conservation Areas. It is not possible to set an arbitrary stand-off to listed buildings as their settings can vary greatly. It is a professional judgment which is required on a case by case basis. This also applies to stand-offs to ecological designations. This matter was relevant to the Misson Springs site with its proximity to a SSSI.

It is suggested that Article 5 could be amended to give MPAs greater ability to restrict developments where appropriate, such as to include the protection of all listed buildings or the setting of conservation areas.

#### **Question 4**

##### **What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?**

**NCC** considers that the protection of residential amenity seems to be generally lacking here, except for the reference to "restrictions on any operations carried out within a certain distance of sensitive site users".

The starting point for restrictions should be Class KA as introduced in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. If the Government decides not to make the new permitted development right subject to any local prior approval process it should at the least require a prior notification, allowing the MPA the opportunity to consider the use of an Article 5 direction (which should be widened in scope as suggested in the answer to Question 3 above).

As set out in the answer to Question 3 above if the development would be EIA development then the new rights do not apply by virtue of Article 3 (10) and (11). It would be useful to provide a cross reference to this within any list of restrictions that may be specified so to make it clear that it is likely that the developer would have to engage with the MPA to screen the proposal for EIA Regulation purposes.

In **this Council's** experience of dealing with the two sites in Nottinghamshire, there were a significant amount of site specific conditions (and matters covered under the associated legal agreements) that were needed to make both developments acceptable in planning terms. **NCC** remains extremely concerned about the effectiveness of generic conditions or restrictions being used to mitigate the specific impacts at different sites. This highlights why this type of development is not suitable for the permitted development regime.

However, one area that would benefit from specific restrictions is noise. In line with the Planning Practice Guidance, day time noise limits at the nearest sensitive receptors should be limited to no more than 10dB above background level, with total noise not exceeding 55dB. With regards to night time noise, levels should be no higher than 42dB at the nearest sensitive receptors.

## Question 5

**Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?**

Paragraph 33 of the consultation paper states:

*"By way of example, the prior approval considerations might include transport and highway impact, contamination issues, air quality and noise impacts, visual impacts, proximity of occupied areas, setting in the landscape and could include elements of public consultation".*

The prior approval topics set out are very similar to the topics that would be covered in a planning application, but without the democratic decision making process involved in a planning application. Also, as raised in **the** response to Question 2 above, the amount of work involved (officer time and cost) would be comparable to that of a planning application, albeit with no planning application fee associated with it. It would be unreasonable to significantly increase the workload of MPAs in this way without adequate financial recompense for the work that would need to be undertaken and which would allow the MPA to properly resource the work. Suggestions that this could be adequately covered by a Planning Performance Agreement (PPA) are misguided. Covering these costs under a PPA would rely on the goodwill of the applicant/developer to pay the authority, with no requirement for them to do so. **NCC** would welcome the continuation/expansion of the shale wealth fund to guarantee funds to MPAs to deal with these matters.

Furthermore, there are concerns about the amount of time that would be given to consider these issues. For example, the County Council has recent experience of dealing with prior approvals under Part 17 Class K (b), which allows for the carrying out of seismic surveys. This basically allows 28 days for the MPA to agree additional

conditions. Such a time period would not be adequate to consider the issues listed in Paragraph 33 above.

#### **Question 6**

**Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?**

**NCC has** interpreted this question as asking whether the permitted development rights should be changed permanently, or whether they should be trialled for a two year period before being made permanent. The response is based on that assumption.

Given the clear lack of understanding as to the impact that the changes would have, or how effective they would be (as admitted in Paragraph 34), going ahead with permanently changing the permitted development rights would seem to be quite a risk. However, it would be less risky for the Government to make the change temporary with the option to remove the permitted development rights in two years' time, rather than permanently changing them. This two year trial would allow for a full assessment of the effectiveness of the permitted development regime for this type of development and enable Government and MPAs to judge what the impacts have been and whether any exploratory development has been sufficiently controlled and its impacts properly mitigated.

#### **Question 7**

**Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?**

No comments

## **The questions and responses to the Consultation paper “Inclusion of shale gas production projects in the nationally significant infrastructure project regime”**

### **Question 1.**

#### **Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project regime?**

The response to this question is based upon the County Council’s response provided in April this year to the questions posed on this matter by the Housing, Communities and Local Government Committee and the evidence given by the Group Manager Planning at the subsequent Select Committee. **However it also reflects the subsequent decisions made by the Council’s Planning and Licensing Committee and Full Council which has sought to strengthen the Council’s view “ that there is no justification for singling out fracking to be included in the ‘Nationally Significant Infrastructure Project’ regime.**

i) Nottinghamshire County Council can see a strong argument for decisions on fracking applications remaining at a local level, i.e. by members of the Council’s Planning and Licensing Committee following consideration of committee reports compiled by planning officers. This would seem to be the most democratic method of decision making, i.e. determination by members who represent local communities within the county. As with many planning decisions, particularly those unpopular with local people, the County Council has frequently been reassured that even if the local residents are not happy with the decision/outcome, they are generally content with the fair and transparent process that led to that decision. Objectors and supporters alike are given the opportunity to speak at planning committee meetings and if decisions were not made at the local level this opportunity may be lost.

ii) ~~In the light of the Written Ministerial Statement of the 16<sup>th</sup> September 2015 the County Council can see some benefits in the applications for all shale gas proposals, not just those involving fracking, being classified as national infrastructure allowing shale gas companies to apply directly to the Planning Inspectorate.~~ Planning applications for shale gas proposals (Nottinghamshire has dealt with planning applications on two sites, both for ground water monitoring and exploratory boreholes) are extremely demanding on Council resources, particularly staffing. This is the case, both during the determination stage and after the decisions are made, including intensive monitoring of the sites and dealing with complaints/enquiries from the local community. The planning fees accompanying the planning applications were wholly inadequate to cover the additional costs incurred but, in mitigation, the County Council applied for, and received, shale gas funding made available to Minerals Planning Authorities by the then DCLG. This enabled the County Council to employ staff to cover the extra development management workload, implement necessary upgrades to IT systems and meet legal costs etc. This extra financial burden on the County Council was to some degree mitigated by this Government funding. However, shale gas proposals will continue to be extremely demanding on Council resources and the proposed removal of this extra workload created by shale gas proposals could be advantageous for some minerals planning

authorities. In particular, employing additional staff with the necessary yet specialist minerals and waste planning experience at such short notice could be problematic given the specialist nature of this type of planning work. Also, given that Minerals Planning Authorities are usually given little to no notice of when an application is going to be submitted, recruiting additional resources through standard recruitment procedures is not a speedy process and can quite easily take as long as the statutory determination period for a shale gas application (13 to 16 weeks). **It is essential, more than ever, that Minerals Planning Authorities are sufficiently resourced to deal with shale gas planning applications**

iii) Nottinghamshire has little experience in dealing with proposals for national infrastructure under the 2008 Planning Act. From published guidance available on the matter it appears that the County Council would continue to have a significant role in the process from the pre-application stage right through to the monitoring and enforcement of the Development Consent Order, along with the conditions attached, as well as the agreeing the terms of any S106 agreement. This involvement would be welcomed and would allow local specialist knowledge to feed into the process, for instance in the scope of the Environmental Impact Assessment. Additionally, elected members are able to present their views, and those of their constituents at the hearing stage, as well as providing officers with a clear policy steer. However, as the planning fee for these proposals is paid to the Planning Inspectorate local planning authorities would need to resource the work without receiving a fee. Having accepted that there is significant input by the authority this could only reasonably be achieved if funding were made available to the authority, perhaps through the continuation of the shale gas grants. As described in the paragraph above, shale gas proposals, even at the early stages, are extremely demanding on resources, particularly professional planning, legal and support staff. **We wish to reiterate that Minerals Planning Authorities need to be sufficiently resourced to deal with shale gas planning applications**

iv) One considerable disadvantage of classifying planning applications for fracking as national infrastructure projects is that it does fuel the perception held by many communities that the Government considers fracking to be a “special case” which needs to be treated as such. This perception is further fuelled by the Government’s overarching support for the exploration of the UK’s potential shale gas reserves. Following the Written Ministerial Statement of 16/9/2015 the County Council, has tried to reassure local people that shale gas applications are potentially no more controversial than other types of hydrocarbon extraction or large scale quarries which typically have lifespans of 30 to 40 years. Nottinghamshire has a long history of coal, gas and oil extraction and still has nine active oilfields, which have been granted permission and have operated for many years without controversy. Understandably local communities are concerned about fracking as a new technology and the topic has become one of national debate. Alarmist headlines have been published by the press which provide local communities with misleading information rather than factual advice. The County Council has endeavoured to counter any such misleading information through dedicated shale gas pages on its website. Removing the decision making process from the local level is likely to further increase this suspicion, held by some local people, that central government is looking to force through the exploration and production of any shale gas reserves. It will be important for



the Government to reassure the population as to why this needs to be the case to avoid raising levels of concern further.

v) In conclusion, Nottinghamshire County Council ~~has recognised that there are both~~ **recognises some potential** advantages and ~~disadvantages~~ to classifying fracking proposals as national infrastructure under the 2008 Planning Act. ~~This proposal could be supported, provided that reassurances can be given that~~ **However, on balance, the County Council does not support the proposal to include shale gas production projects in the NSIP regime. If the Government does decide to go ahead and include these projects in the NSIP regime then** the County Council will need to be fully involved throughout the various stages of the decision making process. This needs to include both local professional and specialist input, as well as opportunities for elected members to represent their communities. The views of local people must be given the same level of consideration as is currently the case. It must remain a fair and transparent process and one with which local people feel able to engage. As an authority with experience of dealing with shale gas proposals, it is important that Local Authorities receive adequate financial resources to enable them to fully participate in the process. Extending the shale gas grants available to local authorities may be one method of doing this. Inclusion in the NSIP regime should apply only where the shale gas production is truly of 'national significance', the exploratory and appraisal phases should provide the operators with sufficient information to know how much gas they are likely to be able to extract from a well site, or how much per annum, and therefore confirm whether it is nationally significant or not. We would not want to see smaller shale gas production development included because there is political frustration that the planning application process is problematic or taking too long.

## Question 2.

**Please provide any relevant evidence to support your response to Q.1**

Please see comments made above.

## Question 3.

**If you consider that major shale gas production projects should be brought into the Nationally Significant Infrastructure Project regime, which criteria should be used to indicate a nationally significant project with regards to shale gas production?**

**Please select from the list below:**

- a. The number of individual wells per well-site (or 'pad')**
- b. The total number of well-sites within the development**

a/b It is unlikely that an individual site (or pad) would be of national significance, irrespective of the number of wells. However, where there are a number of sites (or pads) which are obviously part of the same development (e.g. targeting the same

reservoir) this is moving towards being more significant. However, the point at which a multi-pad scheme would be nationally significant would differ from site to site, so we would expect this to be one criterion among many. There would also need to be some kind of preventative measure to prevent the **‘salami-slicing’ of shale gas development** and stop individual applications being submitted to an MPA separately to avoid the NSIP process, and conversely to stop sites over a wide geographical area being bundled together as one NSIP application when they are not actually part of the same development.

**c. The estimated volume of recoverable gas from the site(s)**

**d. The estimated production rate from the site(s), and how frequently (e.g. daily, monthly, annually or well lifetime)**

c/d– It is considered that the volume of resource/production is the best indicator as to whether a scheme is of national significance. However, there are serious concerns given the inherent uncertainty with ‘estimated’ volumes, be it recoverable volumes or production rates, which could be manipulated to be in/out of the NSIP process.

**e. Whether the well-site has/will require a connection to the local and/or national gas distribution grid**

e – A well site, or sites, not connected to the grid may well have greater impacts, particularly in respect to ongoing traffic movements, although these would be local impacts. However, connection to the grid may indicate a larger and more significant scheme. On the other hand, it might just be because there is a grid connection near to the proposed development site. It is considered that this would not be a useful criteria for determining national significance.

**f. Requirement for associated equipment on-site, such as (but not limited to) water treatment facilities and micro-generation plants**

f – If a site, or group of sites, is of a scale where there is associated equipment such as water treatment and generation facilities, this is indicative of a larger operation and may be more likely to be of national significance. With regard to generation, there are plenty of natural gas sites (coal mine methane) within Nottinghamshire that include micro-generation 1-2MW per engine and up to three engines at some sites. These sites are clearly not nationally significant, so it is suggested that there would need to be a MW threshold set reasonably high, such as 50MW (although this would trigger the NSIP process itself anyway under existing legislation).

**g. Whether multiple well-sites will be linked via shared infrastructure, such as gas pipelines, water pipelines, transport links, communications, etc**

g – Multiple sites linked together with associated infrastructure would be more indicative of a scheme that is of national significance than a single site/pad. This could be useful as one of the criteria.

**h. A combination of the above criteria – if so please specify which**

**i. Other – if so please specify**

h/i – no further comments.

**Question 4.**

**Please provide any relevant evidence to support your response(s) to Question 3.**

See above answers

**Question 5.**

**At what stage should this change be introduced? (For example, as soon as possible, ahead of the first anticipated production site, or when a critical mass of shale gas exploration and appraisal sites has been reached).**

It seems pointless implementing such changes when it is unknown whether there is economically recoverable shale gas available. On the other hand, once this has been established it would be useful to have the system in place to deal with major, interconnected schemes which recover significant quantities of gas and/or have a large generating capacity and have potentially significant amenity and environmental impacts.

**Question 6. Please provide any relevant evidence to support your response to Question 5.**

No further comments





**23 October 2018**

**Agenda Item: 8**

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

### **DEVELOPMENT MANAGEMENT PROGRESS REPORT**

#### **Purpose of the report**

1. To report on planning applications received by the Development Management Team between 1<sup>st</sup> September and 9<sup>th</sup> October 2018, to confirm the decisions made on planning applications since the last report to Members on 18<sup>th</sup> September 2018, and to detail applications likely to come before Committee in the coming months.

#### **Background**

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out the Committee's work programme for forthcoming meetings of Planning and Licensing Committee.

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

3. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol 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**

5. That Committee considers whether there are any actions they require in relation to the contents of the report.

## **Constitutional Comments - [RHC 11/10/2018]**

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

## **Comments of the Service Director - Finance [RWK 10/10/2018]**

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

## **Background Papers Available for Inspection**

None

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

All

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

Report Author / Case Officer  
Ruth Kinsey  
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**Planning Applications Received and Determined**  
**From 1<sup>st</sup> September to 9<sup>th</sup> October 2018**

Division	Member	Received	Determined
<b>BASSETLAW</b>			
Misterton	Cllr Tracey Taylor		To vary condition 3 of planning permission 1/29/97/10 for operations hereby permitted shall cease and all plant machinery and material stockpiles associated with the development shall be removed from the site in preparation for future landfilling by December 2037. Daneshill Landfill Site, Lound Road, Retford. Granted 19/09/2018 (Committee)
Misterton	Cllr Tracey Taylor		To vary condition 3 of planning permission 1/29/05/00008, This permission shall be for a limited period only, expiring on 31st December 2037, by which time the site shall be cleared in order that the final phase of the landfill operation permitted under planning permission 1/29/93/8 is not prejudiced. Daneshill Landfill Site, Lound Road, Retford. Granted 19/09/2018 (Committee)

Division	Member	Received	Determined
Misterton	Cllr Tracey Taylor		To vary condition 4 of planning permission 1/29/06/00010. This permission shall be limited for a period only expiring on 31st December 2037, by which time the site shall be cleared in order that the final phase of the land raise operations permitted under planning permission 1/29/93/8 is not prejudiced. Daneshill Landfill Site, Lound Road, Retford. Granted 19/09/2018 (Committee)
Worksop South	Cllr Kevin Greaves	Erection of a training building. Nether Langwith Quarry, Wood Lane. Received 02/10/2018	
Misterton	Cllr Tracey Taylor	Retrospective application to site cabin and compound. Misson Sand & Gravel Limited, Bawtry Road, Misson. Received 09/10/2018	
<b>MANSFIELD</b>			
Mansfield East	Cllr Vaughan Hopewell  Cllr Martin Wright	Infilling of an existing underpass to provide a water storage area to alleviate flood issues in the local area. Installation of a new uncontrolled ground level pedestrian crossing and footway onto Bellamy Road. Existing underpass, Bellamy Road, Mansfield. Received 03/09/2018	
Warsop	Cllr Andy Wetton		To retain existing temporary classroom, Church Vale Primary School, Laurel Avenue, Church Warsop. Granted 05/09/2018

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons		Variation of condition 2 of planning permission 2/2011/0307/ST to erect a new covered waste storage bay on existing footprint. Full planning application for new wash down area and drainage. AB Waste Disposal Limited, Bleakhill Sidings, Sheepbridge Lane, Mansfield. Granted 18/09/2018 (Committee)
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbiridis	To vary conditions 5 & 6 of application 2/2014/0518/NT in order to meet new operational needs to ensure that the tipping faces are kept at manageable heights to prevent any slippages of the working faces and to ensure that the current final contours of the site are achieved in the best operational method available. There will be no changes to the agreed final contours of the site. Midland Landfill Ltd Cast Quarry Vale Road Mansfield Woodhouse. Received 25/09/2018	
<b>NEWARK &amp; SHERWOOD</b>			
Blidworth	Cllr Yvonne Woodhead	Variation of conditions 3c and 3d of planning permission 3/17/01416/CMA for revision of external works design to better facilitate accessibility. Lake View Primary School, Water Road, Rainworth. Received 03/09/2018	Granted 05/10/2018

Division	Member	Received	Determined
Collingham	Cllr Maureen Dobson		Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access. Land at Langford Quarry, Newark Road, Near Collingham. Granted 06/09/2018
Blidworth	Cllr Yvonne Woodhead		Provision of 2no temporary classroom units, 1no Temporary WC unit, 1no Temporary accessible WC unit and associated stepped/ramped access. Temporary play area and canopy. Lake View Primary & Nursery School, Rainworth Water Road, Rainworth. Granted 14/09/2018
Muskham & Farnsfield Sherwood	Cllr Bruce Laughton Cllr Bruce Laughton		Expansion of current site use including new buildings, plant, tanks, flood lighting, resurfacing, drainage and associated works. Oakwood Fuels, Brailwood Road, Bilsthorpe. Granted 17/09/2018
Newark West	Cllr Keith Girling		Change of use of an Elderly Persons Home to an Adult Day Centre (Use Class C2 to D1) including erection of secure 2m timber fencing. 2.4m high secure Herras fencing. Erection of building entrance canopy and poly-tunnel. Woods Court, Walker Close, Newark. Granted 17/09/2018
Muskham & Farnsfield	Cllr Bruce Laughton	Retrospective planning application for the retention of 8m x 4m timber building. Kirklington Primary School, School Lane, Kirklington Received 25/09/2018	

Division	Member	Received	Determined
<b>ASHFIELD - None</b>			
<b>BROXTOWE - None</b>			
<b>GEDLING</b>			
Newstead	Cllr Chris Barnfather		To install a package treatment plant for dealing with foul waste as part of a new school development for which planning permission has been granted (7/2017/1292NCC). The plant is proposed to be temporary and will be disconnected when a mains floor sewer is constructed up to the school, site as part of the adjoining housing development. Hawthorne Primary School, Keepers Close, Bestwood Village. Returned 12/09/2018
Calverton	Cllr Boyd Elliott		Retention of landfill gas utilisation compound until 2040, plus the reinstatement of two power reserve plants fuelled by natural gas, and associated infrastructure. Burntstump Landfill Gas Compound Site, Ollerton Road, Calverton. Granted 02/10/2018

<b>Division</b>	<b>Member</b>	<b>Received</b>	<b>Determined</b>
Carlton East	Cllr Nicki Brooks		Retrospective planning permission to retain fencing, gates and concrete aprons and new planning permission to install twin CHP generation plant, boiler unit and flue, yard office and admin office. Bio Dynamic (Uk) Limited, Private Road No 4, Colwick Industrial Estate. Granted 03/10/2018
<b>RUSHCLIFFE</b>			
Bingham West	Cllr Neil Clarke	Rationalisation and relocation of an existing metal recycling facility including a change of use from industrial land and erection of new buildings and storage bays. Langar Industrial Estate North, Harby Road, Langar. Received 18/09/2018	



## Schedule of future planning applications to be reported to Planning and Licensing Committee

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

11 <sup>th</sup> December 2018	7/2017/1491NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	4.5 hectare eastern extension to existing sand quarry with restoration to nature conservation
11 <sup>th</sup> December 2018	7/2017/1504/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	To vary conditions 3, 6 and 29 of planning permission 7/2014/1156/NCC for an extension of time to extract the remaining mineral within Bestwood II Quarry until 31 December 2028.
11 <sup>th</sup> December 2018	7/2017/1493NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	Erection of a portable unit to provide changing facilities for female staff
11 <sup>th</sup> December 2018	7/2017/1505/NCC	Bestwood II Quarry, Mansfield Road, Papplewick, near Ravenshead, NG15 8FL	Vary condition 4 of planning permission 7/2015/0320NCC to enable retention of the visitors car park until final restoration of the quarry (31st December 2030 or within two years of the completion of mineral extraction, whichever is the sooner)
11 <sup>th</sup> December 2018	3/18/01737/CMA	Cromwell Quarry, Great North Road, Cromwell, Newark, NG23 6JF	Vary conditions 3 and 33 of planning permission 3/14/01995/CMA to amend restoration and method of working, for operational reasons.
11 <sup>th</sup> December 2018	1/18/00791/CDM	Welbeck Colliery, Elkesley Road, Meden Vale, NG20 9PS	Proposed variations to the soil management areas, the internal linking access road and the installation of welfare and office portacabins and toilet block unit.
11 <sup>th</sup> December 2018	2/2017/0525/NCC	Welbeck Colliery, Elkesley Road, Meden Vale, NG20 9PS	Variation of Conditions 3 and 4 of Planning Permission Ref: 1/13/01390/CDM to allow a further 5 years for the placement of material and restoration of the site
29 <sup>th</sup> January 2019	ES/3847	Bantycok Quarry, Staple Lane, Balderton, Newark on Trent	Variation of conditions 2, 7, 12, 50 and 51 of planning permission 3/15/01880/CMA to amend the working and restoration scheme to allow extraction of gypsum within an area previously granted permission, but not shown in the Review of Mineral Permission
29 <sup>th</sup> January 2019	2/2018/0040/NCC	Ratcher Hill Quarry, Southwell	Retrospective permission for silica sand extraction and associated revised site

		Road West, Rainworth, Mansfield, NG21 0HW	restoration proposals.
29 <sup>th</sup> January 2019	1/18/00628/CDM	C.W. Waste Services Limited, Sandy Lane Industrial Estate, Worksop, S80 1TN	To operate a waste transfer station, asbestos/clinical and inert waste facility

**Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Licensing Committee.**

Planning Application:	1/18/00043/CDM
Location:	Land at College Farm, Great North Road, Barnby Moor, Retford
Proposal:	Sand and gravel extraction, backfill with imported silt and restoration to agriculture and bio-diversity, including construction of a new access road.
Planning Application:	1/17/01035/CDM
Location:	Serlby Quarry, Snape Lane, Serlby, DN10 6BB
Proposal:	Variation of condition 3 of planning permission 1/66/04/00004 to extend the timescale for inert waste disposal to cease by 22 August 2027, with enhanced restoration for a biodiverse nature conservation afteruse.
Planning Application:	3/18/00756/CMA
Location:	Land at Rufford Hills Farm, Off Rufford Lane, Rufford, NG22 9DQ
Proposal:	Drill and test a borehole including flaring, erect containerised units and associated plant and equipment, new access track, extract mine gas, generate electricity and ancillary operations.
Planning Application:	8/17/02096/CMA
Location:	Land off Green Street, Mill Hill and land at Barton Fabis, off Chestnut Lane
Proposal:	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.
Planning Application:	1/18/00920/CDM
Location:	Plots A5 and A6, Lords Wood Road, Harworth, DN11 8NE
Proposal:	Proposed New 20MWE Waste to Energy Power Generation Facility and associated Plant and external Works.