

26 April 2016

Agenda Item:

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

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

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

**APPLICANT:** VEOLIA ENVIRONMENTAL SERVICES NOTTINGHAM LTD

**Purpose of Report**

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

**The Site and Surroundings**

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

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

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

### **Relevant Planning History**

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

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

## **Proposed Development**

### Background

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

### Proposed development

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

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

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

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

### The WTS building

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

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

#### Vehicular and pedestrian access

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

#### Parking provision

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

#### Employment

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

### Proposed operations

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



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

#### Operating hours

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

#### Lorry movements

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

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

## Consultations

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

## **Publicity**

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

## **Observations**

### Introduction

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

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

#### Planning Policy Considerations

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

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

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

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

#### Principle of the development

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

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

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

Planning policy considerations of the proposed site

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

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

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

#### Consideration of Environmental and Amenity Impacts

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



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

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

#### Landscape and Visual Impact

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

#### Landscape impact

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

### Visual amenity impact

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

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

#### Ecological Impact and Landscaping

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

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

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

#### Traffic and access considerations

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

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

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

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

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

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

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

### Noise

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



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

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

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

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

#### Dust

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

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

### Odour

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

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

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

### Drainage and Flood Risk

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

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

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

#### Pollution

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

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

#### Ground contamination

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

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



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

#### Litter

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

#### Vermin

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

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

#### Lighting

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

#### Employment implications

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

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

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

### Sustainability

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

### Impact on adjoining businesses within the industrial estate

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

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

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

#### Other Material Considerations

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

#### Other Issues

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

#### **Other Options Considered**

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

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

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

#### Implications for Service Users

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

#### Financial Implications

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

#### Crime and Disorder Implications

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

#### Human Rights Implications

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

## Implications for Sustainability and the Environment

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

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

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

### **RECOMMENDATIONS**

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

**TIM GREGORY**

**Corporate Director – Place**

### **Constitutional Comments**

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

[SLB 07/04/2016]

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

The financial implications are set out in the report.

[SES 13/04/16]

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

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

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

Kirkby-in-Ashfield North

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