Nottinghamshire County Council

Planning and Licensing Committee

Tuesday, 13 October 2020 at 10:30

Virtual meeting, **https://www.youtube.com/user/nottscc**

AGENDA

Notes

(1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

(2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Peter Barker (Tel. 0115 977 4416) or a colleague in Democratic Services prior to the meeting.

(4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

(5) This agenda and its associated reports are available to view online via an online calendar - http://www.nottinghamshire.gov.uk/dms/Meetings.aspx

Nottinghamshire County Council

minutes

Meeting	PLANNING AND LICENSING COMMITTEE – VIRTUAL MEETING
Date	Tuesday 8 September 2020 (commencing at 10.30am)

Membership
Persons absent are marked with `A'

COUNCILLORS

Chris Barnfather (Chair)
Jim Creamer (Vice-Chair)

Pauline Allan	John Longdon
Andy Brown	A - Rachel Madden
Neil Clarke MBE	Tracey Taylor
Sybil Fielding	Keith Walker
A - Tony Harper	Andy Wetton
A - Paul Henshaw	

SUBSTITUTE MEMBERS

Kevin Greaves for Paul Henshaw and Stuart Wallace for Tony Harper.

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive's Department
Sally Gill – Chief Executive's Department
Mike Hankin – Place Department
Jonathan Smith – Place Department
Simon Smith – Chief Executive's Department

1. MINUTES OF LAST MEETING HELD ON 14th JULY 2020

The minutes of the meeting held on 14 July, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Madden.

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest.

4. DECLARATIONS OF LOBBYING OF MEMBERS

There were no declarations of lobbying.

5. PROPOSED EASTERN EXTENSION TO BESTHORPE QUARRY, COLLINGHAM ROAD, COLLINGHAM ,NEWARK

Mr Hankin introduced the report which considered a planning application seeking permission for the extraction of three million tonnes of sand and gravel from 36.5 hectares of land over a seventeen-year period. Following completion of the mineral extraction the quarry would be restored to provide a nature conservation habitat.

Mr Hankin informed Committee that Natural England no longer required vegetation surveys to be carried out so that the reference to such surveys in paragraph 274 of the Recommendations was no longer needed.

Following the introductory remarks of Mr Hankin, Mr John Bradshaw from Tarmac was given the opportunity to speak and a **summary** of that speech is set out below:

- This quarry is a very important part of our supply network.
- Tarmac welcomes the Recommendations contained in the officer's report.
- If the application were approved this would provide continuity of employment at the site.
- A successful application would also ensure the supply of materials to future projects and assist the economy as a whole.

There were no questions.

Following Mr Bradshaw's speech Members then debated the item and the following comments and questions were responded to: -

- The application site is not included within the current Minerals Local Plan, however, the new emerging plan does identify Besthorpe East as an allocation for sand and gravel extraction and is not subject to any outstanding objections, so considerable weight can be given to this when considering the planning application.
- Although the County currently has a landbank of consented sand and gravel reserves of 13.76 years, greater than the 7 year landbank for sand and gravel that the National Planning Policy Framework advises should be maintained, the Government's current Planning Practice Guidance now states that there is no maximum level of landbank and that planning applications should be assessed on their own merits.

- Permission is being sought to extend an existing quarry's operations, the impact on the community would therefore be less than for a new quarry as the infrastructure is already in place.

- In terms of arable land, it is not possible to anticipate what will happen when the planning permission expires in 15 years' time. It is not possible to say if further extensions will be approved in the future but it is not anticipated that any extension permissions will be sought in the next 15 years. The Committee can only consider the application that is before it now.

- The term sterilisation when used in connection with mineral extraction refers to whether the supply of minerals is sufficiently large to make it economically viable to reinstate the infrastructure needed to extract that mineral.

- Nottinghamshire Wildlife Trust would like the restoration scheme to include a greater proportion of shallows, this to be achieved by increasing the under-dig of the quarry void to recover additional restoration material to be used for this purpose. The applicant has stated that the level of under-dig proposed represents the maximum that is economically and environmentally achievable and officers consider that while other approaches may increase the ecological gains, the submitted scheme is acceptable from an ecological viewpoint.

- Paragraph 183 of the report explains how the net increase of 181.67% in the restored site's ecological value has been calculated – the present site comprises primarily of ecologically low value arable land which will be replaced by ecologically higher valued wetland areas.

- NCC Highways have been consulted on the proposals and have advised that the road network in the area is adequate. It is not normal practice to ask developers to contribute to the maintenance of public roads which is funded through taxation.

Following the debate the Chair summarised as follows:

- The issue regarding the maintenance of an adequate landbank has been answered by officers.

- The site is not in the current Minerals Local Plan but will be included in the new Plan.

- A balance needs to be struck between ecological benefit and economic sustainability.

On a motion by the Chair, seconded by the Vice-Chair, omitting the need for vegetation surveys as contained in the original Recommendations, it was: -

RESOLVED 2020/014

1. That the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and County Planning Act 1990 to control lorry routeing and to implement a scheme for the monitoring of water levels in the Collingham drainage ditch including the implementation of mitigation measures in the event that quarry dewatering results in a lowering of water levels within the drainage ditch.

2. That subject to the completion of the legal agreement before the 8th December 2020 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of the report. In the event that the legal agreement is not signed before the 8th December 2020, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

6. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mrs Gill introduced the report, stating that it was the usual report brought regularly to Committee.

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

RESOLVED 2020/015

That no further actions are required as a direct result of the contents of the report.

The meeting closed at 11.24am

CHAIR

Nottinghamshire County Council

Report to the Planning and Licensing Committee

13 October 2020

Agenda Item: 5

REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES

ANNUAL REPORT TO THE PLANNING AND LICENSING COMMITTEE OF THE LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS & COMMUNITIES SERVICE

Purpose of the Report

1. To update the Committee on work carried out by the Trading Standards & Communities Service on behalf of the Committee.

Information

2. The Service has an involvement in a number of licensing and registration schemes designed to ensure the safety of our communities. In some cases, the authority is responsible for issuing licences and ensuring safety standards are met through inspections and other activity. Each of the licence types and associated activities carried out by the Service are covered in more detail below.

3. From the 1st June 2019 until 30th June 2020, the Service received a total of **£20,056** income from licences, registrations, and other related fees, broken down in the table below. This figure includes licences issued that cover more than one year.

Explosives	£ 5,267
Petroleum	£12,224
Petroleum Record Searches	£ 2,565
Performing Animals	£ 0
Total	**£20,056**

Explosives Storage

4. The Service has responsibility for issuing explosives licences for the storage of explosives such as fireworks, safety cartridges and airbag detonators, for quantities of up to 2000kg of 'Net Mass'. The Health & Safety Executive (HSE) are responsible for quantities above 2000kg.

5. There are currently two 'bands' of licences, determined by the Net Mass of explosives being stored. Since the Explosives Regulations 2014 came into force, both 'bands' are now known as an Explosives Licence. The bands are:-

- 5kg to 250kg – Explosives Licence up to 250kg's Net Mass

- 251kg to 2000kg – Explosives Licence over 250kg's Net Mass

Explosives Activity between 1st June 2019 – 30th June 2020

6. A total of 51 explosives licences were issued in this period. A further 4 explosives licences were issued for storage of safety cartridges only. The general trend appears to be for the smaller premises not to stock fireworks.

7. In addition to the above, there are also 'All Year Round' licences for businesses that wish to supply fireworks all year round, or outside the restricted periods that correspond to specific Chinese New Year, Diwali, Bonfire Night and New Year. In this category, 2 licences were issued in between these dates.

8. In 2019, Officers undertook a programme of inspections in the run up to bonfire night 2019 regarding the storage and sale of fireworks. A total of 55 inspections, conducted by 4 TSO's, took place across the County, which included 'high risk' premises, 'medium risk' premises and new premises. Premises within all 7 different Districts or Borough Councils areas in Nottinghamshire were inspected.

9. The firework inspections we conduct look at different aspects of firework storage and sales, including ensuring the safe storage of them and checks / advice that no premises sell to under 18's. Advice is given during the visit to businesses around Challenge 25 / 30, till prompts, a refusal register and staff training for example. A common issue with fireworks storage is that other easily combustible materials are stored near to, or next to, where the fireworks are stored. If this is found, this is something that is verbally advised to the trader/premises at the time, and a visit note is also left if necessary. These issues are usually rectified in the Officer's presence.

10. Businesses are also asked about their system in place to prevent the overstocking of fireworks. The Service was asked to visit premises in Ollerton and Stapleford by the traders there themselves to ensure they were storing fireworks correctly as they were unsure. The premises in Ollerton has had major issues in the past about storage and is a High Risk premises. The premises in Stapleford is unusual in that they also store HT3 fireworks at the trader's home address, as well as having a fireworks licence for their shop premises.

Explosives Activity for 2020

11. Trading Standards Officers will undertake a programme of visits to both existing high risk premises and new licence holders. Officers propose to use media coverage this year, to publicise the results of the inspections.

Petroleum Storage Certificates (previously known as petroleum licences)

12. The Service certifies any premises that store petrol in a tank or bowser for delivery into the fuel tank of a vehicle or other internal combustion engine. The most common premises covered are retail petrol stations that supply fuel to motorists.

13. There are three bandings of certificate which are as follows:

    - Petroleum up to 2500 litres;
    - Exceeding 2500 litres but not exceeding 50,000 litres; and
    - Exceeding 50,000 litres.

Petroleum Activity for 1st June 2019 – 31st June 2020

14. The following is a breakdown of the types and numbers of each category:-

Categories	Licences / Certificates issued 2018/19
Petroleum under 2,500 litres	2
Petroleum 2500 litres - 50,000 litres	19
Petroleum exceeding 50,000 litres	28

15. The Service also received approximately 16 enquiries from businesses, operators & contractors for advice on petroleum storage related issues. However, since The Petroleum (Consolidation) Regulations 2014, what petroleum storage certificate (PSC) holders have to make us aware of, regarding the petrol stations that they operate, has been drastically reduced, to reduce the burden of red tape on business

16. As the Service holds detailed records of the petroleum storage facilities at new and historic sites, it also receives requests for historical and / or current environmental searches, particularly in respect of locating disused tanks. 19 such requests have been dealt with between 1st June 2019 and 31st June 2020. These searches are charged for and generate income for the Service.

17. The general trend, across Nottinghamshire and the United Kingdom in general, remains a reduction in the number of the smaller petrol storage & dispensing premises, typically independent sites, that sell petrol. There are approximately 8,500 trading petrol stations across the UK at present, however at its peak there were nearer to 40,000.

18. In Nottinghamshire, a brand new installation has been commissioned at Asda in Worksop, which is due to open early October 2020.

19. There are a further 6 refurbishments/major works on existing sites already in use for petrol sales/storage. Examples of work include pump and pipe work replacements, new and / or replacement drainage, storage tanks re-lined, or storage and dispensing facilities being modernised / refurbished. As an example, there are plans to convert a currently closed petrol station in the Rushcliffe district to an unmanned site.

20. The primary focus for the Service for its enforcement activity is on the smaller independent retailers. They generally don't have the benefit of nationally agreed procedures and are less likely to have benefited from investment in modern technology, such as double skinned storage tanks or third party wet stock monitoring to check for fuel leaks on petrol tanks.

21. Tanks at independent sites are often the older, single skin type, so it is very important that the operator is diligent in their manual dipping of the tanks, to check for unusual losses of fuel that might indicate a leak. Trading Standards Officers also check that the site and equipment is properly maintained and that important control systems are in place. This would be demonstrated by documentation such as risk assessments, staff training records and equipment test certificates.

Performing Animals

22. The licensing function for Performing Animals has now been moved from the County Council to the function of the District/Borough Councils.

Licence Fees

23. The current fees are set out in the table below:-

Explosives	**£**
New Licence up to 250kg for 1 year	109.00
for 2 years	141.00
for 3 years	173.00
for 4 years	206.00
for 5 years	238.00
Renewal Licence up to 250kg for 1 year	54.00
for 2 years	86.00
for 3 years	120.00
for 4 years	152.00
for 5 years	185.00
New licence up to 2000kg for 1 year	185.00
for 2 years	243.00
for 3 years	304.00
for 4 years	374.00
for 5 years	423.00
Renewal licence up to 2000kg for 1 year	86.00
for 2 years	147.00
for 3 years	206.00
for 4 years	266.00
for 5 years	326.00
All year round firework licence	500.00
Transfer or Replacement of licence	36.00
Petroleum	
Up to 2500 litres (per year for up to 10 years)	44.00
2500 to 50,000 litres (per year for up to 10 years)	60.00
Exceeding 50,000 litres (per year for up to 10 years)	125.00

24. The fees for petroleum and explosives licensing are set nationally via The Health and Safety and Nuclear (Fees) Regulations 2016, which state the fees that can be charged for a period of 5 years from those regulations coming into force. There has been no change for the fees since 1st June 2019.

Statutory and Policy Implications

25. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment

and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required

Financial Implications

26. During the period 1st June 2019 – 30th June 2020 the Service received a total of £20,056 income from fees. This being £5,267 from explosives, £12,224 from petroleum and £2,565 from petroleum searches. This takes into account the licences covering more than one year.

RECOMMENDATIONS

1) That Members consider the updates and highlight any actions required.

2) That Members agree to the appropriate use of the media to highlight the results of the fireworks safety inspections programme for the coming licensing period (October/November 2020)

3) That Members agree to receive a further update report at the meeting of the Committee in June 2021, that covers the complete financial year 1st April 2020 – 31st May 2021.

Derek Higton
Service Director, Place and Communities

For any enquiries about this report please contact: Fiona Needham, Team Manager, Trading Standards, Tel: 0115 977 3046, Email: Fiona.needham1@nottscc.gov.uk

Constitutional Comments (KK 30/09/2020)

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

Financial Comments (SES 30/09/2020)

28. The financial implications are set out in paragraph 26 of the report.

Background Papers and Published Documents

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

- None

Electoral Division(s) and Member(s) Affected

- All

Nottinghamshire County Council

Report to Planning and Licensing Committee

13 October 2020

Agenda Item: 6

REPORT OF CORPORATE DIRECTOR – PLACE

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/20/00641/FULR3N

PROPOSAL: **CHANGE OF USE OF LAND TO ALLOW FOR THE EXTENSION OF THE EXISTING YARD INCLUDING THE RAISING OF GROUND LEVELS, NEW EXTERNAL WALLS AND NEW ADDITIONAL HIGHWAY ACCESS**

LOCATION: **BRIGGS METALS, GREAT NORTH ROAD, NEWARK ON TRENT, NG24 1DP**

APPLICANT: **BRIGGS METALS LIMITED**

Purpose of Report

1. To consider a planning application for a northern extension to the Briggs Metals recycling/scrap yard, Great North Road, Newark. The key issues relate to whether the proposed development is appropriate and sustainable, having regard to its situation within the functional floodplain and open countryside; visual and local amenity impacts; vehicular access and highways issues; and consideration of the benefits of the development to the safe operation of the facility and its contribution to the local circular economy.

2. The recommendation is to refuse planning permission, as it is considered that the application conflicts with the Development Plan as a whole and that the beneficial aspects weighing in support of the proposal are insufficient to overcome the clear conflict and the inappropriateness of the proposed use of the land which is at high risk of flooding, together with the additional visual harm which would arise.

The Site and Surroundings

3. The Briggs Metals site is a long-standing scrap metal recycling facility situated beside the A616 Great North Road, 200m north of the A46 Newark Cattle Market roundabout and opposite the extensive British Sugar factory site. It specialises in traditional scrap metal collection and processing including vehicle depollution / End of Life Vehicle (ELV) recycling and supports 20 full time employees.

4. The current yard covers approximately 1 hectare and sits on apparently elevated, made-ground surrounded by lower level grazing pasture and other fields all forming a part of the functional floodplain (Flood Zone 3b) forming an 'island' between the two branches of the River Trent at Kelham and Newark. The adjacent Great North Road is carried over these washlands by means of a raised causeway and a series of 18th-century arched viaducts ('Smeatons Arches'). Surviving sections are Grade II listed including to the south east of the site (see Plan 1).

5. The existing scrap yard has a single point of access from Great North Road and a weighbridge on entering. Various structures on site include a 10m tall shredder/fragmentiser with cyclonic system and several steel framed buildings and storage bays. A large stockpile of scrap metal is usually present in the centre and a range of mobile grabs/cranes and other plant are employed to move materials.

6. Sheet metal fencing encloses the site along three sides and a bund and planting area forms the southern side. The entranceway is gated and has a brick wall frontage. The applicant also has a residential property ('Edward House') on the site, behind the brick wall frontage. To the north a continuous mature hawthorn hedgerow lines the boundary of the proposed site extension with the highway verge, including an occasional mature sycamore within.

7. The low-level grasslands which surround the site to the west, south, (and also over the road to the east) are designated Local Wildlife Sites for their damp and/or unimproved grasslands, although the field to the south is being degraded by occasional storage and driving of plant and vehicles from the applicant's yard.

8. To the north is a small residential area and a farm complex (there are about 15 properties on or just off Kelham Lane). The two closest of these properties are accessed from Great North Road including one ('Breedon House') housing an established children's day nursery which is 90m to the north-west (as measured from the corner of the proposed site extension to this physical property). Its extensive garden area (also used by the nursery children) extends up to the corner of the proposed site extension save for a field access and a dense line of coniferous trees. It is understood the second of these closest properties ('Latham Hall') is in the control of the applicant and is not therefore currently considered a sensitive property (see Plan 2).

9. Lying between the existing yard and these nearby properties to the north is an area of private amenity land (described as the applicant's residential curtilage land in the application) with some scattered scrub. Some 0.4 ha of this 0.8ha area forms the application site for the proposed yard extension and is demarked roughly by new post and rail fencing across the field. There is potential evidence of soil tipping/raising in the application area, however it is still 1 to 2m lower than the existing scrap yard and separated by sheet metal fencing and several self-set trees and scrubby vegetation.

Planning history

10. The current scrap yard is long established, and possibly dating back more than 50 years. There is no record of a planning permission ever having been granted for its creation, instead its existence and continued operation was formalised through the grant of a Lawful Development Certificate by Newark and Sherwood District Council in 1998 (ref. 95/51085/LDC). There are limited planning controls attached to this LDC which primarily sets out the extent of the site and what broad types of recycling can be undertaken.

11. Since then the site appears to have expanded beyond the area demarked under the LDC by incorporating the main buildings at the north-east (previously excluded) and in more recent years there is evidence of some expansion along the southern boundary.

12. Planning permission was refused by the WPA in 2016 for the retrospective use of this additional land, along with the retrospective erection of various plant and structures and building extensions within the yard. Permission was refused due to an inadequate flood risk assessment resulting in an objection from the Environment Agency. This went unresolved for several years leading to the eventual issuing of the refusal. Due to the passage of time, these developments which have remained in place will be outside the time limit for taking any enforcement action, but nonetheless the current yard and its operations extends beyond that permitted by the 1998 LDC and no other formal permission or LDC has ever been granted.

Proposed Development

13. The application is for a 0.4 ha northern extension to the current scrap yard to provide new waste storage areas and improved vehicular access arrangements. The extension would be created by means of land raising through the use of imported fill materials (4,500m^3 of inert waste/aggregate) to bring it up by 1 to 2m to the existing yard level. The existing self-set trees and fencing would first be removed/felled. The applicant intends to remove the trees irrespective of the outcome of the planning application to prevent damage to the existing fence and buildings.

14. The yard would extend north by circa 45m on its eastern end, beside the Great North Road and by 20m at its western end beside a field access. The land raising would take 4 weeks and an average of an additional 25 HGV loads per day to source the materials. The extension would be hard surfaced with concrete and with provision for capturing surface water drainage. A new concrete sectional wall, or alternatively concrete 'lego' block wall, would be built along the new northern and extended western and eastern boundaries with space for potential landscape planting on its outside face and potentially a paint or green colour wash. (see Plan 3).

15. The application initially proposed that these walls would stand 4m high as measured from the new internal ground level. However in order to reduce noise

impact to nearby properties (including the nursery) the noise assessment accompanying the application now recommends that the wall be built 5 or 6m high. (in effect this would be circa 7 or 8m high when including the need to raise the site levels). Inside of the wall a range of open storage bays would be formed using stackable concrete blocks. Stockpiles of waste metals would not be stored above the top of the new walls. There would also be no processing within the extension area.

16. The proposed layout also includes a new, second vehicular access onto Great North Road, which would act as a 'exit only', with the existing access made into 'entry only', thereby creating a circular route for HGVs around the existing main building. A section of hedgerow would be removed to create this exit and further cutting back would be required for visibility reasons. Barrier controls and signage would be installed. A second outgoing weighbridge would also be added.

17. The application states that the proposals are required to provide additional scrap metal storage space to maximise recycling and ensure the viability of the business. Metals would be able to be stored for longer periods on site and then sold on when material prices are at their highest, allowing it to take full benefit of the fluctuating market price for scrap metal.

18. The proposed site extension is also stated as being of critical importance in order to create a safer and more organised internal working arrangement and to address the difficulties with HGV manoeuvring and the congestion at the current site access. This existing access is not of an appropriate standard to allow two HGVs to pass and the location of the weighbridge further compounds the problem. The application states that on a daily basis HGVs have to park on the verges along Great North Road while either waiting for the weighbridge to become free or because other HGVs are exiting the site, sometimes by reversing out of the site with the aid of a banksman. This detrimentally affects the operation and safety of the public highway.

19. No changes are proposed to the site's throughput (up to 75,000 tonnes per annum under an Environmental Permit), the types of waste, or the means of processing. It is understood the site currently operates with a throughput of circa 60-65,000 tpa.

Consultations

20. **Newark and Sherwood District Council -** *No objection, subject to securing an additional landscaping/planting scheme.*

21. *The removal of four poor quality, self-set trees on the boundary is accepted and it has been noted that four replacement saplings have been planted to the north of the site boundary to act as mitigation. Further tree planting is proposed and these details should be secured through a planning condition.*

22. *Noise and dust emissions should also be fully controlled by planning conditions.*

23. *Otherwise, Newark & Sherwood District Council has no comments to make on this planning application provided that Nottinghamshire County Council is satisfied that the proposed development complies with the relevant Development Plan policies.*

24. **Newark Town Council-** *No objection.*

25. **Environment Agency –** *Object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone (3b) in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance (PPG). The EA recommends that planning permission is refused on this basis.*

26. *The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each Flood Zone. This site lies within Flood Zone 3b, the functional floodplain, which is land defined by the PPG and the Newark and Sherwood District Strategic Flood Risk Assessment Level 2, Phase 2, 2012 as having a high probability of flooding. The development is classed as less vulnerable in accordance with table 2 of the Flood Zones and flood risk tables of the PPG. Tables 1 and 3 make it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted.*

The EA has provided supplementary comments in response to the applicant's 'Supplementary Statement in Response to Consultee Comments':

27. *The applicant has highlighted other nearby developments in flood risk areas at British Sugar (Change of use from agricultural land to land to be used for conditioning (drying by windrowing) of topsoil, ref 3/18/01148/FULR3N, granted planning permission by the WPA on 25/07/2018) and for the extension of the lorry park, but note that each proposal has to be considered on an individual basis and flood risk can vary from site to site. The EA have reviewed the British Sugar permission and they are not clear whether the WPA in granting planning permission accepted the proposal as 'water compatible', and therefore appropriate within flood zone 3. They are unable to comment on the lorry park development without the reference.*

28. *The EA acknowledges that the applicant has undertaken a Flood Risk Assessment which contains detailed hydraulic modelling. But as the proposed development has a vulnerability classification of "Less Vulnerable" and it is located in Flood Zone 3b, the Planning Practise Guidance clearly states that this vulnerability is incompatible with the flood zone.*

29. *The applicant's supplementary statement mentions the Lead Local Flood Authority (LLFA) has not objected to the proposal but the Environment Agency has. The EA wish to highlight the remit of the EA is fluvial/tidal flooding from main river watercourses (such as the River Trent) whereas the LLFA's remit is flooding from ordinary watercourses and surface water.*

30. *The EA therefore maintains their objection on the basis that the proposed development has a vulnerability classification of 'Less Vulnerable' which is incompatible for the Flood Zone 3b. The WPA should reconsult the EA if the WPA considers the proposed development to have a vulnerability classification of 'water compatible' as their comments and position may change. If the flooding concerns are overcome they would wish to advise the WPA of recommended conditions with regards to groundwater and contaminated land.*

31. **NCC (Highways) –** *No objection, subject to conditions*

32. *The application explains that the site only has one substandard point of access at present which makes it difficult for 2 HGVs to pass one another and can compromise the operation of the adjacent A616 Great North Road. This is subject to a 50mph speed limit, and queuing is a common occurrence along this stretch especially during peak periods.*

33. *The layout of the site itself is compact, and the additional land would enable a more efficient, and optimal operational site layout to be achieved along with the creation of a new exit only onto the A616. The new access would provide an improvement on the existing situation.*

34. *The design for the new site exit demonstrates achievable visibility splays, subject to the cutting back of the hedgerow immediately to the north. A condition is recommended to ensure the new exit visibility splays are provided and thereafter kept free of obstructions.*

35. *A condition is also recommended to require the new access to be surfaced in accordance with the Highways Authority's road specification and not concrete as shown in the application.*

36. *The proposal will result in a negligible increase in traffic generation, caused solely by the potential slight increase in staffing numbers. There are no plans to increase the site's throughput (75,000tpa).*

37. *A review of road accident records outside the site shows none of the 4 collisions involved vehicles entering/exiting the site. Most were recorded as shunt type collisions up to 2018, with no further reported accidents to the end of 2019.*

38. **NCC Flood Risk –** *No specific comment to make.*

    As the Lead Local Flood Authority, advise they should only be consulted on major developments with regards to surface water drainage. Having considered the scale of this application the LLFA believes it is not required to respond in detail to this application. General advice is provided, including all development should ensure it does not increase flood risk to existing properties and sustainable drainage methods should be preferred where feasible.

39. **Via (Noise Engineer) –** *No objection subject to conditions including the provision of a 6m high boundary wall.*

40. *The noise assessment initially only considered operational noise from the proposed extension area, not cumulative noise from the overall scrap yard. After further discussion it was agreed that the noise level from operations in the proposed extension area should not exceed 5dB BELOW the background noise level L90, so to ensure with confidence that the proposal would not lead to any notable change in noise levels at the nearby receptors.*

41. *This can be achieved by introducing a 6m high concrete-block wall to the rear of the storage area to act as a noise barrier along the northern boundary, as recommended by the noise assessment.*

42. *An alternative of a 5m high concrete block wall has also been assessed which achieves a Rating Level of - 3dB below the background noise L90. To maximise protection to the nearest receptors it is recommended that the 6m high concrete-block wall be required by planning condition.*

43. *Additionally, mobile plant on the extension area should operate only at ground level and not on stockpiles, and mobile plant and vehicles under the operator's control should be fitted with broadband reversing alarms.*

44. **NCC (Nature Conservation) -** *Comments*

45. *The area affected is grassland/pasture. No form of ecological assessment has been carried out, so the botanical quality of the grassland is not known, and nor is it known whether there is any potential for protected species (e.g. badgers) to be occupying the application site. It would be prudent for a Preliminary Ecological Appraisal of the application site to be carried out.*

46. *The application site is in proximity to a number of Local Wildlife Sites, designated for their botanical interest; it is not envisaged that these would be (indirectly) affected by these proposals.*

47. *Not aware of any particularly noise-sensitive ecological receptors in the vicinity which may require specific assessment, and in any event, a 4m high wall will be installed around the site perimeter which will provide noise attenuation.*

48. *Existing boundary vegetation should be protected during development, and a condition should be used to this effect. If absent, planting in the form of a native-species hedgerow should be established along the new northern site boundary – again, this should be secured through a condition.*

49. **Via (Landscape) –** *Concerns raised regarding the harmful impact to visual amenity.*

50. *The proposed site is located in the Trent Washlands Landscape Character Area of the Nottinghamshire Landscape Character Assessment. The surrounding floodplain is Trent Washlands Policy Zone 53 – Averham Weir River Meadowlands. The characteristic features of this Policy Zone are:*

    - *Flat low-lying landscape with some linear stretches of pasture against the River Trent.*

- *Intensive arable production.*
- *Abandoned gravel workings with establishing scrub vegetation and some wet woodland.*
- *Some mixed hedgerows along roads or surrounding fields of pasture.*

51. *This Policy Zone has a moderate landscape condition and a low landscape sensitivity and a landscape action of **Create and Reinforce,** which is defined in the Landscape Character Assessment as follows:*

> *'Actions that strengthen or reinforce distinctive features and patterns in the landscape, whilst creating new features or areas that have been lost or are in poor condition.'*

52. *The site itself is located in Trent Washlands Policy Zone 33 – Newark West River Meadowlands. The characteristic features of this Policy Zone are:*

- *Flat, low-lying topography*
- *A highly fragmented pastoral landscape*
- *Flood meadow*
- *Fragmented riparian habitat along the River Trent*
- *Some arable fields*
- *Views dominated by highways, industry and urban fringe*
- *Many detracting features including roads and railways*
- *4 Civil war earthworks which are all Scheduled Ancient Monuments*

53. *This area has a very poor landscape condition and a very low landscape sensitivity and a landscape action of **Create,** which is defined in the Landscape Character Assessment as follows:*

> *'Actions that create new features or areas where existing elements are lost or are in poor condition'*

54. *Policy Zone 33 was separated from Policy Zone 53 due to the presence of several Local Wildlife Sites designations for grasslands of ecological interest. These grasslands wrap around the existing and the proposed development (reference 5/177 Newark Grassland, 5/2401 Valley Farm grassland, 5/661 Kelham Road Grassland II, and 2/778 Great North Road Grassland). But Policy Zone 33 has been fragmented by development such as road infrastructure and the British Sugar site. Increased visual impact as a result of the proposed development will continue to industrialise this area and further erode its landscape character.*

55. *Regarding visual impacts from the proposed 6 metre high wall, the houses to the north of Kelham Lane are unlikely to have views due to screening by the surrounding built development. Valley Farm at the end of Kelham Lane has farm buildings which will also screen the residential dwelling on this site. There are unlikely to be views from Newark Bridleway 15 passing along Kelham Lane due to screening by the surrounding built development.*

56. *The nursery (Breedon House) is the closest property to the site and has a large garden where children are able to play outside. The proposed increase in height of the wall is to reduce noise impact on these receptors. The nursery building is located 90 metres to the north west of the proposed site and the garden area extends up to its corner. However, there are unlikely to be views from the house or garden due to the surrounding mature vegetation on all of the boundaries. Other buildings to the south of Kelham Lane are also unlikely to have views due to the intervening screening effect of the vegetation surrounding the nursery garden and the second closest residential property. This property is believed to be under the ownership of the applicant and is therefore not considered here.*

57. *There are most likely to be views of the proposed 6 metre wall from vehicles using the A616 travelling south. For vehicles travelling north, the wall will be screened by roadside vegetation and the existing brick wall frontage. For vehicles travelling south, the existing northern boundary is well screened by roadside vegetation, but the removal of 20 metres of mature hedgerow is likely to open up views from this vantage point. Because of its height the wall will become visible above the existing hedgerow that remains. It is accepted that vehicle drivers will be concentrating on the approach to A46 roundabout but at the same time they will be slowing and queuing at busy periods. Visual impact for vehicles travelling south will extend for a distance of approximately 165 metres.*

58. *The applicant has suggested that the proposed six metre high wall could be painted green so that it blends into its surroundings more effectively. However, Via (Landscape) consider that this would do little to address its overall scale and visual presence and would only draw attention to the wall. It would also be difficult to maintain such a high wall in good condition.*

59. *The applicant has suggested that the exterior of the wall could be planted but Via (Landscape) believes it will be very difficult to mitigate the visual impact of the 6-metre wall with planting and would question if there is enough space available. It would also take some time for the screening vegetation to reach maturity and care would need to be taken in both the species selection and the location of any planting so that it would not cause structural damage to the wall.*

60. *Having reviewed the draft committee report, Via (Landscape) support the officer's conclusion that the proposed development would cause harm to the visual amenity of the area. In particular, Via (landscape) consider that the 6-metre-high wall will have a visual impact on vehicles travelling south on the A616 travelling south for a distance of 165 metres.*

61. **NCC (Archaeology) –** *No objection. Recommends a written scheme of investigation by way of condition.*

62. *The archaeological potential of the site is far from clear. It is in relatively close proximity to the Grade II Listed Smeaton's Arches, and is adjacent to a stretch of embankment and an associated channel which was dug either side of the structures, possibly used as the material for the embankment but also acts as flood storage.*

63. *The proposed extension to the scrap yard is at the original 18th Century ground level, and at least part of the site is beyond the channel. The lidar imagery suggests there has been some dumping in the southern half of the site, although this is not clear. No information suggests that the area has been otherwise damaged, and therefore archaeology may survive here – noting that this part of the Trent Floodplain has a complex and intensive archaeological resource.*

64. *It is assumed that topsoil and organic rich materials would be first stripped before the ground level is raised to match that of the current scrap yard. If there is archaeology present, it will be exposed by such work, and is likely to be damaged by vehicle movements and the import of the inert materials.*

65. *It is recommended that an archaeological investigation known as "strip, map and sample" be conditioned if the proposal is granted consent.*

66. **NCC (Built Heritage) -** *No objection.*

67. *The site is close to parts of the designated heritage asset known as Smeaton's Arches. However, the nature of the proposal and distance to the nearest part of the designated heritage asset is adequate so as to not cause any negative impact on the setting of the asset.*

68. **Via (Reclamation); Severn Trent Water Limited; Cadent Gas Limited;** and **Western Power Distribution** have not responded. Any response received shall be orally reported.

Publicity

69. The application has been advertised by a press notice, a site notice and 15 neighbour notification letters in accordance with the County Council's Adopted Statement of Community Involvement.

70. One letter has been received from a nearby resident raising concerns over the increased risk of flooding to nearby properties and whether the proposed mitigation would be effective and kept in place. A safety concern is also raised, noting the effects of a large fire at the site last year and how the proposal would bring the site operations closer to the residential properties to the north. This could also lead to an unwelcome increase in noise and dust.

71. Mark Spencer, Member of Parliament for the neighbouring Sherwood constituency has written to support the application proposal. The MP notes that the applicant is an important local employer and a long-established local recycling business. The proposed extension would support the continued employment of 20 full time employees at Newark and a further 8 in Mansfield and the applicant anticipates being able to employ a further 2-3 FTE members of staff as a result of the proposal. He states the UK's recovery post COVID -19 will depend on local small and medium sized companies being able to rebuild and grow to achieve their potential, including through more international trade.

72. The MP believes the new access and in/out system would also provide significant improvements both to on-site recycling operations and site safety and by also reducing impacts on the Great North Road from HGVs having to reverse and/or park up as they wait for space to be created on site.

73. He further states that the evidence from the Environment Agency on the possibility of flooding is considered inconclusive. Aerial photos showing flooding in February 2020 are of poor quality. Although the site is within the flooding zone the proposed site extension does not actually flood. The proposals would allow the containment of any possible floodwater.

74. Councillor Mrs Sue Saddington has been notified of the application.

75. The issues raised are considered in the Observations Section of this report.

Observations

Principle planning and land use issues

76. In accordance with the statutory requirements, this planning application must be determined in accordance with the Development Plan (read as a whole), unless there are material considerations which indicate otherwise.

77. The Development Plan in the context of this proposal comprises:

- The Nottinghamshire and Nottingham Waste Core Strategy (2013)
- The Nottinghamshire and Nottingham Waste Local Plan (saved chapter 3 policies) (2002)
- The Newark and Sherwood Amended Core Strategy (2019), together with:
- The Newark and Sherwood Allocations and Development Management Policies Development Plan Document (2013)

78. The following are material considerations which should be taken into account:

- The National Planning Policy Framework (NPPF) and associated online Planning Practice Guidance (PPG);
- National Planning Policy for Waste (NPPW).

79. The main matter to be decided is whether the proposed site extension is appropriate in planning policy terms, having regard to the principles of sustainable development. In particular there are specific concerns about the site area being located within the functional floodplain/washlands for the River Trent, as well as its countryside location. These issues will later require consideration against the operational and economic benefits which may arise.

80. The strategic and locational criteria for waste management developments are set out in Waste Core Strategy Policies WCS3, WCS4, WCS7 and, specifically for site extensions, Policy WCS8.

81. Policy WCS 3 provides the basis of the waste hierarchy into planning policy. It gives priority to the development of new or expanded waste recycling (and composting/AD) facilitates over energy recovery, or lastly disposal solutions. This is in order to work towards to the plan's objective of an overall 70% rate for recycling or composting. As the proposal relates to an expansion of a recycling facility, there is no conflict with this policy, however there is also no clear support as the proposals would not expand processing capacity or throughput, merely improve the operation of the site according to the applicant, and therefore there would be no contribution to the objectives of this policy to expand recycling levels. Consequently Policy WCS3 is considered to be neutral with respect to the proposed development.

82. Policy WCS4 deals with the broad locations for waste management facilities so to ensure there is a network of facilities appropriately sized to serve different communities and areas. Primarily this is to guide new facilities, as opposed to site extensions, however the Strategy makes clear that all policies are to be read together. The policy supports the development of smaller to medium sized waste management facilities in, or close to, the County's built-up areas including that of Newark. It states that the development of facilities within the 'open countryside' will be supported only where such locations are justified by a *clear local need*, particularly where this would provide enhanced employment opportunities and/or re-use existing buildings.

83. In this case whilst the site is located close to the town, the Newark and Sherwood Allocations etc Development Plan Document (Part 2 of the Local Development Framework) establishes a defined Newark Urban Area into the Development Plan (as well as for certain other settlements). The NUA boundary runs up to (but not including) the Cattle Market roundabout, such that the land to the north starting with the low level pasture fields, the current scrap yard and the proposed site are deemed to be in the open countryside for the purposes of planning policy.

84. Taking the site as being within the open countryside for planning policy purposes, in addition to the 'clear local need' test within Policy WCS4, it is further noted that under Policy WCS7 (which deals with the locations for specific types of waste management facilitates) metal recycling facilities are only supported on employment land and industrial estates and not in countryside locations.

85. Policy WCS8 deals with site extensions. It supports extensions where this would increase capacity or improve existing waste management methods, and/or reduce existing environmental impacts. The supporting text advises that, whilst extending facilities is likely to be more economic, and have less environmental impact than finding and building a new one, it states an extension may not always be the most sustainable option if an existing site is poorly located (such as where there is a heightened flood risk) or is close to sensitive uses.

86. All development proposals also need to demonstrate they would not lead to any unacceptable environmental impacts or impacts to local residents, or those working nearby, including cumulative effects, as required by Policy WCS13.

87. In the Newark and Sherwood Local Plan Documents, the approach of Core Policy 3 of the Amended Core Strategy and Policy DM8 of the A&DMP DPD, is to afford strict controls to development in the open countryside. Core Policy 3 states that uses will be restricted to those which require a rural setting. This is further expanded upon in Policy DM8 which states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and limited to a select form of development. These include agricultural/forestry, tourism/leisure, equestrian uses, certain dwellings and re-uses of existing buildings and rural diversification proposals which should be complimentary and proportionate in nature and scale to the existing business. Of relevance to this instance is paragraph 8 in relation to employment uses:

> *"small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6. Proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. Such proposals will not require justification through a sequential test." [The sequential test here being un-related to the separate sequential test which seeks to direct development away from high flood risk areas].*

88. Taking stock and account of the above policy framework, Planning Officers consider the existing site and the proposed extension to be in the open countryside where strict planning controls apply.

89. Whilst there is some support for the proportionate expansions of rural businesses under Policy DM8 (where they can demonstrate an ongoing contribution to local employment) which this proposal pertains to meet (on the basis that the site would expand in area only, by aprox 35%, and would retain and grow employee numbers), this District-level policy needs to be read alongside and with the Development Plan as a whole which includes the Waste Core Strategy and Waste Local Plan. When seen in this context it is considered that there is not a particular need for the scrap yard or its proposed extension to be within the open countryside, and notwithstanding its long-time presence, it should be possible for local businesses to grow on to larger and more appropriate/sustainable alternative employment sites, including those provided locally and allocated by the Newark and Sherwood Local Development Framework. It is therefore considered not appropriate to set aside the sequential approach to site selection for this proposal and the strict control to land use should apply in order to protect the countryside and promote more sustainable locations.

90. With reference to Policy WCS8, as per the conclusion against Policy WCS3 above, it is noted that this proposal would not increase the site's throughout of waste as limited by the current Environmental Permit (max 75,000 tpa), nor

would it change the accepted types of waste or improve their methods of processing. There is therefore no contribution towards the objectives of Policies WCS3 or WCS8 to expand recycling capacity.

91. The extension may improve existing waste management methods, through a partial reorganisation of the site layout and through the new circulatory access arrangements. The creation of the new storage areas may also be considered to improve waste management methods through better segregation of materials, however it is not immediately apparent that the proposal would reduce any existing environmental effects. For example, there is no commitment to reduce the heights of the existing stockpiles, which are consistently visible at this gateway location and in fact the provision of a large and conspicuous concrete wall would be necessary to reduce noise towards the nearby properties to the north, including a day nursery, which are sensitive to noise, dust, odour and such impacts. The proposal does not entail the re-use of existing buildings and amounts to a change of use of rural land and the engineering and tipping to raise levels out of the floodplain. The expansion and building up of the land would not reduce flooding impacts and may in fact likely raise these risks. This raises fundamental sustainability questions as later considered.

92. Consequently officers consider that this is an inappropriate location for expansion and contrary to the approach of planning Policies WCS4, WCS7, WCS8 and Core Policy 3 and Policy DM8, which seek to restrict development in the open countryside and other unsustainable locations, having regard also to the site's situation in the functional floodplain and proximity to nearby dwellings. The issue of flood risk and other matters arising are further considered in more detail below.

Impacts from/to flooding

93. Policy WCS14 (Managing Climate Change) requires all new or extended waste management facilities to be located, designed and operated so to minimise any potential impacts on, and increase adaptability to, climate change. The supporting text makes clear that inappropriate development in the floodplain should be avoided including waste management proposals, noting that these also pose a potential pollution risk from flooding and storm events. Detailed impacts are controlled through the framework of saved policies from the WLP and relevant policies from the District's Local Development Framework and also guided by national planning policy.

94. WLP Policy W3.5 states that planning permission will not be granted for a waste management facility where there is an unacceptable risk of pollution to ground or surface waters or where it affects the integrity or function of floodplains, unless the harm can be mitigated by engineering measures and/or operational management systems. Allied to this are Policies W3.6 (water resources - planning conditions) and W3.13 (Flood Defences) both of which start from the position of where planning permission is granted, that planning conditions will be imposed to protect such interests such as requiring sealed drainage systems

and impermeable surfacing. The weight given to these 'permissive' policies needs to be tempered as they predate national planning policy on flooding within the NPPF.

95. NSDC CS Core Policy 10 (Climate Change) seeks to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. This links with A&DMP Policy DM5 (Design) which states (para 9) that new development will be steered away from areas at highest risk of flooding and that proposals within Flood Zones 2 and 3 will only be considered favourably where it constitutes "appropriate development" and it can be demonstrated that there are no reasonably available sites in lower risk Flood Zones (the Sequential Test). Where development is necessary within areas at risk of flooding, the Exception Test will also need to be satisfied by demonstrating it would be safe for the intended use and would not increase flood risk elsewhere.

96. Policies CS10 and DM5 are in line/up to date with the NPPF on this matter, including NPPF para 150, which states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and para 155 which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) but where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

97. NPPF para 159 states that where it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. Para 160 states for the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

98. Para 163 of the NPPF also seeks to ensure that flood risk is not increased elsewhere. It states that:

> *development should only be allowed in areas at risk of flooding where, in the light of* [a site specific flood risk assessment] *(and the sequential and exception tests, as applicable) it can be demonstrated that:*
>
> *a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
>
> *b) the development is appropriately flood resistant and resilient;*

c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*

d) *any residual risk can be safely managed; and*

e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

99. The Planning Practice Guidance provides further advice on the appropriateness of different land uses and developments according to their vulnerability to flood risk. It maps these vulnerability classes against the Flood Zones 1 to 3b to indicate where development is considered appropriate and where it is not. Together with the sequential approach, this aims to steer new development to areas of lower flood risk – Flood Zone 1 and then Flood Zone 2 if no reasonably available sites are in Zone 1. Only where there are no reasonably available sites within zones 1 and 2 should sites within zone 3 be considered and this should take into account the vulnerability class of the proposed land use and applying the Exception test as required by the guidance.

100. The PPG also sub classifies flood zone 3 (high risk) into 3a and 3b. The latter is considered the functional floodplain where development is further restricted. Only 'essential infrastructure' and 'water compatible' uses are appropriate in this most at risk flood zone and after considering the sequential test, the exception test as appropriate, and meeting further criteria, namely that development:

"should be designed and constructed to:

- *remain operational and safe for users in times of flood;*
- *result in no net loss of floodplain storage;*
- *not impede water flows and not increase flood risk elsewhere.*

101. Table 3 from the PPG is reproduced below.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

Key:

✓ Development is appropriate

✗ Development should not be permitted.

102. The extent of the functional floodplain is set by strategic flood modelling and is generally land which would naturally flood or is designed to flood and is thereby providing an important function in making space for flood water and taking pressure off rivers and local settlements.

103. In this case the wide area between Newark, Kelham and South Muskham is a well-known flood plain largely comprising low level farm land, former gravel pits as well the sugar factory complex. The Great North Road is carried over this area on a raised causeway incorporating a series of brick viaducts engineered by John Smeaton on the instruction of the Duke of Newcastle in 1770 and later widened. This still survives and ensures this road is kept free from flooding as was shown most recently in February, when the surrounding floodplain was submerged, including the nearby A617.

104. The existing scrap yard can be clearly seen as an 'island' of elevated made ground surrounded by the natural floodplain. To the immediate south and west this comprises low level meadow grassland, whilst to the north, the land remains at a lower level (despite evidence of some recent raising) and appears to have been used as private amenity land. The group of properties to the north appear slightly elevated, but still in a vulnerable location. Topographic surveying of the site shows the Great North Road and the central and eastern areas of the current scrap yard to be at or around 12m AOD, whereas the extension area is currently between 9.3m to 10.7m AOD. This fall in levels is clearly visible at the current boundary fence line.

105. The applicant states that the proposed site/area did not flood in the most recent major flood this last February. Aerial photographs taken by the Environment Agency and seen by the WPA would appear to at the very least question that belief. But arguing whether it did or did not flood is not the critical question. Instead the question should be *will* or would the land flood in the future (without the proposed development), taking into account the effects of climate change and strategic flood modelling. This strategic flood modelling then assigns it a level or flood risk from Flood Zone 1 (low risk) to 3b (highest risk), and then the proposed use can be considered for its appropriateness or compatibility with that level of flood risk.

106. The Environment Agency considers the area for the proposed extension to be the functional floodplain (Zone 3b), based on the latest up to date modelling information available.

107. The applicant's Flood Risk Assessment (FRA) includes some site-specific flood modelling in an attempt to refine the Environment Agency's flood mapping (which is typically undertaken at a larger resolution across a floodplain). The results of the modelling appear to confirm what is already known and does not appear to challenge the 3b flood zone designation head on.

108. Specifically, it confirms the site is situated in an island floodplain created by the two branches of the River Trent at Kelham/ Muskham and the navigable section through Newark; the application site itself is situated in 1 in 20 year floodplain; there are numerous historic records of it flooding; part of the site area would be inundated during a 5-year storm event and the remainder during a 20 year storm event. The site is therefore at a high risk of flooding. The FRA and modelling itself states:

> *'The Flood Zone 3b designation of the area intended for development will pose a potential planning restriction under the National Planning Policy Framework (NPPF). However, this hydraulic review has been commissioned to assess the impact of the proposed development assuming that the planning restriction can be overcome.'*

109. The FRA does not include any sequential site analysis to determine whether sites at lower risk are available. It is not obvious that there are other options in terms of direct extensions to this current site, given its situation.

110. The proposed 'mitigation' is to raise the ground levels above the worst case flood scenario (factoring in climate change). This would be achieved through the importation and tipping of 4,500 m^3 of inert waste materials and surfaced with impermeable concrete in order to build up the levels to meet that of the existing elevated scrap yard. However this would result in the loss of storage capacity and remove the ability of this area to hold flood water as part of the wider functional floodplain, compromising its very important planning function to make space for flood waters so to protect the town of Newark and the surrounding properties and communities. (As already noted, the properties to the immediate north along Kelham Lane are already in an extremely vulnerable situation).

111. In turn the FRA considers whether mitigation could be provided for the loss of the floodplain by providing an equivalent lowering/excavation of an area of land in the applicant's ownership. The FRA looked at excavating a large pond on the grasslands to the south of the current yard. However this was ruled out as it was found that this would be ineffective and may raise flood risks to the nearby sugar factory. In any event Planning Officers note that such an excavation would largely destroy what is a Local Wildlife Site for its meadow grassland interest.

112. The applicant therefore relies on the belief that the loss of a small part of land from the floodplain would not make any material difference to its wider function or significantly increase the risk to other properties/land. It also considers that it is not necessary to provide compensatory provision (and which would not be effective) and that the development can be raised safely above the worst case flood levels whilst on-site surfacing and drainage provision would be capable of dealing with any pollution in surface waters and control the rates of clean water run off/discharge.

113. This overall approach as set out in the FRA fundamentally dismisses the primary question that is central to this issue; that is of the *appropriateness/ compatibility* of this type of development in the highest risk flood area, as guided by planning policy and the Planning Practice Guidance in particular. It is against this matter that the Environment Agency object to the application in the clearest terms. It also focuses overly on designing an extension which is adequate and flood resilient for its lifetime and dismisses the principle of maintaining the integrity of the functional floodplain, where development should be steered away from.

114. In considering the compatibility of different land uses within the flood zones, the PPG provides pertinent advice which should be followed for making planning decisions. It categories waste management facilities as 'less vulnerable' to flooding or 'more vulnerable' in the case of hazardous waste management installations. (Whilst it is noted the Environment Agency suggests this would be a less vulnerable use, Planning Officers note the existing site deals with hazardous wastes from the End of Life Vehicle dismantling, thus it could be argued the proposed extension could be deemed to fall under a 'more vulnerable use'.) However, as the site falls within Flood Zone 3b (the functional floodplain), the guidance advises that both 'less vulnerable' and 'more vulnerable' uses are not appropriate and should not be permitted. (See table 3 extract above). It makes no allowance for any Exception test to be applied in these instances. Only 'water compatible' development and 'essential infrastructure' are deemed potentially appropriate (and only after passing the sequential and exception tests as appropriate). Planning Officers do not consider the proposed development to fall within these categories and so there is no requirement to reconsult the EA as suggested in its consultation response as detailed in para 30 above.

115. On the basis of the proposed development being considered a 'less vulnerable' use, the Environment Agency raise their clear and unambiguous objection. The proposed extension should not be permitted given its land use classification and

position in the functional floodplain. This would also compromise an important floodplain and water storage area, which has long-served to protect the town and surrounding communities. Its importance is only going to increase with the effects of warmer, wetter winters, as shown by the applicant's flood modelling which shows deeper flood levels over time. On principle matters it is not considered appropriate for such waste management facilities to be sited in high flood risk areas, where the potential for pollution to the environment is heightened, as noted in the Waste Core Strategy.

116. It is accepted that there is already an authorised and licensed scrap yard in and surrounded by a high flood risk area and in many instances site extensions can be a practical and sustainable solution to improving or enlarging such businesses and their operations. However, the current yard exists there as a fact of longstanding history and the present planning system attaches much greater importance to flooding matters and rightly so, acting in the greater public interest, and in order to deliver sustainable development when the effects of climate change are already starting to be seen. The Waste Core Strategy identifies that an extension may not always be a sustainable or acceptable option.

117. In an attempt to justify the proposed development the applicant draws attention to a recent nearby development for the expansion of the lorry park, off the Cattle market roundabout, involving some building up of levels as part of the surfacing. Permission was granted by Newark and Sherwood District Council. However it is noted that that area is at lower risk of flooding (Zone 2) and the proposed use was compatible/appropriate development under the PPG. An extension to that existing site, as opposed to a relocation, was therefore deemed acceptable against planning policy by the local planning authority. Citing this example does not help the applicant's case because the present application site is at much greater risk of flooding.

118. The other instance citied is at British Sugar where the WPA in 2018 granted permission for an additional soil conditioning area. The land there is at a similar level of flood risk to the application site being in Flood Zone 3b, however in granting that planning permission, the WPA accepted the development as sequentially appropriate and the development was subject to the provision of a flood compensation area. Notably the 'waste' materials there are inert, natural soils which arise from the seasonal processing of sugar beet. In both cases the EA raised no objection or no comment.

119. In accordance with the approach of the policies and guidance, the proposed extension is deemed not appropriate in this situation. Officers therefore consider it unnecessary to require the applicant to undertake a sequential analysis of alternative sites in order to justify the application site, and nor does this lead to the Exception Test, or consideration of any mitigation measures by condition. A proper application of the sequential approach would instead redirect this proposal elsewhere to areas at lower risk of flooding. Short of a wholescale relocation, potentially the applicant could consider the provision of a local satellite site in a more sustainable and sequentially preferable location elsewhere. It is noted that the applicant already has a second site in Mansfield

and so there appears no reason why a further site could not be found in the Newark area, perhaps for additional storage purposes which appears to be the main driver of the application. This might then free up space in the current yard and thereby improve the vehicle manoeuvring and turning space which is required.

120. The proposed site extension is clearly not sustainable or appropriate on flood risk grounds and is considered contrary to Policies WCS14, W3.5, Core Policy 10, Policy DM5, Paras 150, 163 of the NPPF and the PPG on flood risk.

Highways, access and parking

121. WLP Policy W3.14 states that planning permission will not be granted for a waste management facility where the vehicle movements cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities.

122. The NPPF seeks to ensure that developments have safe and suitable access, including opportunities to promote sustainable travel depending on the type of development and location (para 108). Proposals should also allow for the efficient delivery of goods, and access for emergency services (para 110).

123. Newark and Sherwood Policy DM5 also requires safe and inclusive access as well as adequate parking provision.

124. The facility is directly served from the A616 Great North Road which is a 'class 1' county road, with a 50 mph speed limit. It is a straight run from Muskham bridge to the Cattle market roundabout but can be subject to peak period congestion outside of the site on its approach to the roundabout.

125. Waste is accepted via individual trade and customer's vehicles and the applicant also has use of their own vehicles and HGVs to transfer waste. There are no planning restrictions controlling associated vehicular or HGV movements. The only restriction is the Environmental Permit which allows up to 75,000 tpa to be processed, though in reality the site is operating at around 60,000 tpa. The application states that between 20 and 30 HGVs typically visit the site per day (40 and 60 two-way movements) and in addition there can be between 40 and 70 other vehicle types (80 to 140 two-way) per day as well as some staff cars.

126. The applicant states that throughput would not increase as a result of the development proposal, but even if did, this is already allowed by the Permit up to its upper limit. Apart from 2-3 additional staff cars there are therefore no additional traffic loading issues or turning movements to consider. Additional storage capacity might potentially enable greater bulking and thus efficiencies in associated vehicle movements, but this is not clearly demonstrated.

127. The main issue is the limitation/inadequacy of the current single point of vehicular access which is not wide enough for HGV traffic to arrive and leave simultaneously. The application explains how this arrangement and the lack of space generally within the site is leading to impacts out onto the public highway

with HGVs being at times unable to enter the site (such as when there is a queue at the weighbridge or when giving way to a vehicle exiting the site).

128. The WPA is itself aware of HGVs and other vehicles associated with the yard parking on the opposite shared footpath and cycleway causing an obstruction to these users. This may partly be down to the internal congestion issues, or lack of space being made within the site for parking. It may also be down to driver behaviour.

129. Part of the rational for the proposed extension therefore is to create additional HGV circulation space and a new exit onto Great North Road just to the north of the current access, which in turn would become the site entrance. A second weighbridge would be sited before the exit. Thus a clockwise system of entrance, loading and unloading, and exit would be created.

130. The new access would be formed after the land levels in the area have been raised using imported materials and would entail the removal of circa 20m of the existing roadside hedgerow (this loss is further considered in the report). Also in order to provide the necessary junction visibility it would be necessary to trim back further lengths of the hedgerow and ensure this is maintained thereafter. A poor quality street tree located very close to the corner of the proposed access also appears that it might need to be removed.

131. Changes to the highway drainage gully and the relocation of a lighting column would also be required as part of the highway works. The new system would be clearly signed and both accesses would be able to satisfactorily accommodate turning for the applicant's largest articulated HGVs (bulk carriers).

132. Following provision of further information, the Highways Authority is satisfied with the proposal subject to conditions requiring the provision of and thereafter maintenance of the junction visibility. It is also noted that the surface would need to be agreed as part of the works which would need a separate agreement under the Highways Act.

133. The new access system would clearly help to address the existing site congestion and access difficulties, through deconflicting traffic arriving and departing and providing additional internal circulation space which would be helpful to maintaining site safety. Whilst the plans do not provide additional queueing space on entry to the site, as the current weighbridge (to become the inbound weighbridge) would stay in its current position, the additional space within the site generally would aid the onward movement of HGVs within the yard, thus with good site management a HGV would be able to move straight off the weighbridge to a given loading or loading area, or around on the new circulation space.

134. The importation of the material needed to create the raised extension would result in a short term (4 weeks) increase in heavy traffic accessing the site (by the existing entrance). The operation would entail approximately 25 HGV loads a day on average (25 in 25 out) and where possible these would be timed to

avoid peak periods. This would equate to two loads per hour. There is no objection to this temporary and specific increase in HGV movements.

135. The new access, whilst slightly nearer to the residential properties to the north, is unlikely to affect standards of amenity in terms of noise or disturbance. Such noise issues are further considered below.

136. Overall the new access arrangement would provide a benefit to the safety and operation of the public highway outside of the site (as well as within the site) and is therefore supported by Policies W3.14, DM5 and the NPPF. It would facilitate the efficient delivery and transfer of goods and waste materials and improve the waste management methods and operations at this site. As such the proposed extension would also gain some support from Policy WCS8 (site extensions) on this one issue, however the conclusion on compliance with this policy and/or the weight which should be afforded to this benefit needs to be considered in the final planning balance after taking into account all relevant matters including the identified flood risk issues above.

Local and residential amenity

137. WCS Policy WCS13 supports proposals for waste management development where it can be demonstrated that there would be no unacceptable impact on the quality of life of those living or working nearby, including cumulative effects.

138. Waste Local Plan Policies W3.7, W3.9 and W3.10 seek to ensure associated odour, noise and dust are appropriately controlled and mitigated.

139. National planning policy (NPPF) advises that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 180).

140. There is very little in the way of planning control or restrictions on the current facility. It is primarily regulated under an Environmental Permit. An objector has noted that the proposed extension could lead to increased impacts to the nearby residences to the north and this concern is possibly being heightened by a major fire at the site last year. Planning Officers also note the presence of the day nursery, its outdoor spaces and its close proximity to the proposed site.

141. Potential noise impacts to the nearby properties have been considered through a Noise Impact Assessment submitted with the application. This has been revised during the application which has led to the proposed height of the new external wall being increased from four metres to five or six metres in order to provide sufficient mitigation to these receptors.

142. The local noise climate is dominated by traffic noise and some noise from the sugar factory. The NIA considers the existing scrap yard noise to form a legitimate part of the background noise.

143. Whilst no additional processing is proposed on the proposed site extension, noise would be extended closer to the properties as a result of the handling and storage of scrap metal in the extension area, the operation of mobile plant, and also the movement of HGVs around the new circulatory system and the new site exit. The character of much of this type of noise would be 'impulsive' i.e. crashing and clacking noise, as opposed to the continuous character of the prevailing road traffic noise.

144. The NIA considers that the existing nearby occupiers might be expected to have some pre-existing tolerance to the effects of noise from the existing scrap yard operations. It demonstrates to the satisfaction of the County Council's noise consultant, that noise can be adequalty controlled and would not lead to 'noise creep' from the expansion of the site, subject to a number of recommendations, the main one being the provision of a higher wall/enclosure in order to provide a barrier to noise. This should be 6m high as recommended. The wall would also assist to some degree in controlling other emissions from the site.

145. Residual impacts to local amenity, including during the land raising and construction stage could be expected, but are unlikely to be significantly detrimental to amenity given the existing context. Mitigation measures could be subject to planning conditions and such conditions could also be applied to the wider site for the first time i.e. the existing and proposed site, in order to be effective.

146. Subject to the provision of the recommended 6m high wall and other mitigation measures in relation to mobile plant and vehicles, the proposal is not considered to result in unacceptable impact to local/residential amenity.

Visual impact, design and landscaping

147. Saved Policies W3.3 and W3.4 of the Waste Local Plan seek to limit the visual appearance of waste management facilities and their associated plant, buildings and storage areas and requires the provision or maintenance of screening and landscaping. All plant, buildings and storage areas should be located so to minimise impact to adjacent land, kept as low as practicable, utilise appropriate cladding or treatment and where possible grouped together to prevent sprawl. Screening and landscaping should retain, enhance, protect and manage existing features of interest and value for screening and further measures such as fencing, walling or landscaped bunds may be required to reduce a site's visual impact.

148. WCS Policy WCS15 seeks to ensure high quality design and landscaping is employed in the development of new or extended waste management facilities. This is line with the NPPW which 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.

149. NSDC policy DM5 (Design) considers a range of impacts including visual amenity, landscape, local character and trees. NSDC core policy 13 (Landscape Character) states that new development should positively address the implications of the relevant landscape Policy Zone(s), consistent with the conservation and enhancement aims for that area.

150. The current scrap yard is visible in passing from Great North Road and some taller elements such as stockpiles, processing plant, and sheet fencing are relatively prominent, particular from the south at the cattle market roundabout. On the southern boundary there is evidence of encroachment/expansion where there is a clear open view across the low-level grassland from the elevated road. The regular storage of plant/machinery and parts outside of the authorised site and in front of the landscaping bund presents a poor visual appearance at that gateway location on the edge of the town.

151. The northern field which is relevant to the proposed extension is more enclosed in nature and defined by the mature roadside hedgerow which provides a good degree of screening of the application site area due to it currently lying at a lower level to the highway. The area is further enclosed by a dense tree line which screens the area from the properties to the north and north-west. A number of self-set trees alongside the current sheet metal boundary also provide some softening of the existing scrap yard and of the structures and buildings within it.

152. The roadside hedgerow, both on this and the opposite side of the road are supplemented by numerous trees and give the Great North Road a continuous soft and verdant edge on its approach to the town. When travelling outbound this then transitions to the open views out across the expanse of the surrounding arable fields and flood plain to the north. Whilst the sugar factory complex is obviously a significant feature in the area, it is set back from the road and except for its access, it maintains a successful green fringe to the road.

153. The proposed extension would entail the raising of part of the northern field area, the removal of part of the roadside hedgerow in order to form a new access (and cutting back of the remainder) and the erection of a substantial concrete sectional or block wall along the new northern boundary and the eastern return leg behind the hedgerow up to the new access. The self set trees along the current boundary would also be removed, although the applicant plans to remove these in any event due to their encroaching onto the yard and its buildings. The applicant has planted a number of new trees in the field to the north just outside of the application site and the application proposes that additional planting and screening could be provided along the outside face of the proposed new boundary wall.

154. Planning officers have concerns over the visual appearance of the proposed extension in this context and in particular the planned new concrete wall. Similar concerns have been raised in comments from Via (Landscape). Owing

to the need to contain noise and other emissions from the site in order to safeguard the nearby residences and day nursery, this wall would now have to stand some 5 to 6m in height as measured from the new, raised level to tie into the existing yard and highway levels. In effect this wall would be 8m high when measured from the existing lower ground levels to the north. The roadside hedgerow would only screen the lower third of this substantial wall and it would stand as a very conspicuous and unattractive feature next to the highway where it would have its return leg along the eastern boundary. Furthermore any new planting (even if provided at the higher level) on the outside face of the wall would be ineffective and would take considerable time to mature. There is also the potential for any planting to cause structural damage to the wall and so care would need to be taken in terms of species selection and location. There may be the option of colour washing or painting the wall, however this would do little to address its overall scale and visual presence which would only draw unwelcome attention to the facility.

155. Officers also have concerns that, along with the removal of a circa 20m section of the hedgerow in order to create the new site access, the remaining length would be under continuous pressure and stress from it needing to be cut back (possibly quite harshly) in order to provide and then maintain the junction visibility which is a requirement of the Highways Authority.

156. Overall the proposal is considered to be harmful to the visual amenity of the area which lies on one of the main outer approaches to the town and where the existing pattern of development is transitioning and reflective of the countryside setting. The combined visual impact would act to further industrialise the local landscape character. The large wall would not contribute positively to the character of this area and it would interrupt and jar with the verdant nature of the mature hedgerows and trees which line both sides of the Great North Road at this point. Any existing or proposed landscaping or external treatment is unlikely to be effective given the position and scale of the proposed wall. The existing hedgerow is also likely to be harmed in order to provide junction visibility.

157. Consequently officers consider that the proposed development would fail to provide the high quality design and landscaping and would be visually harmful at this edge of town/countryside location. The proposals would not retain, enhance or protect the existing landscaping and any additional landscaping would not satisfactorily reduce the visual impact. The increased visual impact would also further erode the local landscape character. The proposal is considered contrary to Policies WCS15, W3.3, W3.4 and DM5 and CP11.

Benefits to local business and circular economy

158. Core Policy 6 of the Newark and Sherwood Amended Core Strategy seeks to strengthen the local economy including through maintaining and enhancing the employment base of towns and settlements by providing a range of suitable sites to meet the needs of traditional and emerging business sectors. It seeks to support small and medium-sized enterprises, including through the allocation of sites for mixed-use development incorporating housing and employment, as

part of the Allocations & Development Management DPD. These include starter units, live-work units, and 'grow on' graduation space so that small firms can be established, expanded and retained within the District. Significant new employment land is identified as part of the strategic sites and further site allocations are within the Allocations DPD. In rural areas, diversification that would support tourism, recreation, rural regeneration and farming is supported. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.

159. More generally the Waste Core Strategy recognises the business and economic opportunities from growing the waste management and materials recycling sector.

160. The National Planning Policy Framework (para 80) states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

161. Specifically in relation to rural economic growth, the NPPF states planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Planning decisions should recognise that sites required to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. (para 84)

162. As noted above the proposed site extension would not contribute to increasing recycling capacity, but it would enable greater storage and segregation of metals, and allow the applicant business to take advantage of peaks in scrap metal prices to a greater degree. In turn this may lead to a small rise in employee numbers and could support cash flow and investment into the business. No case has been made as to the viability of the business if the proposed extension did not proceed and it is not obvious that the proposal is essential to maintaining the current facility and its workforce.

163. In terms of other benefits, the improved site access and circulation arrangements have already been noted above, which would improve site safety for employees and visitors.

164. The planning system acts to support the growth of the local businesses, but development still needs to be sustainable.The site's location in the functional floodplain, which is at the highest possible risk of flooding, is a major concern. The local plan provides a range of more appropriate and sustainable sites which

businesses can move onto and grow. The proposed expansion could be provided on such sites, either as a satellite facility or to enable the relocation of the facility. The applicant has not sought to investigate alternative and more sequentially appropriate sites. Allocated and vacant employment land exists in the Newark area and it is to these types of sites which the Waste Core Strategy seeks to locate waste management facilities of this type.

165. Overall the benefits of the proposed site extension to the business and its contribution to growing the local economy is considered slightly beneficial and whilst significant weight should be afforded to the need to support the economic recovery. This is balanced against the inappropriate and unsustainable site selection and the provision of appropriate employment land and allocations elsewhere in the local area.

Biodiversity

166. WLP Policy W3.22 states that where a waste management facility would harm or destroy a species or habitat of County importance, permission will only be granted where the need for the development outweighs the local conservation interests. Conditions can be imposed to require suitable mitigation and/or compensatory measures such as provision of alternative habitats which can be taken into account in the assessment of any harm.

167. The overarching environment Policy WCS13 supports proposals where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

168. Newark and Sherwood Core Policy 12 seeks to conserve and enhance biodiversity including through expecting proposals to take into account the need for continued protection of the District's ecological, biological and geological assets.

169. No ecology survey has been undertaken to support the application and whilst the County Ecologist advises it would be prudent to undertaken one, it is evident that the application site does not form part of the grasslands which lies to the south and west of the yard and which have a Local Wildlife Site designation for their botanic interest. Instead the area to the north of the yard appears to have been used as general private amenity land, with evidence of some recent ground disturbance and possible raising.

170. Planning officers consider the limited removal of vegetation, comprising part of the roadside hedgerow and some self-set trees along the existing site boundary (if not already removed by the applicant) can be controlled by planning conditions with appropriate timing and methodologies. New planting could also be provided in front of the proposed extension/wall using appropriate native species, however this would take time to provide habitats and any visual screening.

171. Overall it is considered that there are no significant ecological constraints to the proposed development, and replacement tree planting could be required as part of a detailed landscaping scheme through a planning condition. There is no conflict with the planning policies on this matter.

Drainage and pollution prevention

172. WLP Policies W3.5 and W3.6 require measures to protect surface and ground water resources from pollution. Newark and Sherwood Policy DM10 requires proposals involving hazardous materials or which have potential for pollution, to take account of and address their potential impacts, including ground and surface waters and the wider environment.

173. Whilst Planning Officers consider the site usage to be incompatible within the flood plain setting, the application sets out how the proposed site extension would be designed and engineered to prevent any surface water pollutants or spillages from leaving the site. The yard extension would be surfaced with an impermeable concrete floor, with levels created so to direct all surface/yard waters towards the central drainage system. This in turn would intercept such pollutants and only clean waters would be permitted to discharge off site.

174. A planning condition could require further details to be submitted to ensure the existing system can accommodate, or be upgraded to deal with the additional surface water volumes which would need to be collected. Typically this would involve the use of underground storage/attenuation tanks and oil/fuel/silt interceptors, along with a controlled outflow where clean water could be discharged. However a more appropriate response to the potential pollution issues would be to site the development elsewhere, outside of the highest flood risk area.

Archaeology/Heritage

175. The proposed extension and new access would not affect any of the surviving sections of 'Smeaton's Arches' which are Grade II listed and carry the Great North Road above the floodplain. Nor would there be any indirect impact in terms of affecting the setting of these heritage assets as confirmed by the County Council's Conservation Officer.

176. The area does have archaeological potential being part of the Trent Valley, and there are also remains/records of Civil War fortifications and encampments across 'the island' between Kelham and Newark. As part of the proposed land raising it might be necessary to first excavate the existing soils, which could hold archaeological evidence. Whilst it is a relatively small area, the County Archaeologist recommends a planning condition to require a scheme of investigation to guide the works.

Overall planning balance and conclusion

177. The report considers the proposed site extension to be contrary to Waste Core Strategy Policies WCS4, WCS7, WCS8 and Newark and Sherwood Core Policy 3 and Policy DM8 owing to its situation outside of the urban area, in the countryside, where proposals of this nature are not supported. Whilst extensions to existing facilities are often appropriate, in this instance it is considered inappropriate and unsustainable owing to its location in the functional floodplain (Flood Zone 3b) and the general incompatibility of this type of waste management facility in this high risk flood area, having regard to the Planning Practice Guidance. The capacity of this part of the floodplain would also be removed as the extension would entail the raising of the land levels, without compensation. The proposal is therefore also considered contrary to Policies WCS14, W3.5, Core Policy 10, DM5, and national planning policy with respect to inappropriate development in the floodplain. Significant and considerable weight should be afforded to this harm and to the need to maintain the integrity of the floodplain, particularly in light of the increasing effects of climate change.

178. The report has also considered that there would be visual harm to the character of the Great North Road from the introduction of a substantial new concrete wall at the raised level, along with impact to the mature hawthorn hedgerow. This would be an incongruous and poor form of design and appearance and any landscaping mitigation is unlikely to be effective for a number of years. The report therefore identifies conflict with Policies WCS15, W3.3 and W3.4 and DM5 and CP11 on this matter and moderate weight should be afforded to this identified impact.

179. Impacts to ecology, heritage and residential amenity are neutral considerations and could be subject to planning conditions if permission was granted.

180. The provision of a new site access and in/out circulatory system would result in benefits to the safety and operation of the existing facility and this would consequently provide benefits to the safety and free flow of the adjacent public highway by addressing the current difficulties of managing HGVs entering and leaving the site by the existing single, sub-standard access. This public benefit is supported by Policies W3.14 and DM5 along with national planning policy and should be given moderate weight in favour of the proposed development.

181. The additional storage space and other operational space would support the existing business and enable it to take advantage of any improved prices on the metals market. This in turn would enable investment in the business and the employment of some additional staff. Substantial weight should be afforded to these economic benefits as required by national planning policy.

182. Planning decisions need to be made in accordance with the Development Plan when read as a whole, unless other material considerations indicate otherwise. This legal requirement is not changed by the introduction of the presumption in favour of sustainable development in national planning policy, but the policies in the Development Plan must be considered according to their degree of

consistency with national policy. In this case all relevant considerations have been considered in the context of the development plan and relevant material considerations, including national planning policy and guidance.

183. In weighing up these matters, officers consider there is a clear case for refusing planning permission. The application is clearly contrary to the Development Plan and the material considerations, in terms of the identified benefits, do not provide a sufficient basis for departing from the development plan strategy which seeks to safeguard the countryside along with the vital function of its functional floodplain in protecting nearby communities from the increasing risk of seasonal flooding. The expansion of this business at the cost to these interests would not be sustainable development (and is contrary to Policies WCS1 and WCS13), is not supported by national planning policy and should be refused planning permission. The applicant should consider the availability of alternative, more appropriate locations in order to facilitate its business plans and the WPA stands ready to offer any pre-application advice on such proposals.

Legal Agreement

184. If planning permission was to be granted, the applicant would also need to enter into an agreement with the Highways Authority under section 278 of the Highways Act, relating to the creation of the new access from the public highway.

Other Options Considered

185. 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

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

Crime and Disorder Implications

187. If permitted the development would form a secure extension to the existing metal recycling yard, which has on site security measures.

Data Protection and Information Governance

188. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Human Rights Implications

189. 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. The proposals have the potential to introduce impacts such as additional noise and airborne emissions upon the nearby properties to the north, which includes a children's day nursery. These potential impacts need to be considered in the planning balance alongside other impacts, which include the loss of part of the flood plain, and the potential benefits the proposals would provide such as the operational improvements to the existing facility and improved site access. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications including Safeguarding of Children

190. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty.

191. The proximity of an established day nursery has been noted. Its rear grounds/gardens are used for outside play and learning and the proposed extension to the scrap yard would be adjacent to the bottom corner of the grounds/gardens which could lead to increase noise and airborne emissions. However there is a mature tree line providing some separation and the proposed new boundary wall would act to contain emissions and impacts.

Implications for Sustainability and the Environment

192. These have been considered in the Observations section above. The proposed site extension would be in the functional floodplain and result in loss of part of part of its ability to store water in times of flooding. The location is not considered appropriate, sequentially acceptable or sustainable for the use proposed, taking into account relevant matters including the effects of climate change on future flooding events. Some loss of trees and hedgerow would also be required, although replacement planting could partly mitigate this loss. The extension would provide some operational benefits which could assist with the safe and effective recycling operations, however Officers consider these are not so obvious or forceful to outweigh the clear conflict on flood risk grounds and the

additional storage capacity could be delivered at an alternative, more sustainable site or satellite facility.

193. There are no financial implications or any implications for human resources, or for County Council service users.

Statement of Positive and Proactive Engagement

194. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received; identifying issues of concern and entering into discussion with the applicant to explore the possibility of suitably resolving such matters. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reasons for refusal.

RECOMMENDATIONS

195. It is RECOMMENDED that planning permission be refused for the reasons set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 30/9/2020]

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments (SES 29/09/2020)

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

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Farndon & Trent- Councillor Mrs Sue Saddington

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APPENDIX 1

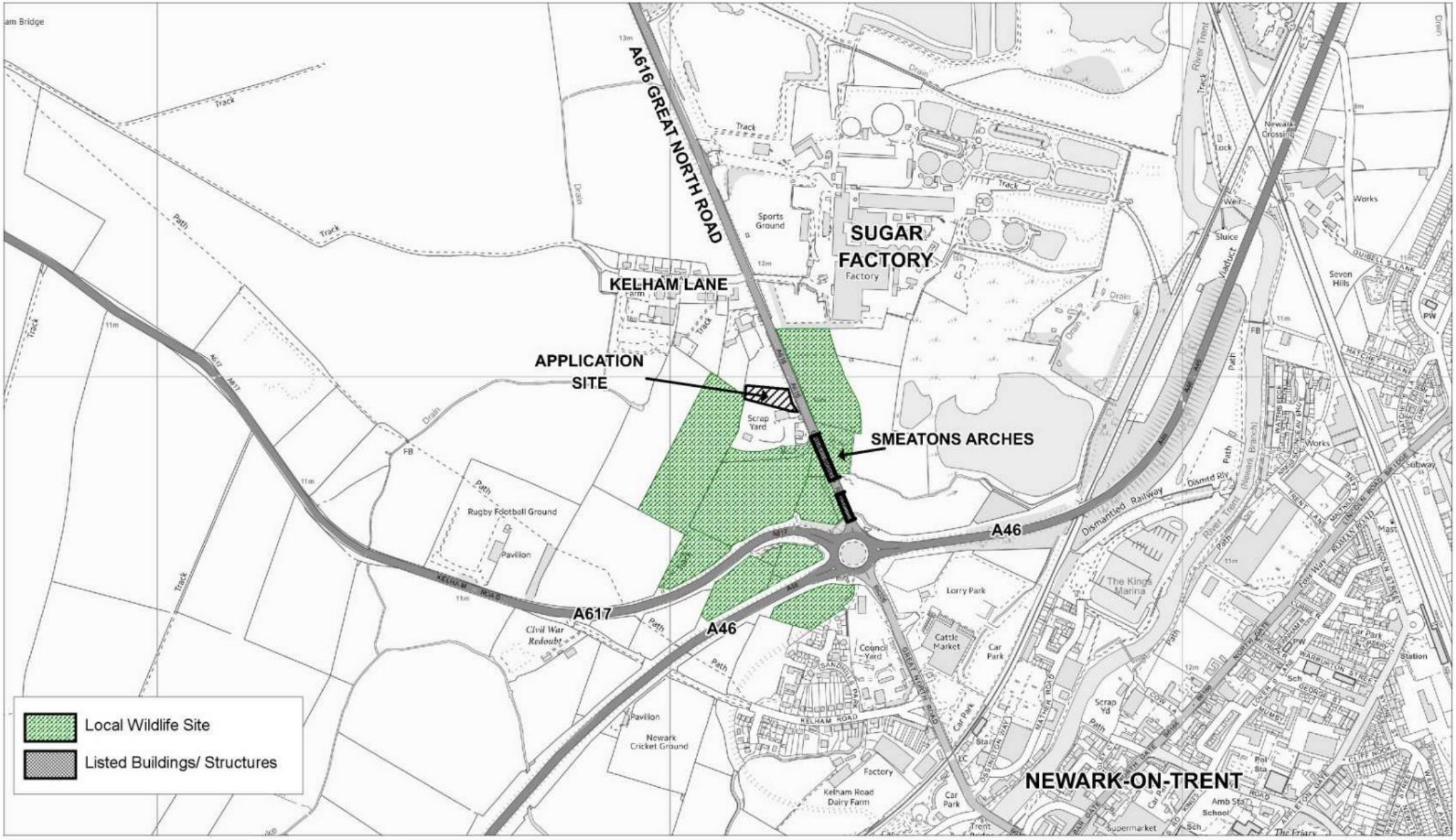
REASONS FOR REFUSAL

1. The Nottinghamshire and Nottingham Waste Core Strategy through Policies WCS4, WCS7 and WCS8 govern the location and expansion of waste management facilities. Together with Core Policy 3 and Policy DM8 of the Newark and Sherwood Development Framework, the effect of these policies is to seek to protect the countryside and promote sustainable locations within urban and industrial areas. The site lies outside of the defined Newark urban area, within the countryside, where strict controls on the forms of acceptable development apply. The site also forms part of the functional floodplain (flood zone 3b) and the proposal would take the operational impacts of the scrap metal facility towards nearby sensitive properties. Whilst proportionate expansions to rural businesses may be appropriate under Policy DM8, when seen in context with Policy WCS8, which relates specifically to waste management facilities, it is clear that extensions to existing waste management facilities will not always be appropriate or sustainable. Given the nature of the facility, which processes waste metals and handles hazardous waste from the depollution of vehicles, together with the site's situation in the functional floodplain, it is clear that more appropriate and sustainable locations should be found to provide the additional storage space required and the application has failed to demonstrate that it is necessary or that there is a clear need to depart from the policy strategy guiding the locations for development of this kind. Any benefits which would arise, in terms of improved operational space and site access, or additional jobs are not considered to be so great, so as to outweigh the development plan strategy. The extension would make no contribution to expanding recycling capacity and is largely for additional storage purposes. The application proposal is therefore considered contrary to Policies WCS4, WCS7 and WCS8 of the Nottinghamshire and Nottingham Waste Core Strategy, Core Policy 3 of the Newark and Sherwood Amended Core Strategy, and Policy DM8 of the Newark and Sherwood Allocations and Development Management Policies Development Plan Document. It is further considered unsustainable development against Waste Core Strategy Policy WCS1 and contrary to the Development Plan read as a whole. Material considerations do not provide a basis from departing from the clear strategy within the Development Plan.

2. Policy WCS14 of the Nottinghamshire and Nottingham Waste Core Strategy, along with Core Policy 10 of the Newark and Sherwood Amended Core Strategy with Policy DM5 of the Newark and Sherwood Allocations and Development Management Policies DPD (which align with the National Planning Policy Framework) seek to steer development away from high flood risk areas. Waste Local Plan Policy W3.5 also seeks to protect the integrity of floodplains. Proposals in flood zone 3 will only be favourably considered if it would constitute appropriate development and can demonstrate that there are no reasonably available sites at lower flood risk, whilst ensuring the development would be

safe and that flood risk is not increased elsewhere. The proposed site lies within the River Trent functional floodplain (Flood Zone 3b) as confirmed by the Environment Agency's objection and by the applicant's own flood risk assessment. The Planning Practice Guidance (Tables 1 and 2 – Flood Risk and Coastal change section) advises that only water compatible uses and essential infrastructure are potentially appropriate in flood zone 3b. It states that waste management facilities, whether dealing with non-hazardous or hazardous wastes, are considered 'less vulnerable' or 'more vulnerable' respectively and are both not appropriate in this flood risk zone. The Waste Planning Authority has no reason to depart from this guidance. The proposed development is therefore clearly inappropriate in this situation. Flood modelling indicates that the application site will flood to increasing extents/depths as the effects of climate change are felt. The selection of the site fails to respond appropriately to the effects of climate change and to avoid increasing the vulnerability to the local community. The proposed landraising would result in the loss of part of this floodplain which plays a vital role in protecting the community from the damaging effects of flooding. The proposed mitigation in terms of providing sealed site drainage does not override the principle inappropriateness of this type of development. Other more sequentially appropriate locations are likely to be available in the Newark area to which the proposed development should be directed, including vacant industrial land allocated in the Newark and Sherwood Local Development Framework. The application proposal is therefore contrary to Policies WCS14, W3.5, Core Policy 10, Policy DM5 and paragraphs 150 and 163 of the National Planning Policy Framework as guided by the Planning Practice Guidance (Tables 1 and 2 Reference ID: 7-066-20140306 & 7-067-20140306).

3. Policy WCS15 of the Nottinghamshire and Nottingham Waste Core Strategy together with Policies W3.3, W3.4 of the Nottinghamshire and Nottingham Waste Local Plan and National Planning Policy for Waste all seek to ensure waste management facilities are designed and landscaped to a high standard which limits and screens their visual appearance so that they contribute positively to the character and quality of the area in which they are located. Newark and Sherwood policies DM5 (Design) and CP11 (Landscape Character) also apply. The site is situated alongside a verdant road corridor with native hawthorn hedgerows and mature trees before transitioning to open countryside views. It is also a major gateway/approach into Newark. The provision of a 6 metre high sectional concrete boundary wall, on newly elevated ground, together with the removal of part of the roadside hedgerow to form a new vehicular access, would be harmful to the visual amenity at this area of the Great North Road and would further erode landscape character. Landscape planting or other treatment would be ineffective to address this harm. The application proposal therefore fails to provide a high quality design or landscaping and would not contribute positively to the character and quality of the area. The proposal is considered contrary to Policies WCS15, W3.3, W3.4 and DM5 and CP11, as well as National Planning Policy for Waste.



Nottinghamshire County Council

Change of use of land to allow for the extension of the existing yard including the raising of ground levels, new external walls and new additional highway access.
Briggs Metals, Great North Road, Newark On Trent, Nottinghamshire.
Planning Application No. 3/20/00641/FULR3N

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N W E S

Scale: 1:10,000
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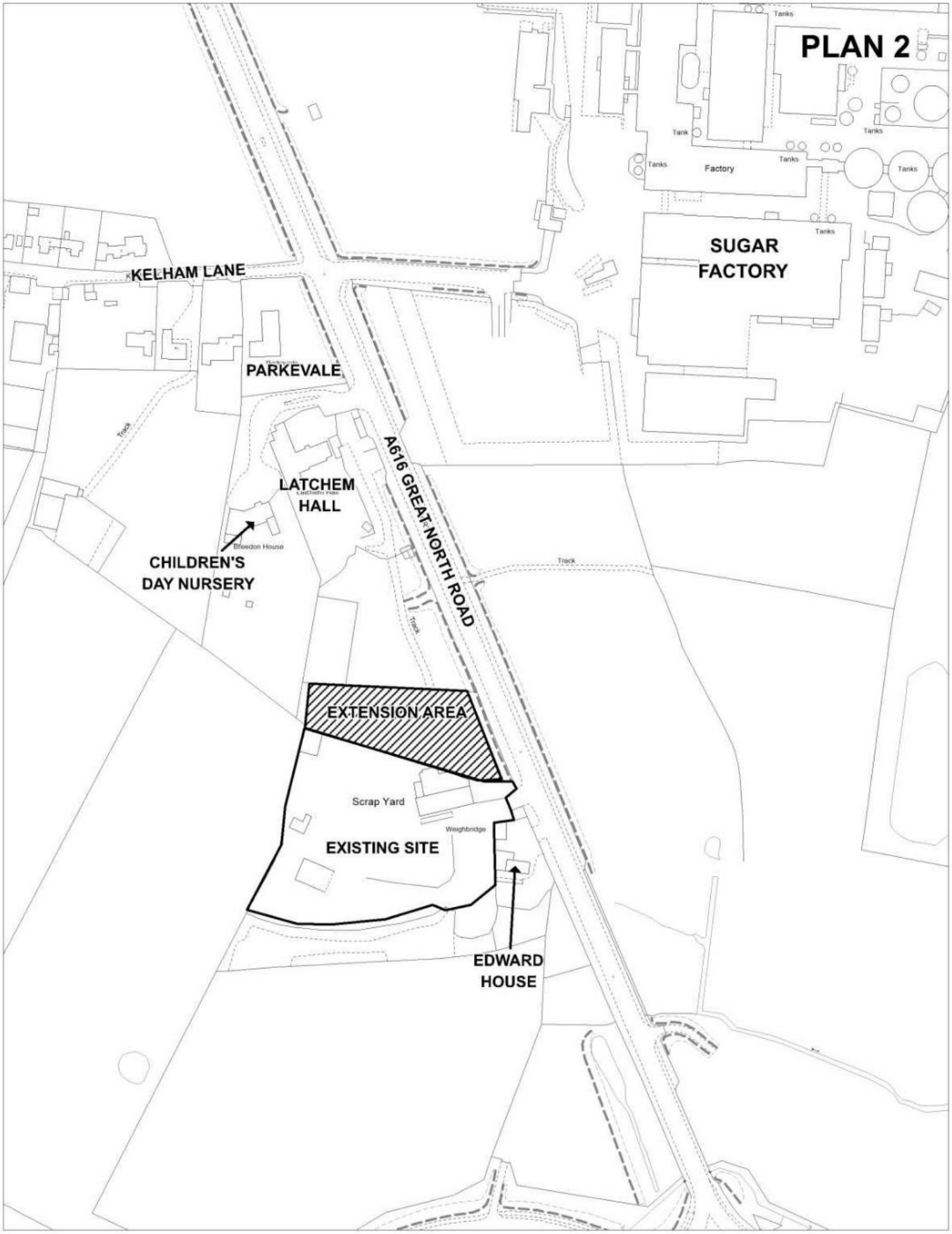
Date: OCT 2020

PLAN 1



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N W E S

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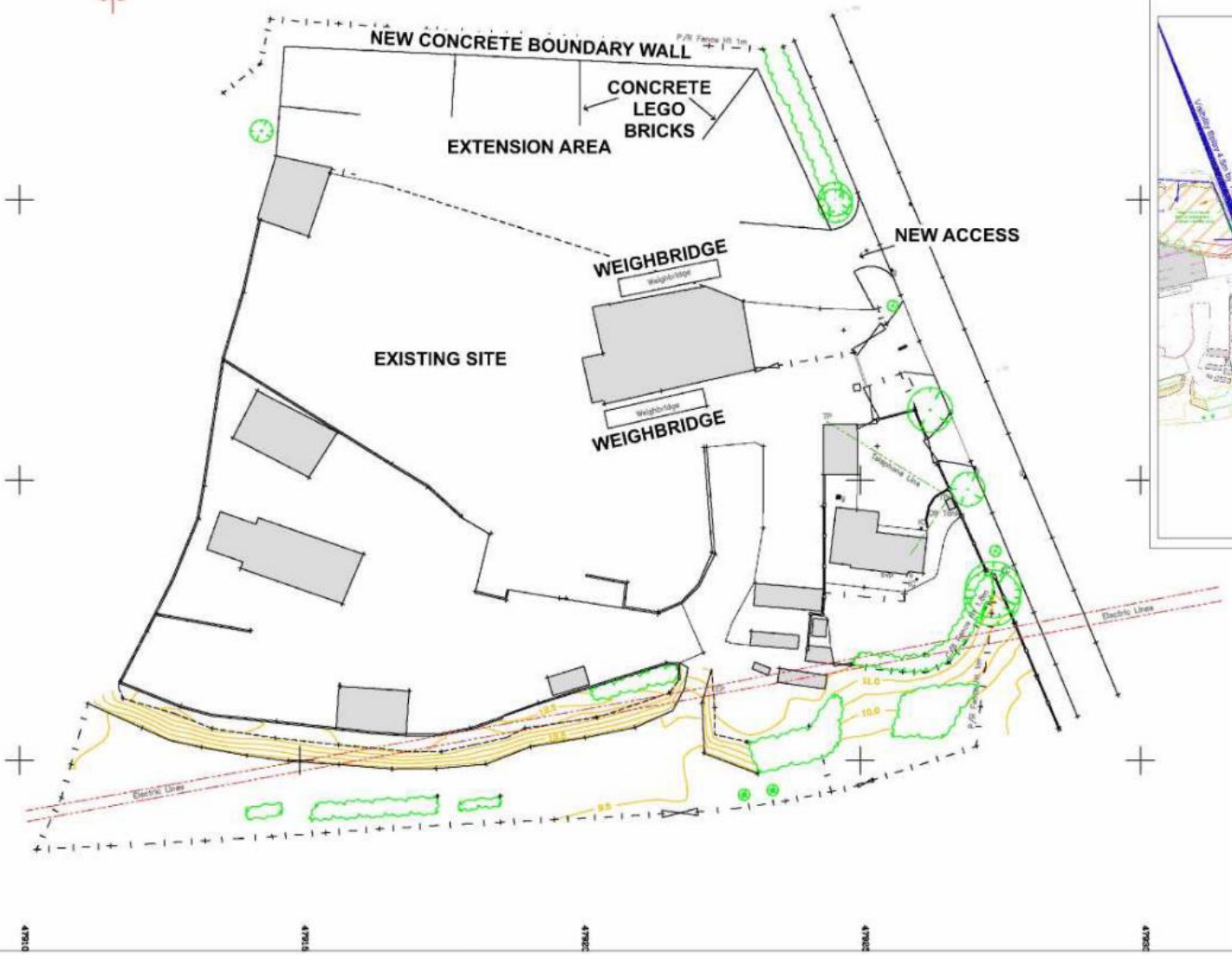
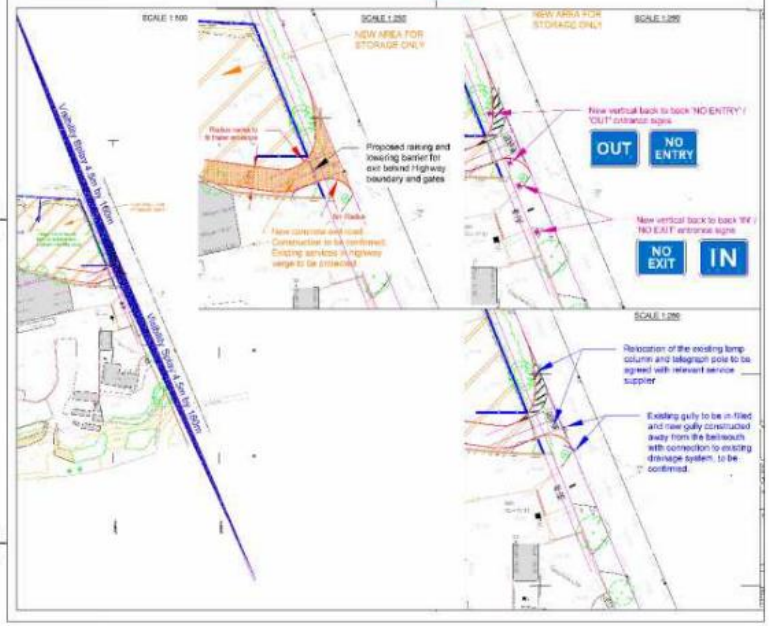
INDICATIVE SITE LAYOUT



ACCESS IMPROVEMENTS



Nottinghamshire County Council

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PLAN 3

Nottinghamshire County Council

Change of use of land to allow for the extension of the existing yard including the raising of ground levels, new external walls and new additional highway access. Briggs Metals, Great North Road, Newark On Trent, Nottinghamshire. Planning Application No. 3/20/00641/FULR3N

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Nottinghamshire County Council

Report to Planning and Licensing Committee

13 October 2020

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/20/00544/CDM

PROPOSAL: **TEMPORARY OPERATIONS FOR 10 YEARS FOR SOIL TREATMENT FACILITY INCLUDING ASBESTOS PICKING OPERATIONS**

LOCATION: **DANESHILL LANDFILL SITE, DANESHILL ROAD, LOUND, DN22 8RB**

APPLICANT: **FCC ENVIRONMENT (UK) LTD**

Purpose of Report

1. To consider a full planning application seeking a 10-year permission for a proposed soil treatment facility (STF) to treat imported non-hazardous and hazardous soils, including those containing hydrocarbons and bound asbestos debris, on land forming part of the Daneshill landfill complex near Lound, north of Retford. The key issues relate to the principle of the development at the site and its relationship with the wider landfill site, including its restoration, and impacts to local amenity, ecology, and the concerns raised in relation to possible health effects from airborne emissions of asbestos fibres. The recommendation is to grant a 10-year planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. The proposed site is part of the vacant materials recycling area centrally located within the curtilage of the wider Daneshill landfill complex. This is currently closed as a general landfill and has ongoing restoration requirements.

3. Daneshill landfill site is situated in the open countryside 4.5km to the north of Retford between the villages of Torworth and Lound. It falls within the Parish boundaries for Lound with the village 1.5km to the east via Daneshill Road. The road continues past the site access road to Torworth 1km to the west of the site where it joins the A638 Great North Road. (see Plan 1).

4. Vehicular access is gained via the existing landfill haul road, leading off Daneshill Road. This haul road is also designated as a public footpath (Lound Footpath No. 2) which terminates at the gates to the landfill complex.

5. The surrounding context is a mix of agricultural land, extensive wooded areas, (some planted as part of an earlier rehabilitation project for the former Royal

Ordinance Factory that was once here), and former gravel pits, now forming part of the Daneshill Lakes and Woodland nature reserve and Local Wildlife Site (LWS). This LWS lies to the south-west of the site (370m at its closest point). Mattersey Hill Marsh Site of Special Scientific Interest (SSSI) is located to the north of the landfill (500m from the application site).

6. There are several outlying residential properties in the vicinity. The nearest residents occupy a travelling community site approximately 200m south of the site on Daneshill Road and separated from the site by a block of woodland. A ready-mix concrete plant is on the opposite side of the road. There are two cottages (Daneshill Cottages) situated 450m to the west fronting Daneshill Road, close to its junction with the landfill access road. There are also several properties and residential conversions within Loundfield Farm 600m to the east, which operates as an equestrian facility. A belt of woodland and the elevated, restored landfill area separates the site and the farm (see Plan 2).

7. The application site itself measures 2.1 ha (based on the application red line area) and comprises just under half of a 4.5ha open area of disturbed ground and remnant concrete hardstanding situated at the head of the access road. This is the former/disused recycling area, which has planning permission for the recycling of inert construction/demolition wastes until 2023 (as set out in the planning history below). This is located in the central-southern part of the complex, abutting part of the southern site boundary.

8. There is a smaller, adjacent compound area which was formally a Household Waste Recycling Centre but which now houses a landfill gas management facility. There are two elevated landfill areas: one to the east which has been restored, but still requiring management; and one to the west which requires further restoration after the tipping of waste ceased earlier than expected in 2017. Further restoration works are needed to bring these two areas together as part of the approved comprehensive site restoration scheme.

9. The materials recycling area is currently non-operational and clear of materials, except for some recently delivered clean soils and some remains of the historic site infrastructure, a leftover from the Royal Ordnance Factory. There are remnants of concrete slab floor down the centre of the site, but otherwise the surface appears to be broken and stony ground which is now being covered by short patchy and ruderal vegetation and some scattered shrub and self-set tree saplings. It has substantial screening and enclosure by surrounding mature trees and woodland.

Background and Planning History

10. Daneshill is a long-standing general/non-hazardous landfill site occupied and managed by FCC Environment under a long-term lease from Nottinghamshire County Council. In total it covers circa 56 hectares. There is a complex and inter-related planning history which must be understood for the present purposes.

11. The landfill site was originally formed out of the expansive former Royal Ordnance Factory (ROF Ranskill), and which was subject to a major land reclamation scheme by the County Council in the 1980s after its purchase

from the MOD. 40 hectares were allocated for waste disposal and planning permission (Ref. 1/29/80/13D) was granted by the County Council in 1981 for the phased tipping of household, commercial and non-hazardous industrial wastes. The site opened in 1984 and was operated by the County Council until 1993 when its operation was transferred to Waste Notts Ltd (later FCC). The freehold has remained with the Council.

12. In 1995 Waste Notts Ltd was granted planning consent (Ref. 1/29/93/8) for an extension to the landfill site, and the relocation of a household waste and recycling centre to Daneshill (later closed). This permission also updated planning conditions relating to the remainder of the landfill site including Condition 1 which placed a requirement on the landfill site to be restored before the 18th May 2048.

13. The final restoration scheme for Daneshill Landfill site was subject to amendment, with the County Council granting planning permission (Ref. 1/29/11/00010) in 2012. Final restoration is still technically required by 2048 in accordance with an approved restoration masterplan and other requirements such as soil depths. Plan 3 shows the required final restoration masterplan.

14. Landfilling ceased in 2017 against the backdrop of wider market changes towards the use of energy from waste, increased recycling, and the disincentives of the landfill tax escalator. Some temporary/interim soil capping of the recent landfilling areas has been undertaken, but further restoration work and, crucially, additional volumes of suitable soils/restoration materials would be needed if the approved restoration design is still to be achieved. (The present application seeks to provide suitable soils to address this deficit and is aligned with the approved restoration.)

15. In 2017/18 due to the early/premature cessation of landfilling and pursuant to Condition 38 of the landfill permission 1/29/11/00010, the Waste Planning Authority (WPA) sought an alternative restoration and aftercare scheme to secure an earlier and revised restoration of the wider site as it appeared to the WPA that the approved restoration designs and contours were no longer deliverable. A revised 'short term' restoration plan requiring reduced quantities of soil imports, revised contours, and an amended aftercare scheme was submitted to the WPA in August 2018, which also proposed that it would take 5 years to complete i.e. by 2023 as opposed to 2048. It stated that if approved, a revised final restoration scheme would be submitted to the WPA for approval. However to date the short term scheme remains un-approved and is subject to unresolved concerns raised by the WPA and consultees.

16. Also situated within the complex and within the boundaries of the 1/29/11/00010 planning consent is the materials recycling area which concerns the present application. This area benefits from three separate, but interconnected planning permission units/areas for the importation, stockpiling and recycling of inert construction and demolition waste materials to produce aggregate products for export from the site, and the stockpiling of residual soils for site restoration purposes.

17. Permission for this activity originates from a 1997 planning permission (Ref. 1/29/97/10), as later expanded on in 2005 and 2006 (Refs. 1/29/05/00008 and

1/29/06/00010), which permitted an extension onto additional areas to the east and north (Plan 4).

18. The materials recycling area has been earmarked for over-tipping and restoration as part of the wider Daneshill landfill restoration masterplan under the over-arching planning permission 1/29/11/00010. At the time in 1997 the area was not expected to be needed for tipping until 2018 and so condition 3 was attached to require all recycling operations to cease and any associated plant and material stockpiles to be removed by the end of 2017 in preparation for its future landfilling. The use of the area was duly ceased and was cleared of materials.

19. Most recently in September 2018 section 73 permissions were granted to FCC to extend the life of each of these three permissions, each until the end of 2023. The applications originally sought an extension until 2037, but through negotiation with the applicant, the end date was brought forward so to better reflect the revised timescales, then estimated, as being required to complete the restoration of the wider landfill site utilising the residual soils generated from the recycling processing. This was in the context of the WPA seeking to secure an earlier and revised restoration of the wider site under the Condition 38 process as mentioned above. These extant permissions are 1/18/00217/CDM, 1/18/00218/CDM, and 1/18/00219/CDM, and they require the site to be clear of any materials by 2023 so to not prejudice its restoration.

20. Unfortunately the recycling operations have not been re-started and the site has remained vacant and non-operational. Little progress has also been made in the last two years with the landfill restoration works with only small volumes of soils being brought in for this purpose. The scheme under Condition 38 to provide for an alternative restoration for the wider site has also not been approved and discussions between the WPA and the applicant stalled some time ago (and prior to this application being submitted).

21. Therefore in terms of the restoration requirements, the position is that the materials recycling area is required to be restored (after being over-tipped) as part of the wider Daneshill landfill site restoration masterplan (Plan 3) under the over-arching planning permission 1/29/11/00010 and by no later than 2048. There is no condition requiring its earlier restoration post 2023 and there is no earlier and/or alternative restoration scheme approved or in place for the wider landfill site.

22. For completeness it is worth noting that separate permissions exist for various ancillary works connected to the ongoing management of the landfill. These include leachate treatment lagoons and the landfill gas utilisation/management facility. As per the materials recycling area, these are time limited permissions and also all tied to the restoration of the wider landfill site.

Proposed Development

23. Full planning permission is now being sought for a temporary 10-year operation of a Soils Treatment Facility (STF) to treat imported non-hazardous and hazardous soils including those containing hydrocarbons and bound

pieces of asbestos debris. The operations would take place on part of the vacant materials recycling area within the confines of the landfill facility. The STF would deal with up to 50,000 tonnes per annum (tpa) comprising just under 30,000 tpa of hazardous soils and approximately 20,000 tpa of non-hazardous soils. 10 full-time equivalent jobs would be created.

24. The proposal aims to provide a facility to meet the requirements of local industries and developments that give rise to contaminated waste soils and to effectively treat and recycle soils to a resulting non-hazardous classification. The applicant states there is a defined need in the local construction industry for a compliant and cost-effective treatment outlet for contaminated soils and in particular, a compliant option for soils containing visible asbestos.

25. The treatment processes would remove contamination through means of mechanical screening, manual asbestos picking and bio-treatment using bio-pile technology whereby soils are formed into linear stockpiles in which they are subject to moisture control and forced aeration with air pulled through the soils to encourage micro-organism growth, which naturally breaks down hydrocarbons into carbon dioxide and water over a period of 8-16 weeks.

26. This process would enable the resulting soils to be reclassified as non-hazardous so that they can then be used towards the restoration of the landfill site. This would enable the reuse and recycling of materials and minimise the volumes of materials which would otherwise have to be sent / disposed to a hazardous landfill facility.

27. The applicant states the landfill has capacity for the 500,000 tonnes of soils which could arise over the 10-year operational period and that the materials were always required to be imported into the site in order to complete its restoration (the approved restoration masterplan). It has provided supplementary information, including a plan to show where and how the resulting soils would be utilised in the site restoration, including using soils as a fill material to address the current engineered appearance of certain areas and to bring together the two main landfill areas. Soils would also be used to cap and top-up the existing cover materials and enable more planting to be provided. A copy of the plan is appended (see plan 5). These works are aligned with the approved landfill restoration masterplan as opposed to the 'short term' restoration scheme submitted to, but not approved by the WPA in 2018.

Need/rationale

28. The applicant's supplementary letter explains the need/rationale for the proposed facility and this falls within two general areas:

- the need to attract/source sufficient volumes of materials in order to restore the landfill site; and

- the need to provide a fixed, regulated treatment facility to serve the development/construction industry and the remediation of land.

29. The applicant highlights there has been a significant reduction of the landfilling of waste in recent years. Whilst the majority of Daneshill landfill has

been infilled over its 30+ operational years, its completion is dependent on being able to source material to fill the remaining cell and the provision of suitable soil materials to restore the site and create a sustainable landform going into formal site closure.

30. The applicant states that due to its distance from major urban areas the landfill has struggled to be as commercially competitive against other better located landfill sites in South Yorkshire and the East Midlands. In order to attract the materials from developments across the area, the applicant states the site needs to offer a complimentary treatment service which is in demand.

31. Soil treatment is commonly undertaken as a mobile processing operation on development sites under mobile treatment licenses granted by the Environment Agency. Many of these are short term temporary operations set up on brownfield, often urban/confined sites within very close proximity to sensitive receptors, such as schools, residential homes and community facilities.

32. The applicant state the Daneshill site provides an opportunity to create a fixed facility that can accept and treat these materials. The number of fixed facilities that are able to offer the treatment of contaminated soils (in particular the asbestos treatment) is limited within the East Midlands and South Yorkshire.

33. Whilst the majority of the materials accepted for treatment would be those soils containing hydrocarbon contamination, the applicant states this would be insufficient to achieve the required high-quality restoration of the landfill site, in a timely manner and therefore a wider range of contaminated soils will need to be accepted (including asbestos contaminated soils) to replicate the applicant's other STF at Rowley Regis in the West Midlands. Such an approach has apparently been successfully employed there and at various sites across the UK to assist in the restoration of sites, including landfills.

34. In a second supplementary letter from the applicant they wish to highlight that they expect that the vast majority of imported soils will be hydrocarbon contaminated, with some need for pre-treatment to remove occasional bound asbestos debris. They envisage that 1 skip full of asbestos material in total will be recovered each year, approximately 6 tonnes.

<u>Details of the proposed operations and site layout</u>

35. The STF would be a largely open-air operation utilising the existing ground and hardstanding and access as a starting point. The site would be constructed and arranged in three broad parts (see plan 6):

36. On entry into the site there would be an area set aside for **parking, operating equipment and access**. The proposals show a weighbridge and small office/staff welfare cabin, a parking/turning area, a holding tank for contaminated water (approx. 11m x 3m x 3m), a smaller settlement tank, a biofilter designed to remove odours (this being 30m by 12m and 2m high) and the air blowing system and control unit. A fuel bowser may be parked in this area.

37. Beyond this on the northern two-thirds of the site would be **two linear biotreatment 'pads'** for the biological treatment of soils each approximately 130m long and 27m wide. These would be constructed as impermeable pads with crushed concrete and an underlying geocomposite clay liner. A network of extraction vacuum pipes would connect back to the equipment area and the blower system. The biopads would be engineered so that all collected surface waters and any process waters from the soils would be captured within an engineered drainage system and would be directed back to the main holding tank. This would be periodically emptied and taken away by tanker.

38. The remaining southern area would be a **screening and processing area** again constructed as an impermeable pad with underlying drainage to capture all surface water run off for collection and off-site disposal. Part of this area would also act as a waste reception/holding area whilst pre-acceptance testing is undertaken on the newly delivered soils.

39. The proposed operating hours are 07.30-18.00 Monday to Friday and 07.30 to 13.00 on Saturdays, with no Sunday or public/bank holiday working. The blower, operating as part of the biotreatment would run continuously 24 hrs/365 days a year.

40. All processing would be undertaken in accordance with the requirements of an Environmental Permit, which would have to be authorised by the Environment Agency and in accordance with the Control of Asbestos Regulations 2012 including notification/monitoring from the Health and Safety Executive (as notifiable non-licensed work (NNLW)).

41. The applicant and operator would work within the relevant industry standard at the time of the operation, including the CL:AIRE (Contaminated Land: Applications in Real Environments) protocol. The applicant also confirms that the appropriate level of Public Liability Insurance would be held by the operator.

42. All personnel involved in asbestos contaminated soil processing would wear appropriate PPE (disposable overalls, boot covers and P3 dust masks) and would have use of a decontamination system.

43. Transport of materials to the site would be via sheeted HGVs, either 8-wheeled or articulated. The exact vehicle numbers which the STF would generate has not been specifically set out, however the application states that numbers would not exceed 160 a day (320 two-way movements) for the site as a whole (i.e. including any existing operations related to the landfill site and the materials recycling area) which is the limit stipulated under an existing planning condition for the landfill site. HGVs leaving the site would have use of the adjacent wheel wash facility.

44. The applicant has further confirmed that only registered waste carriers would be allowed to transport the contaminated soil to the site, accompanied with the relevant hazardous waste consignment notes. The control of the HGVs and the Duty of Care for waste consignments would be subject to a 'high level of scrutiny' as part of the Environmental Permitting conditions and Duty of Care Regulations. Only soil with a waste description that cannot generate emissions would be accepted at Daneshill.

45. The proposed operations and processing then involves:

- Pre-acceptance testing.

46. The STF is to treat soils contaminated with bound asbestos fragments as opposed to loose asbestos fibres. The applicant states that strict waste acceptance criteria would be set so to ensure the soils delivered to the site do not contain asbestos fibre contents above 0.1% for chrysotile asbestos and 0.01% for all other forms of asbestos. Soils with asbestos fibre concentrations which has potential to become airborne at concentrations above the air monitoring detection limit of 0.01 fibres per cubic centimetre (f/cm^3) would be rejected from site -if they have been delivered to site, however the procedures aim to prevent such material being transported in the first instance. Other unacceptable forms of asbestos wastes include: asbestos pipe lagging; loose asbestos fill; and asbestos insulation board.

47. Soils would be tipped from the HGV into a soils reception holding area and a range of testing and analytical sampling would be undertaken to check the material matches its accompanying paperwork and is of a suitable composition and compliance to be accepted for processing. The holding area would have an impermeable surface with bunded edges and sealed drainage. These soils would be sheeted whilst awaiting the results of the testing so to reduce the potential for airborne dust emissions.

48. If the materials meet the acceptance criteria, the soils would be formally accepted for treatment and moved into the next stage by a front loader. They would not be sheeted from this point on. If the materials fail the waste acceptance criteria the operator would need to arrange their onward transfer/disposal.

- Initial soil screening utilising a mobile screen to generate three fractions/grades.

49. After acceptance the hazardous soils containing asbestos would go through a pre-screening process, using a mechanical screen, to create three fractions (0-15mm, 15-50mm and 50mm+). This aids the next stage of manual picking.

50. Dust suppression would be provided for the screener and air monitoring would also be carried out to assess if there is any detection of asbestos fibres.

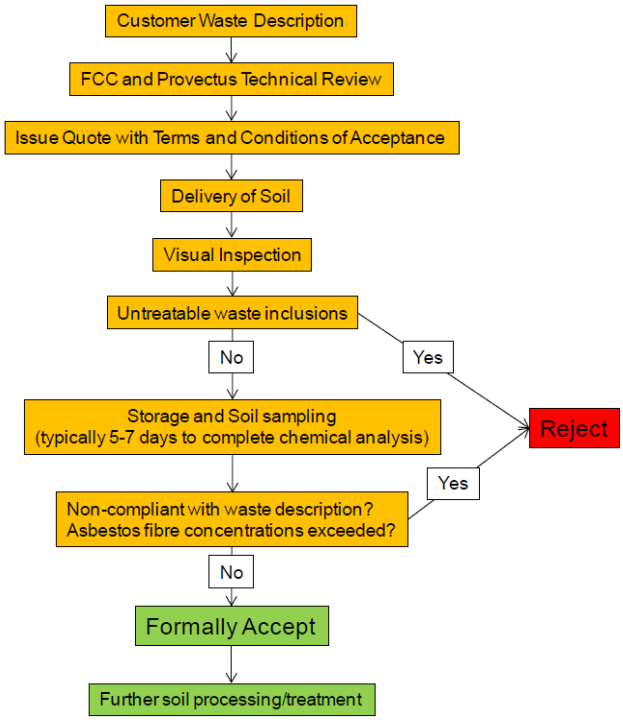
- Visual inspection and hand picking of the different soil fractions until all visible asbestos is removed.

51. A mobile enclosed picking station and conveyor would be employed in which operatives (suitably trained and equipped with PPE) would hand pick fragments of bound asbestos directly into sealed (and double-bagged) bags. No picking of asbestos fibres is possible using this approach. Filled asbestos bags would be stored in a lockable skip and sent to a licensed hazardous landfill for disposal (1 to 2 skips a year).

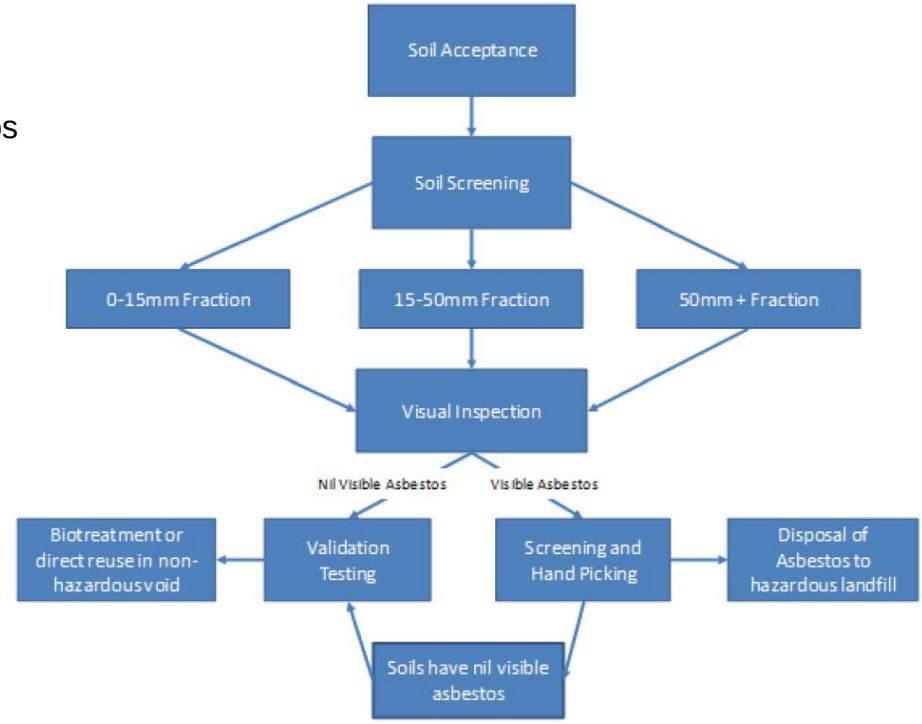
52. The resulting soils would be visually checked again before going onto the further biotreatment stage if required, or for use on the landfill restoration. Two diagrams from the application are replicated below showing the waste

acceptance procedures and then processing procedures for the asbestos contaminated soils.

Summary of Waste Acceptance Procedures- Asbestos contaminated soils



Soil Asbestos Treatment



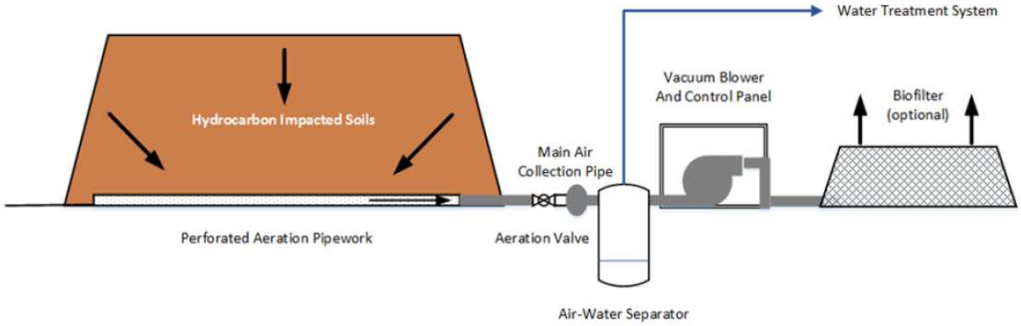
- Biotreatment process

53. The biotreatment process involves the promotion of a naturally occurring process whereby soil bacteria break down hydrocarbons into carbon dioxide and water. This biodegration is enhanced through maintaining optimal conditions in terms of water, temperature, oxygen and nutriment levels.

54. Soils requiring this treatment would be formed into one of two linear bio-piles on the specially built, impermeable pads containing a network of perforated

water and air extraction pipes connected to a mechanical blower/pump that will draw air through the biopile. The extracted air would then be passed through an air-water separation tank. The airflow passes through a static biofilter to remove any potential odour before discharge to the atmosphere. The extracted process water meanwhile and any rainwater run off would be collected in a sealed drainage system before entering a holding tank. Water may be reapplied to the bio-pile to maintain correct soil moisture levels during the process. Surplus waters in this tank would be taken away for treatment/disposal at an authorised facility.

55. Depending on the levels of hydrocarbons the entire process generally takes between 12 and 16 weeks to complete and a number of batches can be dealt with on each of the treatment pads. A cross section pictorial of a biopile is included below.



56. Throughout the process analysis would be undertaken and nutrients, water, and/or organic matter (such as woodchip) may be added as required. The moisture content of the biopile would be maintained at a constant level to allow the bioremediation process. The bio-pile would also be turned to prevent too much compaction and facilitate aeration, but this would not be done in high winds.

57. Once the laboratory testing shows the reduction in the levels of contaminants has been successful it can be moved either to the non-hazardous soils area or taken away for reuse at the landfill restoration. Where soils cannot meet the restoration criteria, they will be disposed of at a suitably permitted facility.

Dust/airborne management and monitoring

58. The submitted Dust Management Plan sets out in detail how dust and airborne emissions would be controlled and monitored. Further commentary has also been provided in a supplementary letter.

59. The applicant wishes to highlight that they are committed to ensuring no exceedance at all above the existing base line level for airborne asbestos. They state this allows no scope for any asbestos emissions from the site above existing levels at the site for airborne asbestos and is the greatest level of restriction that could be possibly placed on an operation of this type. They would be further willing to accept a condition on this basis.

60. A range of measures would be employed to control dust which include:

- Strict waste acceptance criteria and transportation arrangements

- Sheeting new deliveries until pre-assessment testing has confirmed they meet the acceptance criteria

- Site speed limits and maintenance of haul routes

- Use of a tractor and water bowser to damp down surfaces and haul routes

- Use of a wheel wash facility and use of a sweeper

- Minimising drop heights when handling soils

- Dust suppression fitted to the screener

- Maintenance of soil moisture content in stockpiles and minimising handling in high winds

- Dust suppression cannons spraying a mist-air. These would be situated so that they concentrate spraying on storage, active and operational areas including the pre-screening and hand-picking for asbestos. The waters for dust suppression systems would be dosed with an asbestos surfactant additive formulated to "wet out" amphibole (hydrophobic) forms of asbestos quickly and thoroughly.

61. Air quality monitoring would form an important part of operating the STF and would be a key requirement for an Environmental Permit. Monitoring would be undertaken both visually and using fixed or mobile sampling equipment.

62. Visual site inspections and recording of the conditions and operations would be done at least once a day by trained staff. The frequency of site inspections would be increased when there is a high potential for dust, from the operations or due to dry or windy weather. Four fixed dust gauges at the corners of the site would also measure for deposited dust. A complaints reporting system would also be in place for people to report any dust issues direct to the applicant, (in addition to the Environment Agency or the WPA) so that any further investigation and remedial measures can be taken.

63. In addition, frequent air monitoring testing would be carried out to identify any elevated airborne asbestos fibres as a result of site activities. The details and schedules of monitoring would be agreed with the Environment Agency as part of the Environmental Permit process. Asbestos monitoring would be carried out 'at source' using air sampling equipment particularly when asbestos contaminated soils are being accepted and treated (including screening) and this proximity would ensure the clearest worst-case readings are gathered. The applicant considers it unnecessary to undertake off-site monitoring (including background monitoring) which would provide no additional protection compared to rigorous monitoring directly at the source of potential emissions.

64. In the unlikely event that breaches are recorded, it will allow mitigation and remedial steps to be undertaken immediately, the most likely course of action would be the use of water bowsers to dampen any stockpiles and working areas.

65. The application states that due to pre-acceptance testing and previous experience at their site at Rowley Regis, the risk of asbestos fibres being detected during air monitoring is extremely low. No increases above existing background asbestos levels have ever been recorded at that site irrespective of which monitoring method or detection limit was used.

Pre-application and EIA Screening

66. Pre-application engagement with the local community and the Planning Authority is generally encouraged, including by the Council's Statement of Community Involvement. It is however not compulsory or a legal requirement in this and most other instances. Any perceived deficiency with the applicant's own pre-application engagement should not be material to the planning decision.

67. It is understood that prior to the submission of the application the applicant engaged with Lound Parish Council including a public presentation/consultation at the Parish Meeting allowing questions and concerns to be raised and answered. Information was also circulated to representatives of Torworth Parish Council, however any further meetings in the local community were prevented by the Coronavirus pandemic.

68. The applicants also met with representatives of the nearby traveller's site (Daneshill Caravan Park) and it is understood that no concerns about the proposed development were raised.

69. The applicant requested a 'Screening Opinion' from the WPA as to whether the proposed development would require an Environmental Impact Assessment pursuant to the Town and Country Planning (EIA) Regulations 2017, either because of the type of development, or due to the likelihood of it resulting in significant effects on the environment. The WPA deems the proposal to be 'Schedule 2' development, but one which would not lead to significant effects on the environment and therefore no EIA is required. The mitigation measures identified with the proposal so to avoid or prevent significant effects were taken into account. This matter has been revisited and a 'negative opinion' reaffirmed upon the submission of the application and its final details and having regard to the consultation process which has also confirmed that the STF would require an Environmental Permit in order to operate. Officers are satisfied that the relevant issues are capable of being dealt with through the normal planning process, including through the submission/consideration of relevant technical reports, the imposition of any necessary planning conditions, and in the knowledge that the Environmental Permitting process will subsequently regulate activities and emissions.

70. In terms of the supporting technical information, the application includes assessments considering ecology; noise impact; air quality and dust management; odour management; and flood risk/site drainage. Officers consider a sufficient level of detailed information has been provided to inform the planning decision. Further, detailed assessments would be needed to secure an Environmental Permit from the Environment Agency.

Consultations

71. **Bassetlaw District Council –** *No objection.*

72. **Lound Parish Council –** *Objects and concerned about the risk of pollution to local nature reserves/sites and uncertainties over safety/ public health.*

73. *Lound is noted as a small village with conservation status, surrounded by wetlands, nature reserves and a SSSI. The application site is bordered or close to Daneshill Nature Reserve and a SSSI with drainage connections from the application site.*

74. *NPPF para 174b states that planning applications should promote the conservation and enhancement of priority species and habitats.*

75. *A number of chemicals will be used to treat the waste which are detailed as being readily absorbed into soil, and toxic to aquatic organisms and to solid organisms.*

76. *An Environmental Impact Assessment should have been provided.*

77. *There is a poor level of information about the risk to human health from process emissions. There is a real risk to human health.*

78. **Torworth Parish Council –** *Objects on grounds that the use of hazardous wastes was not part of the established plan to restore the landfill; risk of pollution to local nature reserves/sites; effects from increased traffic congestion at the railway crossing and associated disturbance at Torworth; the lack of community benefits and uncertainties over safety/ public health.*

79. *Whilst the principle of importing, stockpiling and recycling inert construction and demolition waste materials was established, the principle of importing asbestos and other biohazardous waste was not part of the original planning application or subsequent applications and that therefore cannot be viewed as acceptable or established.*

80. *A diversification of the original planning permission could compound the current issues on the road and cause unacceptable disturbance to the community.*

81. *The transport route, although not detailed in depth within the application, would need to pass through Torworth via the Great North Road and down Daneshill Road. This would be the only route to the plant due to road weight restrictions, in and near to Lound and other villages.*

82. *The railway crossing barriers are closed multiple times per hour for lengthy periods which already has a detrimental effect. A further increase in traffic would result in a dangerous backlog onto the Great North Road. The application is therefore contrary to WLP Policy W3.14 (Vehicle Movements).*

83. *The implications of importing bio-hazardous waste onto a site immediately opposite a nature reserve with many noted and registered priority species, and in close proximately to a SSSI, needs careful consideration and a*

thorough understanding of the impact of the operations which has not been clearly demonstrated.

84. *The application is contrary to the Waste Core Strategy and its Strategic Objective 2 (care for our environment…)*

85. *Both the chemicals/hazardous materials within the imported waste and the chemicals being used to convert the waste are detailed as being harmful to both human health and wildlife. The council has duty of care to ensure the process is safe and unharmful to life.*

86. *The waste facility will generate little to no employment in the area.*

87. *The facility will not serve the local or wider area in terms of waste management,*

88. *It does not make use of sustainable transport or offsets the fossil fuel use. The carbon footprint would be considerable.*

89. *Torworth Parish Council also wish it to be noted that no pre-application engagement was conducted with themselves or the village of Torworth.*

90. **Mattersey Parish Council –** *Objects on grounds of increased risk of water contamination and impacts to sensitive SSSI / local ecology; uncertain health impacts; and noise /disturbance from HGV traffic. HGV routeing should be required.*

91. *The site borders a SSSI and is in close proximity to nature reserves. Whilst landfill and recycling activity has been permitted on this site for a number of years the increase in the level of water required and escalation of risk of contamination from the site for the proposed process would endanger the ecology of the area. Contravenes Waste Strategy Policy (SO2) as well as NPPF 170(e) and 175(b). If granted, drainage protection measures should be required by planning condition.*

92. *The Air Impact Assessment notes a lack of information and uncertainties regarding risk to human health. Concern is also expressed regarding the 'visual inspection' of the treatment process and how this can accurately identify asbestos.*

93. *The noise assessment has not taken into account the noise from HGVs and their impact through local villages. The previously approved planning applications for the Daneshill site indicated a maximum number of vehicles at 160 per day which is also included in this application. Lorries of 20 – 28 tonnes would be entering the site and consequently using the local highways through rural villages. The Parish Council feel that this would amount to an unacceptable disturbance to the local community and contrary to Waste Local Plan policy W3.14.*

94. *If planning permission was granted a HGV route should be mandated (including a diversionary route in the event of non-availability of the main route) and HGVs should be GPS tracked to ensure compliance.* [The Parish Council do not suggest what route(s)] *Monitoring data should be required and shared with local Parish Councils on request.*

95. **Ranskill Parish Council –** *Fully support the objections lodged by the Parish Councils of Lound, Mattersey and Torworth and in addition object on the further following points:*

96. *The Ecological report submitted by the applicant is over 3 years old, significantly out of date.* [An up to date assessment has now been submitted].

97. *The applicant has not undertaken wide public consultation, instead only presenting to Lound Parish Council and the Daneshill Road Travellers site. The applicant has not been in contact with Ranskill Parish Council despite identifying Ranskill as the largest of the of the four settlements listed as "Potential Sensitive Receptors".*

98. *The processing plant at Rowley Regis referenced in the application is located in a fully enclosed building, whereas this application is for an open to air process using off the shelf agricultural type equipment, not dedicated process plant. It is not possible to compare atmospheric pollution at Rowley Regis with that which could result from the Daneshill site. Processing and material handing would naturally release asbestos fibres to the atmosphere.*

99. *Questions the necessity for this operation and believes alternative options for restoring of the site need to be considered which would not involve the importation of contaminated waste. The landfill has remained unrestored for a number of years and could be restored at a much slower pace without the need for risking local people and the environment.*

100. *Based on the proposed waste volumes there could be an increase in the region of 50+ HGVs passing through Ranskill a week. Ranskill Parish Council requests that a detailed transport assessment is carried out. The proposals would cause unacceptable disturbance to the community of Ranskill, contrary to WLP Policy W3.14, especially when the additional/cumulative vehicle movements related to the proposed quarry extensions at Scrooby Top (as detailed in the draft Minerals Local Plan Strategic Transport Assessment) are taken into consideration.*

101. *There is a lack of information about the ongoing monitoring and mitigation of the proposed operations. In order to reassure the local community that this site will be operated safely this process needs to be clearly and unambiguously detailed, especially in relation to air quality.*

102. **Sutton Cum Lound Parish Council-** *Wishes to object unless HGV routeing is provided.*

103. **Environment Agency –** *No objection to the proposed development subject to a condition to remediate any contamination not previously identified.*

104. *The site is underlain by superficial River Terrace Deposits over the Chester Formation (sandstone). The River Terrance Deposits are classified as a secondary A aquifer, and the sandstone is classified as a principal aquifer. This area is also located within Source Protection Zone 3 for groundwater abstractions used for public water supply. This is therefore a sensitive setting from a groundwater protection point of view.*

105. *In light of the above and the associated current and historic land uses of this area, the EA consider that planning permission could be granted if a planning condition is included to require the remediation of any unexpected site contamination.*

Environmental Permits:

106. *The landfill permit allows landfill and treatment of leachate activities only, therefore a permit will be required for the proposed activity under the Environmental Permitting Regulations (England and Wales) 2016.*

107. *The EA advise that they do not have enough information to know if the proposed development can meet the Permitting requirements to prevent, minimise and/or control pollution. They will require further information as part of the wider Permit application including risk-assessments and how the applicant would undertake testing to ensure there is no environmental impacts.*

108. *They strongly recommend that the applicant twin tracks their permit application with the planning application.*

> *"The Environment Agency understands that the applicant is not planning to parallel track the permit alongside the planning application. We would highlight that if planning permission is to be granted there is no guarantee that a permit application would also be successful. The Environment Agency is unable to confirm what our position would be on any permit application for this site as we do not have sufficient information to be able to confirm whether a permit application would be successful or not. As previously highlighted we strongly recommend that the applicant undertakes parallel tracking of the permit to allow the Environment Agency to start the review of the permit application. We would also highlight our pre application service where the applicant would be able to obtain further advice on the requirements for the permit and what would be required."*

109. *The operator must also ensure and satisfy themselves that if the soils are to be used for landfill/restoration purposes then the soils must be and are treated to a point that the soil is actually non-hazardous and that the soil satisfies (or meets) the specifications as required in any restoration plan.*

110. *The submitted Flood Risk Assessment and Drainage Strategy details that all waste storage and treatment areas will be fully sealed/contained and would drain to a holding tank, either for re-use or appropriate disposal. Whilst the EA do not have an objection to this proposal in principle, more detail may be required at the Permit application stage. The regular inspection and maintenance of the containment measures is also needed given the groundwater sensitivity of this location.*

111. **Via (Reclamation) -** *No objection*

112. *All of the necessary protocols will be implemented to minimise any potential risk to human health /the environment, however the concerns of local*

residents with respect to potential airborne asbestos transmission are understandable.

113. *Accepts that the processing of the impacted soils would be undertaken under EA licencing procedures and mitigation measures are proposed for visual inspection, laboratory analysis, air monitoring, sheeting, dust suppression, road-sweeping, wheel-washing etc., to minimise the potential risk posed by the operation. These processes and procedures are heavily dependent on the competence and integrity of the operatives undertaking the work and therefore risk cannot completely be eliminated.*

114. *The proposed location makes practical sense as there is a need for such a facility in the tri-county area, (the nearest asbestos facility is the FCC site at Birmingham), it's a rural, sparsely populated location, with an on-site disposal location for soils deemed unacceptable for re-use and with appropriate control measures in place.*

115. *Acknowledges however the feelings of local residents, as they will not benefit and will be at greater risk than at present. Asbestos fibres can travel long distances if they become airborne, which does pose a potential threat to adjacent residences, business and wildlife areas open to the public.*

116. *However many of the examples of exposure cited by residents relate to around historic asbestos manufacturing and processing facilities, and were of much longer duration and larger in scale than the facility proposed. Similarly the majority of the examples relate to close proximity exposure to asbestos within confined and enclosed spaces. The staff at the facility will be more at risk than adjacent residents.*

117. *More stringent on-site protocols and more proactive monitoring will be required to ensure that any and all potential human health and environmental impacts are eliminated/minimised at the proposed facility.*

118. *Recommends that the air monitoring and dust suppression measures should be in place during soil reception procedures as well as for later handling and processing stages as it would appear to be one of the greater risk processes being undertaken. It is at this point of the operation that the most friable forms of asbestos debris will be exposed on-site,*

119. *Recommends that the applicant considers expanding the air monitoring to include the closest receptors, in addition to the onsite boundary areas. This would determine if the on-site protocols are actually effective. As a duty of care the applicant should consider weekly monitoring of the site boundary areas and also the boundaries of the closest receptors. FCC should be prepared to accept liability for any future asbestos related illness claims in future.*

120. *The air mist chemical suppressant has the potential to create long term detrimental effects on both soils and surface/groundwater. Strict control of the use of this chemical will need to be maintained to ensure any spray or runoff from this system is contained within the footprint of the hardstanding area and within the sealed drainage system.*

121. **Natural England –***No objection.*

122. *Based on the additional information submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.*

123. **NCC (Nature Conservation) –** *No objection, subject to conditions.*

124. *The proposed development is unlikely to give rise to any significant direct ecological impacts, provided that the proposed mitigation measures are adhered to.*

125. *In relation to habitats, a small area of low-quality Open Mosaic Habitat on Previously Developed Land would be lost. It is recommended that mitigation takes place on similar retained habitat to the east, involving scrub control to keep the area open. This will also benefit invertebrates. The production and implementation of a 10 year Habitat Management Plan should be conditioned.*

126. *A standard condition should be used to control vegetation clearance during the bird nesting season and a Precautionary Method of Works should also be required in relation to reptiles.*

127. *The development of a bat sensitive lighting scheme (if lighting is required) should be conditioned. This should be in accordance with the 'Bats and artificial lighting in the UK' BCT/ILP guidance (2018).*

128. *Measures to prevent animals becoming trapped in excavations/pipes etc should also be required.*

129. *In terms of indirect impacts, the predicted noise levels are not anticipated to be significant, and in event, there do not appear to be any particularly noise-sensitive receptors in the immediate vicinity.*

130. *Regarding drainage and potential impacts on the Mattersey Hill Marsh SSSI, Natural England's advise should be sought, however this matter appears to be adequately addressed.*

131. **NCC (Highways) -** *No objection, subject to conditions limiting the total numbers of HGVs accessing the wider complex to no more than 160 each day and requiring them to use the on-site wheel wash and have their loads sheeted.*

132. *The planning statement confirms that the proposal would not exceed 160 HGV movements each day for all operations appertaining to the site as currently imposed on the existing consents references 1/18/00217/CDM, 1/18/00218/CDM, and 1/18/00219/CDM. The proposal could therefore be viewed as being a diversification of the existing use rather than an expansion including an increase of vehicle movements. There are therefore no objections on highway grounds. The Highway Authority recommends that the previously secured planning conditions are repeated.* [Updated condition wording has been agreed].

133. **Via (Noise Engineer) -** *No objection subject to conditions.*

134. *The proposed soil treatment operational noise levels will be significantly lower than the pre-existing permitted operational activity noise levels and significantly below the existing permitted noise limit set at 55dB LAeq,1hr for daytime and 42dB LAeq,1hr for night-time at the travellers' site and Daneshill cottages.*

135. *The Loundfield Farm residences are noted to be further away to the east and screened form the proposed operational area due to the land topography and therefore predicted noise levels at this location would not exceed the predicted noise levels at the travellers' site to the south.*

136. *During daytime the maximum predicted noise level from the proposed new operations (excluding HGV movements) is 36dB and with HGV movements (10/hr) is 46dB at the nearest receptor to the south (Travellers' Site). The maximum predicted noise level at this location from the pre-existing permitted activities is 51dB. The predicted noise levels are greater than 10dB below the permitted pre-existing activities, and therefore there would be no notable change in noise levels at the receptors from the cumulative operations.*

137. *At night time the highest predicted cumulative noise level is 32dB LAeq,1hr and therefore complies with the existing noise condition. Noise levels of this magnitude are low and would not be expected to give rise to any annoyance or sleep disturbance, even with windows open during the night-time.*

138. *Historically there have been no noise related complaints from any of the three nearest receptors in relation to the existing permitted operations.*

139. *Various conditions are recommended to limit noise at receptors.*

140. **NCC Flood Risk-** *No objection.*

141. **BDC Environmental Health Department, Via (Countryside Access) and Public Health England** have not responded. Any response received will be orally reported.

Publicity

142. The application has been publicised by means of a site notice, a press notice and neighbour notification letters sent to 9 the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. This has included the addresses at Loundfield Farm, the central address for the Travellers' Site and Daneshill Cottages.

143. 42 letters of representation have been received raising objections on the following grounds:

(a) Airborne pollutants and risk to health (this is the main issue raised, including 2 detailed letters on this matter)

(i) The unloading, handling and processing of asbestos containing waste at this site is likely to generate/release asbestos dust which would then spread into surrounding areas on the wind.

(ii) The siting of such a processing plant is too close to populated areas and dangerous to human health. It has been shown that asbestos fibres fall to the ground between 1 and 3 miles away from the point of generation. The prevailing wind is towards Lound.

(iii) The tipping of asbestos containing soils and their screening and picking should be undertaken in the controlled environment of a building, as happens at the applicant's site at Rowley Regis, where the materials are sheltered from the sun/ wind and where the air can be filtered/extracted. A building would provide a significant additional layer of precaution, and a temporary building could be easily/cheaply erected.

(iv) The proposal will result in negative long-term health effects to residents in any neighbouring dwellings and villages and may even be carried further. Studies show an increased rate of developing mesothelioma resulting from living near to premises which generate asbestos dust.

(v) There is no known safe level of exposure to airborne asbestos fibres (apart from nil). Mesothelioma can take 20-50 years to develop, but is almost always fatal. There are also other chronic and progressive conditions caused by exposure to asbestos fibre.

(vi) Given that they are of microscopic proportions, it would be impossible to hand pick asbestos from a waste load.

(vii) The application sets out difficulties/limitations/lack of good information about the risk to human health from process emissions.

(viii) The processing relies too heavily on the human element of decision making and leaves room for human error and failure of procedures. It will be extremely difficult to carry out the processes with 100% efficacy especially outside with variable weather conditions;

(ix) Incoming waste could have concealed contamination or unacceptable materials. Once tipped it is very difficult to reject without releasing asbestos dust.

(x) Exposure to the range of chemicals referred to causes a number of health conditions such as asthma, cancer and other respiratory effects.

(xi) The applicant refers to the limit of detection of asbestos fibres of 0.01 or 0.0004 f/ml. Both figures are up to ten thousand times the background concentrations of asbestos dust found in the general outdoor air and are not be interpreted as a "safe" or "acceptable" level of exposure.

(xii) Background/ambient asbestos dust concentrations should be measured in the surrounding area/properties. A condition could require that asbestos dust concentrations are closely monitored in

those areas to determine whether local residents are being exposed to asbestos dust at levels above the ambient levels.

(xiii) Strict conditions should include atmospheric monitoring of asbestos dust to be carried out in various locations and an insurance policy to be in place that covers future potential claims for asbestos related disease.

(xiv) The operation should be planned against a maximum potential asbestos fibre release i.e worst case scenario using control measures at the top of the HSE hierarchy. The applicant hasn't demonstrated a need for asbestos sorting operations to be carried out on this site and thus they have not applied the very first step in the hierarchy of control measures.

(xv) The fact that Daneshill is a semi-rural area with a low population density should not be a factor which sways any decision in the applicant's favour. The risk to any person living in a city near to where this might be undertaken would be exactly the same as someone living in a semi-rural area.

(xvi) It is not clear where the contaminated soil will be transported from and what asbestos materials the soil will contain or how dust will be prevented from escaping during transport. There is an increased risk that the load will be disturbed when travelling over the level crossing in Torworth.

(xvii) The applicant can only state that asbestos emissions would be limited to 'virtually' zero. They have not denied that there is a health risk. They have failed to demonstrate that health will be safe and are asking the Council to make a decision which will create a health risk that does not currently exist.

(xviii) Residents will suffer stress and anxiety fears and will wonder if they and their families are being exposed to and breathing in invisible asbestos fibres. A risk should not be imposed on residents. Will not feel safe or able enjoy homes/gardens. The Council has a duty of care to keep residents safe.

(xix) Once the asbestos contaminated soil has been tipped, the prevailing weather will dry out the top surface of the soil. Asbestos dust could therefore be released during periods where asbestos contaminated soil is simply waiting to be sorted.

(xx) There is no way that it can be guaranteed that materials that pose a health risk will not end up being delivered/unloaded to the site. Rejection of unsuitable materials would happen only once the soil has been unloaded and sifted and the issues discovered. By then, any fibres that have the potential to become airborne at concentrations above the air monitoring detection limit will have been exposed to the air.

(xxi) Whilst it is desirable to landscape/restore the landfill site this should not at the cost of an increased risk to the health to those living locally particularly children and young adults. Their position appears to be that the Council and they must place health at risk if they are to restore the site.

(xxii) Agrees with the Environment Agency that the applications for Planning Permission and an Environmental Permit should be considered concurrently.

(b) Lack of need for the facility and site restoration issues

(i) The need for a hazardous soil facility has not been demonstrated. There will be significant quantities of inert material locally available from development sites such as Harworth South, the new garden village at Five Lane Ends, residential developments at Retford, Harworth and Worksop etc which could be used to restore the landfill.

(ii) The principle of the land use has not been established- this is entirely different and contrary proposal to that granted previously in 2018. In 2018 the site was considered part of the open countryside. New facilities such as this are not acceptable in the open countryside. Nor can the site be considered employment land.

(iii) The 2018 permissions were reduced to 5 years duration so to restore the landfill at the earliest opportunity. The proposal would go against the ecological constraints plan/ ecology recommendations and against aftercare report.

(iv) Public access is ultimately planned for the restored landfill. Restoration using soils which might contain asbestos fibres missed from the treatment operations would taint the appeal for public access.

(v) The 2018 restoration scheme required only 140,000 tonnes (total) for restoration capping works. The proposals are a significant tonnage increase and hazardous operation and appears to be speculatively commercial in nature, not in alignment with the overall aim of restoring the site within the designated timeframe and not the best for the site and surrounding area.

(vi) Further restoration works using soils from hazardous sources would create more risk and harm than compared to the 'light-touch' short term restoration plan submitted in 2018. Environmental risks and benefits of each approach should be compared.

(vii) The Daneshill site has had a solid working life and served its purpose. The cumulative effects of its operation over 30+ years, particularly from passing HGVs and noise/vibration on local residents, and in addition to other local heavy industry must be

taken into consideration. It is now time for the site to close and be restored with a reduced level of inert materials.

(c) HGV traffic and their routeing

(i) The number of vehicle movements proposed have increased enormously since the company first made a presentation to Lound Parish Council.

(ii) 160 HGVs a day in each direction, on an eight hour day is one every 3 minutes in each direction, or one every 90 seconds passing any one point.

(iii) The traffic will significantly affect local air quality, especially if HGVs are stopped and continue to idle at the level crossing. Passing trains can cause waits of 15-20 minutes.

(iv) The level crossing at Torworth on the main route into and out of the site will not cope and traffic will back up into Torworth. The applicant should stand the cost of bridging the railway line to leave a suitable legacy.

(v) Most vehicles would travel to Blyth and the A1(M) via an unsuitable/unsafe single track road.

(vi) Concerns that sheeting HGVs would not fully prevent escape of materials/particles and general dust on route to the site.

(vii) Noise and vibration from passing HGVs.

(viii) Danger to other road users from the level of proposed traffic.

(ix) Cumulative traffic issues with Sutton Grange AD plant.

(x) Long distances that HGVs might have to travel to/from the site.

(d) Noise impact (properties at Loundfield Farm)

(i) None of the assessments have taken the five residential properties at Loundfield Farm (some of which are currently vacant /being sold and hence future occupiers may be unaware of this matter) into account.

(ii) The noise levels predicted within the site, at the boundary of Loundfield Farm, are significant.

(iii) The intervening tree belt is narrow and there is nothing else to prevent noise impacting the properties. Concerned that noise levels could become a nuisance, if not harmful.

(e) Amenity impacts along Daneshill Road/ ability to enjoy local environment

(i) This area is visited by a high number of people who travel to enjoy the nature reserves. Families visit to feel safe and to connect with

the outdoors/ enjoy the peace. The increase in traffic and site activity will be detrimental to the enjoyment of these tranquil surroundings.

(ii) Cumulative effects/loss of peace and stress from 38 years of waste being transported past property to Daneshill. The potential introduction of hazardous waste including asbestos and hydrocarbons would cause further stress.

(f) Ecology impacts/risk of pollution

(i) The ecology assessment is out of date and needs to be renewed (this has now been undertaken).

(ii) The proposed site is immediately opposite Daneshill Nature Reserve, close to a SSSI and wetland areas heavily populated by flora and fauna. Lound itself is registered as a conservation area.

(iii) The site overlays an aquifer which could be contaminated.

(iv) The applicant proposes to use chemicals which will harm wildlife and aquatic animals should it come into contact with the chemicals. This has not been addressed. Neither has the impact that asbestos could have on these areas.

(g) Other points and alternative options

(i) Would prefer the site to be used for inert waste or for composting.

(ii) All hazardous waste should instead be treated at source using mobile equipment.

(iii) Hazardous soils should be treated at the applicant's site at Rowley Regis, in the West Midlands, which is a safer and enclosed facility.

(iv) Biopiles should be sheeted to prevent odour release.

(v) The application contains errors, inconsistencies and contradictions.

(vi) Concerns over the level of public consultation.

(vii) The developers have not made contact with Torworth Parish Council to discuss their proposals.

144. Re-consultation with Lound, Torworth and Mattersey Parish Councils as well as relevant technical consultees took place in August. A number of additional public comments were also submitted and the above summarises all of the main issues being raised.

145. Cllr Tracey Taylor has been notified of the application.

146. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

147. This is a full application for planning permission, as such it will be necessary to assess the principle acceptability of the proposed soil treatment facility at this location, to be followed by considering all relevant material planning considerations. The application must be determined in accordance with the Development Plan (considered as a whole) unless there are material considerations which indicate that the decision should be made otherwise.

148. The Development Plan in the context of this waste management proposal comprises:

- The Nottinghamshire and Nottingham Waste Core Strategy 2013 (WCS);
- The saved policies of the Nottinghamshire and Nottingham Waste Local Plan 2002 (WLP);
- The Bassetlaw Core Strategy 2011 (BCS).

149. The National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW) provide material considerations. The National Policy Statement (NPS) for Hazardous Waste is also considered capable of being material to the determination.

Principle of the development

150. Whilst the principle of the use of the site for waste management purposes has already been established, this relates to its current short-term permission for inert waste processing and its eventual tipping as part of a non-hazardous landfill site. The proposed hazardous (and non-hazardous) Soils Treatment Facility, whilst it would not be dissimilar in many respects, does warrant a review against the principle planning policies. Particular consideration needs to be given to the need for the facility at this site and how it fits in terms of the delivery of the landfill site restoration.

General need

151. The Waste Core Strategy sets out the policy framework to guide the development and locations of a range of waste management facilities in such a way as to manage a broadly equivalent amount of waste to that produced within the county and also importantly, in order to drive waste up the waste hierarchy and significantly boost recycling rates.

152. Policy WCS3 has an aspirational objective to secure 70% waste recycling (and composting) levels for all waste types, including commercial and construction wastes as well as general household wastes. It therefore gives priority to the development of new or extended waste recycling (and composting) facilities, over energy recovery proposals and lastly disposal. There is a pressing and continuing requirement to expand recycling levels and sector capacity and to reduce disposal requirements.

153. As a facility which would recycle contaminated soils, the proposal sits high up the waste hierarchy, and supports this key policy objective. By means of a combination of bio-remediation and asbestos picking, hazardous soils would be recycled and treated into a non-hazardous classification which can then be put to beneficial use (in this case for the restoration of the adjacent landfill site). This process moves the material up the waste hierarchy and greatly reduces the need to dispose of large volumes of materials within a hazardous waste landfill, something which Daneshill is not licensed for. Disposal requirements would be limited down to the very small quantities of residual asbestos waste which would be disposed at an appropriate licensed facility.

154. Under Policy WSC3 it is not necessary for recycling proposals to have to demonstrate a particular 'need' per se. Notwithstanding this the applicant believes it has identified a general, commercial need for this type of facility to serve development projects in the region. Furthermore soil materials are needed to continue and complete the restoration of the landfill site and it has apparently proven very difficult to source such materials (at least in a cost effective manner) in recent years, leaving unfinished or poorly restored areas. The 'added value' of the treatment services that the facility would provide would enable the applicant to overcome the present difficulty and attract a greater volume of soils which can be treated and then beneficially used to deliver the approved restoration scheme.

155. The NPS for Hazardous Waste also identifies a need for specialist bioremediation/ soil treatment facilities to treat contaminated soil from a number of industries, including construction and demolition and this in turn stems from the 'Strategy for Hazardous Waste Management in England' (2010) which identified the need for at least one larger scale facility handing over 30,000 tpa. The NPS advises that arisings of contaminated soils fluctuate because of the linkage to major construction projects but substantial proportions of hazardous soils have been landfilled as it is often seen as the only option by some producers partly due to a lack of available facilities for treatment.

156. In order to implement the requirement of the Waste Framework Directive the NPS states: *"there is a need to develop new facilities to treat contaminated soil to move the management of this waste stream away from landfill and up the waste hierarchy. This new capacity is needed now to encourage the process of landfill diversion. While some soil will be treated by mobile plant at the site of production, some will need to be treated off-site and there remains a need for dedicated permanent facilities"* (Para 3.4.8).

157. It is understood there are limited facilities to treat hazardous soils in the East Midlands region. The applicant runs a facility similar to that proposed at a site in the West Midlands (Rowley Regis). Given the compliance with Policy WCS3 and the waste hierarchy, and the further support from the NPS, it is not necessary to question the need for the development any further. Need/justification for the development in terms of the proposed location does however require a close consideration under Policies WCS4 and WCS7 and having regard to the restoration issues that are present.

Local/site specific need

158. In terms of location and site selection, the Waste Core Strategy, through Policy WCS4, seeks to direct waste management facilities of differing sizes to locations commensurate with settlement size in order to provide an efficient network of facilities which can manage waste close to its point of source. This aligns with the 'proximity principle' in waste planning but does not preclude movements of non-local waste in order to access an appropriate specialist treatment facility.

159. The application proposal would fall somewhere between a medium to large sized facility having regard to the proposed annual rates of throughout and site area. Policy WCS4 supports medium sized facilities in or close to the built-up areas including that of Retford. Larger facilities meanwhile are supported in the Nottingham and Mansfield/Ashfield areas. Within the 'open countryside' it states that the development of facilities will be supported only where such locations are justified by a clear local need and particularly where this would provide enhanced employment opportunities and/or would enable the re-use of existing buildings.

160. For the purposes of Policy WCS4, the wider landfill facility is situated in an open countryside location and not close to the Retford or any other urban area. It is however considered that in this instance there is a very clear local need and justification for co-siting the proposal with the landfill site, and in particular because it is proposed that the treated soils would be utilised towards the completion of the restoration works.

161. Co-siting waste management operations enables the reuse of existing site access and infrastructure and provides a regulated environment which can assist in the control of any emissions or impacts. New jobs would also be created.

162. In terms of the restoration, after 35+ years of operation, the timely completion of the restoration of the landfill site is a matter of pressing public interest and there is a need to overcome the apparent difficulties in sourcing sufficient quantities of soils for this purpose.

163. On the one hand the WPA had been seeking an alternative and earlier restoration for the wider site utilising greatly reduced volumes of soils either directly imported or sourced from the inert waste processing operations (the main importation/landfilling having ceased at that point). This approach would significantly reduce the local/site specific need for the STF development as now proposed, (it being inherently linked to the delivery of the restoration), but approval for the alternative scheme has not been secured.

164. On the other hand the present application must now be considered on its merits and as well as meeting the general need for a specialist regional STF and realising the wider economic benefits, new jobs and service this would provide, the significantly greater volumes of post treated soils which would be made available for restoration would enable the site to be restored in line with the approved landfill restoration masterplan and therefore achieving a higher standard of restoration than would be possible under the 'short term restoration' plan (not approved). This would of course take longer to conclude and it is acknowledged that this would prolong the impacts of heavy traffic accessing the site, in terms of noise, vibration, emissions etc, particularly

when passing properties on Daneshill Road, though of course this is still permitted until 2048.

165. Achieving the required restoration plan should always be the first preference as opposed to resorting to an alternative scheme, unless there have been a material change in planning circumstances- for example if the fill material is no longer available, or if a site has been left for so long that it has become important for ecological reasons to the degree that it outweighs the need to complete the infilling as originally proposed. The previous shortfall in materials justified an alternative approach, however the present proposal would enable the applicant to continue working towards the approved scheme and there are no apparent reasons to preclude this.

166. As the availability of soils is closely linked to commercial and residential developments and economic activity generally, progress with the restoration would have to be monitored. Officers also note that under the plans there may still be areas of the site restoration which would not be fully concluded during the 10 year period and in that situation the WPA would again need to formally require an alternative restoration plan to agree the extent of works to any outstanding areas. Progress with restoration would therefore have to be monitored and if necessary reviewed once again.

167. Looking further at the site-specific level, Policy WCS7 indicates the suitability of different general locations/land uses for particular forms of waste management facilities. It does so by means of a matrix or table. There is no express category for soil treatment facilities, however consideration can be given to both 'Materials Recovery Facilities' and 'Aggregate recycling facilities' for the purposes of this assessment.

168. The policy supports the development of Materials Recovery Facilities on employment land (that is land which is already used for or allocated for employment uses) as well as derelict land or previously developed land, including un-restored land in need of restoration. The supporting text clarifies that where there are existing restoration conditions in place that require the site to be returned to a greenfield state, any planning decision will need to consider the site as if it was undeveloped. The policy also supports aggregate recycling facilities on employment sites, but not derelict land/previously development land for that type. In all cases the policy support is subject to there being no unacceptable environmental impacts.

169. The proposed site is an area of vacant hardstanding/disturbed ground (the materials recycling area) with three years left to run on its planning permissions for inert waste processing. In turn this lies within the boundaries of the wider landfill planning site/permission and there are planning conditions requiring it to be restored to a mix of heathland and woodland as part of the wider landfilling and restoration scheme. However as matters stand, that restoration is not required before 2048 because the alternative and earlier restoration scheme has not been agreed under Condition 38 of the landfill permission i.e. the permission allows for tipping/landfilling and restoration works well beyond the 10 years that the current application is seeking permission for.

170. The most recent permissions for the site granting the extension of time for the recycling of inert construction/demolition wastes until 2023 did not require an earlier restoration either. Although the permissions were time limited and the requirements to clear waste from the site were brought forward as part of the then consideration of those applications by the WPA, they do not enforce any earlier restoration, merely they require clearance of the site by 2023 so to not prejudice its restoration. It then requires restoration to be undertaken in accordance with conditions of the over-arching landfill permission which stipulates the 2048 date for restoration.

171. Consequently, for the purposes of Policy WCS7, the application site should be viewed as a current employment and waste management site utilising previously developed land (with planning permission for inert recycling, to be followed by over tipping/landfilling and restoration as part of a wider landfill facility). The policy exception, whereby previously developed land which has restoration controls in place meaning it should be viewed as a greenfield site does not apply for the 10 years sought planning permission for and should be set aside. Whilst the proposed soil treatment operations would extend beyond the 2023 date currently set for inert waste processing, and which was also the date by which the WPA was advised in 2018 that the 'short term restoration' scheme would be completed by, in planning terms the land will still form part of an authorised landfill facility for the 10-year period as the landfill permission runs until 2048 and has not been superseded by an alternative restoration scheme.

172. The application proposal is therefore considered entirely acceptable in land use terms as supported by policies WCS4 and WCS7 of the Waste Core Strategy due in combination to its co-siting within the current landfill site, utilising existing site infrastructure, its purpose to deliver treated soils for the restoration of the site, and because a temporary 10 year permission is sought which would not extend beyond the date set for its restoration. Should planning permission be granted, an appropriate condition should stipulate a 10-year period for operations as proposed, as well as a restoration condition linked to the landfill site.

173. It is acknowledged that this proposal could be viewed as a representing a change in course in terms of the planned site restoration. It is unfortunate that past discussions with the applicant went unresolved, leading to a degree of uncertainty over the timescales and extent of restoration works needed. This has created a level of complexity when considering the need for the proposed development at this site. However the change of approach is ultimately being proposed by the applicant, and continuing with the approved site restoration plan, as opposed to an alternative approach, appears to be justifiable and would provide benefits to the local community, including provision of new public access/trails across the restored site. A lesser restoration scheme would not provide the higher standard of landform/landscape, planting, habitats and public access that the full restoration scheme would provide (and is required to be provided). The regulation from an Environmental Permit would ensure that this is not to the cost of public health or the wider environment.

Non-local waste

174. For completeness in this section, consideration should also be given to Policy WCS12, concerning the management of non-local waste. The purpose this policy is not to prevent such cross boundaries waste movements, but to promote self sufficiency and the 'proximity principle' to managing waste locally wherever possible. It is a positively worded condition rather than being restrictive. National Planning Policy for Waste also recognises that waste should be managed at the nearest *appropriate* facility. There is therefore an acceptance that in the case of more specialist types of facilities, where there will be fewer of them, that travel distances may be greater than those related to other types of waste facilities where local management of waste is more readily available.

175. Planning officers are not aware of any similar such dedicated hazardous soil treatment facilities in the area, and by its specialist nature it is feasible that it could serve development sites not just locally, but across the East Midlands and into South Yorkshire and Lincolnshire. It is also possible that such wastes are having to be transported outside of the area at present.

176. The policy is considered satisfied in the present circumstances because a) the STF would move waste up the waste hierarchy, cleaning up hazardous soils; b) it is not always possible to remediate such soils on development sites from where they arise and the application site is considered sustainable in relation to soil's final point of use; and c) that final use of the treated soils provides clear environmental and sustainability outcomes in terms of completing the restoration of the wider landfill site.

177. This proposal should not be viewed through the lens as one which is receiving and disposing of other areas hazardous wastes without any local benefit. Rather, it would provide a useful recycling and treatment service to the development industry, including local regeneration projects, which at the same time would provide much needed soils for the beneficial restoration of the landfill site.

178. In conclusion, the selection of this site for the proposed 10 year operation as a soil treatment facility is considered acceptable in principle planning policy terms against policies WCS3, WCS4, WCS7 and WCS12.

179. It is now necessary to consider whether there would be any resulting unacceptable impacts to the environment or to the local community, which would warrant officers recommending refusal of planning permission. Such relevant matters are considered further below.

Air Quality/Dust and Odour

180. WLP Policy W3.10 seeks to ensure fugitive dust generation is suppressed. Measures may be required including the use of water bowsers, dust screens, and the siting of dust generating operations away from sensitive areas. Policy WCS13 supports development proposals 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.

181. The NPPF states the planning decisions should prevent “new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality” (NPPF paragraph 170).

182. “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development” (NPPF paragraph 180).

183. “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively” (NPPF paragraph 183).

184. The NPPW further states that WPAs should avoid carrying out their own health studies and “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced” (NPPW paragraph 7).

185. Local concern has been raised over the potential release of airborne dust and asbestos fibres and impact on the health and wellbeing of nearby residents and communities. These concerns are understandable and are not to be dismissed without consideration.

186. It is however necessary to start from the basis that matters relating to the control and prevention of pollution are not the prime concern of the planning system and instead these are matters squarely for the Environment Agency (EA) to deal with as part of the environmental permit regime. The development will not be able to proceed without both planning permission and an environmental permit and the planning decision must focus on the use of the land and respect the pollution control function of the permitting system. It will be for the EA to subsequently decide whether the risks to the environment and public health are or are not acceptable and whether to grant a permit. A grant of planning permission would not prevent the EA determining that the permit application is unacceptable and refusing a permit.

187. The WPA has consulted closely with the EA. They confirm that the current site permit would not cover the proposed operations and that one would need to be applied for. They raise no formal objection to the planning application but also confirm that, as the permit application has yet to be submitted, they do not have sufficient detailed information to confirm whether a permit would be granted or not.

188. ‘Twin-tracking’ applications for planning and permitting at the same time is an established practice and is encouraged by the Planning Practice Guidance and EA guidance for more complex forms of development and issues. The

guidance also states that in these situations pre-application advice should also be undertaken with the EA. By doing so this can result in a more reliable indication of the likely outcomes of planning and permitting applications and resolve complex issues at the same time and as early as possible.

189. Whilst the EA has confirmed that they would prefer the application for the permit to be 'twin-tracked' with the application for planning permission in this particular instance, given the proposal's sensitivities and specialist nature, ultimately there is no legal requirement to do so.

190. Despite the EA's advice being pressed upon the applicant by the WPA, they have elected not to twin track for reasons of the apparent high cost of applying for the permit, leading to their preference to first secure planning permission before committing to submitting the application for a permit. The applicant however advises that the project has been designed with both regulatory systems in mind by the same project team and that a permit application has been drafted.

191. As there is no legal requirement that twin-tracking has to take place, the WPA and the EA can only seek this through cooperation with a developer. The lack of twin tracking should not necessarily affect or prevent a decision on the planning application. However before granting planning permission the WPA needs to be satisfied that these issues can or will be adequately addressed through the permitting process and there is no reason to suggest that they cannot.

192. If there is a negative from the absence of twin tracking it is that this approach heightens the risk that the applicant might be required to make subsequent changes to the development in order to secure and satisfy a permit, for example the erection of a building. Such changes are likely to require a further planning permission or approval of a variation application, with no guarantees that such permission would be forthcoming. The other risk is that if a permit was not granted, or not granted within the commencement timeframes of a planning permission, then the WPA would again have to consider the issue of the site restoration and whether an alternative form of restoration should be sought for the landfill site.

193. This situation is unhelpful to the local community who clearly need assurances and the EA cannot currently advise or provide certainty that the proposed development would be safe and acceptable and be granted a permit. The WPA and the community can though be reassured that the permit process will be rigorous and can be relied upon. The NPPF makes this clear.

194. In terms of the use of the land, the site appears advantageous to controlling emissions and avoiding any unacceptable local amenity impacts and a good level of detail has been included with the application (as summarised in the 'Proposed Development' section above) to provide reassurance for the purposes of the planning decision that emissions, including to the air, would be controlled and the necessary regulations would be adhered to. This includes a detailed dust management plan and air quality assessment. The applicant has further engaged expert advice to review the issues and

concerns being raised locally and they remain satisfied with the application details and that the site can be operated safely.

195. The applicant also has the benefit of experience from setting up a similar facility in the West Midlands, a site noted as being within an urban area with far more and closer sensitive properties than is the case at Daneshill, which is a rural and remote situation and one which is well contained by surrounding areas of woodland and the former landfill areas.

196. The experience gained provides them with confidence that airborne release of asbestos fibres would not occur. This is through a combination of reasons, including the strict waste acceptance criteria and testing (no loose asbestos), maintaining soil moisture levels, and active air sampling/monitoring when undertaking operations involving soils contaminated with these materials. Their regular air monitoring has demonstrated that airborne asbestos levels are never elevated above the detection limit.

197. Whilst it has been noted that the operations at Rowley Regis are partly undertaken within a building, the applicant advises that this was a pre-existing structure and used for convenience rather than necessity. It might provide a degree of comfort to regulators that emissions can be controlled more easily, however the applicant believes if offers no additional environmental protection compared to undertaking this activity in the open. In fact the building increases risks to site operatives from potential vehicle collision and working in more confined spaces and atmospheres with diesel powered plant, whereas the Daneshill proposal has the advantage of having a layout that is more suitable for safe traffic movement and operator safety. Furthermore the site would not accept soils which would give rise to asbestos emissions.

198. The applicant therefore does not require a building for the soil treatment processes and is confident that these can be safety undertaken outside. They are further willing to accept a planning condition to ensure asbestos release does not rise above background levels (the latter likely to be negligible) should this be deemed necessary.

199. Via EM, the County Council's consultant on this matter, has reviewed the application and also the concerns raised by the local resident. Again no objection is raised although several recommendations are made, most of which relate to operational details such as how and when air monitoring should be undertaken. These details are for the permit regime to consider, with approval from the EA, and not the WPA.

200. Notwithstanding this, further commentary has been provided on the provision of air monitoring. The applicant believes that 'at source' monitoring is the most effective means of checking that there is no airborne release of asbestos. This approach is undertaken at both Rowley Regis and at mobile sites and is deemed more effective than remote monitoring at nearby residential properties for example. They believe that remote monitoring would be a purely 'palliative' measure and would produce largely meaningless data. In the unlikely event that breaches are recorded, remedial steps would be undertaken immediately, the most likely course of action being the use of water bowsers to dampen any stockpiles and working areas.

201. It is considered that these are technical details which fall to be agreed with the Environment Agency and that sufficient information and reassurances have been provided on this subject, in the knowledge that more detailed assessment is for the EA to subsequently consider through the permit process. The choice of site selection would appear to be wholly advantageous to the ability to operate this proposed facility safety and without leading to unacceptable environmental impacts, including from dust or air emissions.

202. It does however appear important in this case that the local community is kept informed of the operations and the results of air quality monitoring and any other relevant monitoring that is carried out. There is an obvious fear of something which cannot necessarily been seen or observed and perhaps a lack of trust if information and data was not made publicly available. Planning Officers therefore would suggest that if planning permission was to be granted, a condition should require the establishment of a local liaison group to provide a forum for ongoing communication and information sharing including with the local Parish Councils, and this could include sharing monitoring results in order to demonstrate ongoing compliance with emission control requirements. The site would also continue to be monitored by the EA and the WPA. A planning condition can also stipulate that there should be no increase above background levels for airborne asbestos, thereby providing a further reassurance.

203. A standard form of dust management condition is also recommended to comply with Policies W3.10/WCS13. Odour from the proposed operation is considered unlikely to arise, subject to the odour management plan being followed. This can also be stipulated in a condition.

Traffic and associated matters

204. WLP Policy W3.14 sets out that planning permission will not be granted for a waste management facility where the associated vehicle movements cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities.

205. Policy W3.15 provides scope for the WPA to require routeing plans/restrictions as and when deemed appropriate. Policy W3.11 enables planning conditions to be stipulated requiring operational measures to prevent mud and deleterious materials from contaminating the public highway.

206. WCS Policy WCS 11 seeks to maximise the use of alternatives to road transport. Proposals should also seek to make the best use of the existing transport network and minimise the distances travelled in undertaking waste management.

207. Para 108 of the NPPF seeks to ensure that safe and suitable access is made available for development proposals and that appropriate opportunities for sustainable transport options can be taken up. Para 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

208. The proposed STF would accept contaminated soil materials from individual sites and projects from where and when they arise, typically construction sites and projects remediating previously developed or 'brownfield' land. The proposal is therefore dependent on road haulage in order to source materials. Operative working at the STF would also be reliant on car transport given its rural location and distances to the bus services through Torworth.

209. The on-site cleaning and remediation of soils is common practice at individual development sites, as a temporary and licenced operation, including it is understood for the treatment of hazardous and asbestos contaminated soils. However this might not always be possible or feasible on certain sites and specialist regional facilities therefore have a role to play. The WPA is not aware of any similar such facility locally.

210. The Daneshill site is itself a long-established landfill facility which has good highway access from the local A-road network including the A638 Great North Road with access options also to the A1.

211. The application commits to not exceeding the numbers of HGV movements as currently controlled by conditions on the extant planning permissions. This provides a maximum of 160 HGVs accessing the wider landfill facility site each day for all operations. Thus any increased movements to the STF could be viewed as being offset against those directly accessing the landfill part.

212. It is recognised that the total contrasts with the minimal traffic movements that are occurring in practice at present, because general landfilling ceased and because the permitted inert waste processing is non-operational. However the planning permissions still allow these operations and their associated traffic movements within the cap of 160 per day. The County Highway Authority is satisfied on that basis and raises no objection, subject to this being stipulated again as a planning condition should permission be granted for the STF. It is therefore not considered necessary to require new traffic assessments as suggested by Ranskill Parish Council.

213. Whilst some limited types and quantities of wastes would need to be taken away, including asbestos skips, contaminated surface waters, or rejected materials, the overall aim of the development is to attract inward materials which can be then treated to provide suitable soils for the restoration of the adjacent landfill. There are clear benefits from co-locating the STF with the landfill, given a pressing need to restore the site and a shortage of materials, leading to an unsatisfactory landform and standard of soil capping.

214. It is acknowledged that a lesser or revised restoration scheme could again be looked at involving significantly less materials and fewer HGV movements, potentially providing for an earlier closure of the site. The WPA would have scope to return to the process under condition 38 of the main landfill permission if there is a need to secure an alternative site restoration. Usually that would be in circumstances where the original restoration can no longer be achieved. However in this case there is a detailed proposal which seeks to move matters forward again and the resulting use of soils is in line with the approved restoration masterplans and the planning permission, not contrary to it. The greater volume of materials which the proposed STF hopes to viably

provide over its 10 years would allow this more comprehensive restoration design to be created.

215. In terms of HGV routeing, the comments from Mattersey Parish Council and also Sutton cum Lound Parish Council are noted. Currently there is no routeing strategy or restrictions within the planning permission(s) for the Daneshill landfill complex.

216. There is an obvious HGV route to/from the A638 Great North Road at Torworth via Daneshill Road. This route has served the landfill and local industries and quarries for many years. It is a straight run of 1.3km, passing a small number of residential properties, including those at the junction in Torworth. The route does involve the railway crossing over the East Coast Main Line, which is citied in some of the local representations as causing long delays from the barrier 'down-time'. However, the proposed STF would not generate a greater level of traffic than already permitted at Daneshill and levels could in practice be far below historical patterns when the landfill was fully open. Consequently the level crossing is not considered to pose a significant constraint to the proposed development.

217. Whilst Torworth Parish Council states there are no other permissible HGV routes as a result of local weight restrictions, a second possible HGV route exists to the A631 Gainsborough Road, via Daneshill Road, Mattersey Road, Mattersey village and the B6045 Eel Pool Road. This is less preferable in highways and local amenity grounds as it involves passing through Mattersey village but it would be a lawful HGV route at present. This may explain the request from Mattersey Parish Council for a comprehensive routeing strategy.

218. Local weight restrictions (18 tonnes) to the south prohibit HGVs from routeing to the A638 Great North Road via Sutton cum Lound and so they must do so via Torworth further north. The associated HGVs would not have reason to enter Lound village to the east of the Mattersey Road crossroads and again would be prohibited to travel via Sutton cum Lound. Consequently these communities should not be affected by the site traffic.

219. It would be reasonable to stipulate a planning condition to require drivers to be reminded to use the established lorry route along Daneshill Road to the Great North Road. This would address the issues raised by Mattersey and Sutton cum Lound Parish Councils and accords with Policy W3.15.

220. Whilst acknowledging that the reintroduction of site traffic would not go unnoticed in the local area, Officers consider that the application is acceptable on highways and associated amenity grounds, on the basis of HGV traffic utilising the established route, and accords with WLP Policy W3.14. Conditions can be applied to limit the daily permitted HGV movements and to require the sheeting of loaded HGVs and their use of wheel cleaning facilities as requested by the Highways Authority. The applicant has sought some limited flexibility to wording of these requirements which are acceptable.

221. The proposed STF would not entirely satisfy all the objectives of WCS Policy WCS11, as it would be dependent on road haulage, with most outward journeys being unladen. However it could help reduce travel distances given there is no such similar facility in the area at present and it is plausible that

this could be leading to the export of contaminated soil wastes further afield. Also soils are already required towards the restoration of the landfill site. As such this proximity to the final use/recovery of the soils provides a significant locational and sustainability advantage that negates the need for separate transport movements to export the treated materials and source other soils. On that basis it is considered that the application also gains some partial support from Policy WCS11 due to its co-location with the landfill.

Local character and visual amenity

222. Saved Policies W3.3 and W3.4 of the Waste Local Plan seek to limit the visual appearance of waste management facilities. All plant, buildings and storage areas should be located so to minimise impact to adjacent land and kept as low as practicable. Screening and landscaping should retain, enhance, protect and manage existing screening features.

223. WCS Policy WCS15 seeks to ensure high quality design and landscaping is employed in the development of new or extended waste management facilities.

224. The proposal seeks to utilise part of the materials recycling area within the landfill complex. This is an area of extensive open ground and remnant hardstanding that is completely screened by surrounding mature trees and vegetation and cannot be readily viewed from any public vantage points or residential property. There is no proposal or need to remove the surrounding trees and the existing access gate can be utilised. The submitted plans show an organised site layout with areas allocated for different processes or storage areas. There are minimal aspects of buildings and plant included and all of the stockpiles/bio piles, plant and buildings would be screened within the site.

225. Overall the facility would be entirely in character with the use of the land as a landfill facility and its previous use for recycling inert construction wastes and it would also share the same access road to the highway. Whilst some concerns have been raised in relation to the ability for visitors to enjoy the local Daneshill lakes nature reserve, the associated traffic would not be unduly intensive and would be within levels already permitted. This would be a temporary 10 year operation necessary to help restore the landfill site and provide lasting benefits to the environment and the local community. Planning conditions can require the clearance of the site again after the period of use has concluded or ceased and then require the area's restoration as part of the wider restoration masterplan. Subject to these requirements the proposals are considered to meet the objectives of Policy W3.3 and W3.4 and WCS15.

Noise and local / residential amenity impacts

226. Waste Local Plan Policy W3.9 seeks to ensure noise is appropriately controlled. Requirements could include setting maximum noise levels when measured at nearby sensitive receptors, controls on plant and machinery,

restrictions on the hours of operation, and alternative types of reversing alarms.

227. Policy WCS13 supports development proposals where it can be demonstrated that there would be no unacceptable impact on the quality of life of those living or working nearby.

228. National planning policy (NPPF paragraph 180) advises that planning decisions should "ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development". Decisions should "mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life".

229. The operations including the use of mobile plant, equipment and HGV traffic would generate noise during the day time hours of operation. Additionally the blower would need to run continuously at night and weekends. This may be combined with other noises associated with the landfill site, its restoration and management, all of which need to be taken into account.

230. The application is supported by a noise impact assessment which has taken background noise monitoring results from the position of two of the nearest receptors, these being the Traveller site to the south and Daneshill cottages to the west. It goes on to consider the predicted noise impacts on these receptors from the proposed STF operations and also in combination with other operations which are permitted at the landfill site. Noise from associated site traffic is included.

231. The noise assessment predicts that the proposed operations would lead to no notable change in noise levels at the receptors during the daytime, including the cumulative effects. The maximum predicted noise level is 36dB and 46dB if including HGVs. This is well below the predicted noise levels from the already permitted operations and also below the existing daytime limit of 55dB which applies to the inert waste recycling permissions.

232. For the night time, the highest predicted cumulative noise level is 32dB, which is also well below the existing limit of 42dB. This takes into account the existing landfill gas engines and leachate management which run at all times. The County Council's noise consultant advises this should not give rise to any night time disturbance and raises no objection.

233. In relation to traffic noise, it should be noted that HGV deliveries would already be expected to occur due to the need to complete the restoration of the landfill, and the numbers of HGVs permitted to enter the wider site each day would not increase under the proposal.

234. In terms of any changes to the local context, it is noted that there are several new residential conversions at Loundfield Farm to the east. A number of the residents have raised concern that the noise assessment has failed to consider potential noise impacts at these properties, including their future

occupiers where they have yet to be occupied. On review of matters the County Council's noise consultant is satisfied that these properties would not be exposed to unacceptable noise given they are at a further distance from the site than the Travellers' site and Daneshill Cottages and also benefit from topographical screening from the restored landfill area. Therefore if suitable conditions or noise limits were set for these other properties, this will also safeguard those at Loundfield Farm from any excessive or unacceptable noise.

235. In considering what or if any new limits and controls should be required by condition, the County Council's noise consultant considers it more appropriate to set a condition which requires the STF to not result in noise levels 5dB above background noise as measured at the two main receptors (this will also safeguard Loundfield Farm), rather than apply the existing daytime and night time limits. In the event of a noise complaint a BS4142 noise assessment would be undertaken to investigate and, if necessary, remedy any excessive noise above the measured background levels. It is further recommended that the air blower be fitted with an acoustic enclosure and that all mobile plant be fitted with white noise reversing alarms.

236. The proposed STF would not be a markedly noisy activity and would result in no increase in overall noise levels at local residential receptors, which benefit from being located some distance away from the site. Subject to the inclusion of suitable and reasonable noise controls by condition the application is considered to accord with policies Policy W3.9, WCS13 and national guidance.

Surface water management and protection of ground waters

237. WLP Policy W3.5 states that planning permission will not be granted for a waste management facility where there is an unacceptable risk of pollution to ground or surface waters, or where it would affect the function of floodplains, unless the impact can be mitigated by engineering measures and/or operation management systems. Policy W3.6 enables planning conditions to be imposed to protect such water resources, such as requiring sealed drainage systems and impermeable surfacing. Policy WCS13 as the general policy to protect environmental matters also applies.

238. The area has sensitive ground and surface waters in terms of impacts from potential pollution. The site is situated over a Secondary A aquifer within the superficial River Terrace Deposits, which in turn is above the Principal Aquifer within the sandstone bedrock (Chester formation). The area is also denoted as being within a Source Protection Zone 3 for the abstraction and supply of public water.

239. The Daneshill lakes nature reserve and LWS lie to the west. The Main Drain/Ranskill Brook passes south to north through the area. There is also a further, smaller watercourse running under Daneshill Road at its junction with the landfill access road and which flows northwards towards Mattersey Marsh SSSI. This is approximately 450m from the application site.

240. The application site itself comprises a broadly level area of stony ground and remnant concrete hardstanding. It has no dedicated or in-built drainage and a slight fall in levels towards the west. The site is denoted as at a low risk of flooding (Flood Zone 1).

241. The proposed soil treatment facility would deal with hazardous soils contaminated with hydrocarbons (as well as asbestos bound materials) in an open-air bioremediation process. This process would involve the formation of biopiles and their management of soil moisture and the extraction/capture of all excess water or run off. It would also involve the use of a wetting agent to limit airborne release of particles, which requires careful application as it could be harmful if released to the environment.

242. Given the above context it is critical that the proposal is robustly designed and managed so to hold or treat all potentially polluting surface waters and prevent these from reaching the surrounding environment i.e. to cut off any potential pathway for pollution to ground or surface waters and to the populations and habitats they support.

243. Details set out within the Flood Risk and Drainage Strategy show how the proposed treatment pads would be engineered with a containment system around and beneath each pad which would capture all water run-off from these pads including rainwater. It is proposed that such water would collect into a holding tank which would be periodically emptied and tankered away for treatment/disposal. Some of this process water may also be used to maintain soil moisture levels. The proposal does not seek to treat these process waters on site or discharge this water due to their likely hazardous/contaminated nature. Foul waters collected from the welfare unit would also be tankered away for treatment/disposal.

244. Whilst this approach to capturing all contaminated waters for subsequent tankering off site would ordinarily not be deemed to be a sustainable means of managing surface waters (soakaways being preferred), it is in this instance appropriate as there is no foul connection to the site and the contaminated water is likely require treatment at a dedicated facility. It is therefore vital that it is not simply discharged to the environment.

245. As noted by the Environment Agency's response, further drainage design detail will be needed to support an application for an Environmental Permit. However officers consider that the level of detail presented is more than sufficient to proceed with determining the planning application. Furthermore, if planning permission was to be granted it would be prudent to require final drainage details under planning condition. In particular, the detailed design would need to ensure that a large enough holding tank or tanks are provided to collect all contaminated waters whilst being able to deal with rainfall and particularly intense rainfall events. As any tank or tanks provide a finite capacity, the system would need regular monitoring, maintenance and emptying. These procedures along with emergency pollution response measures would form a key part of the Environmental Permit regime, however further details of this could also be included with the drainage scheme under condition.

246. In relation to the comments raised about the use of the wetting agent and its toxic properties, by Via Reclamation and others, again this is largely an operational matter which would be regulated under the Environmental Permit. However, so long as it is correctly stored and applied, this would all be captured within the biopads and their sealed drainage systems.

247. In relation to other surface waters from the remainder of the site (such as parking and access areas), these would not be intercepted or captured and they would be allowed to drain as they currently do to the adjacent woodland areas with a fall to the south-west. This is sustainable in terms of managing surface waters and they do not pose a significant pollution threat, being from the 'clean' part of the site. Additional comments have also been made by the applicant to provide confidence that these waters would not be able to transmit silt as far as the watercourse at the crossing of Daneshill Road with the access road and which goes onto feed Mattersey Marsh SSSI further to the north. Subject to maintaining good standards of site management, including access to spill kits and ensuring all fuels/chemicals are securely stored, this an acceptable arrangement for these areas.

248. Given that the provision of appropriate site drainage will form an inherent part of the process of securing an Environmental Permit from the Environment Agency, the determination of this application can rely on the effective regulation under that regime in order to safeguard the environment and the identified sensitivities locally. Notwithstanding this, it is entirely appropriate to require final drainage details under planning condition. Subject to this being included, the application proposal is considered to accord with WLP policies W3.5 and W3.6 and Waste Core Strategy Policy WCS13.

Ecological Impact

249. WLP Policy W3.21 states that planning permission will not be granted for a waste management facility which would destroy or degrade the amenity, setting or nature conservation value of watercourses, wetlands and lakes unless their value is outweighed by the need for the development. Measures will be sought/secured to reduce such impacts to an acceptable level. Policy W3.23 seeks to protect SSSIs and LWSs from the impacts of waste management developments.

250. The overarching environment Policy WCS13 supports proposals where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

251. BCS Policy DM9 expects development proposals to restore and enhance habitats and demonstrate that they would not adversely affect SSSIs, LWS, priority habitats and protected species. Impacts should be mitigated or compensated for as a last resort.

252. The NPPF states that planning decisions should contribute to and enhance the natural environment, including by "protecting and enhancing … sites of biodiversity value …. (in a manner commensurate with their statutory status or

identified quality in the development plan)" and by "minimising impacts on and providing net gains for biodiversity" (paragraph 170).

253. An updated Ecological Impact Assessment (EcIA) has been undertaken to support the application, including a full range of new habitat and protected species surveys. These show the site as being covered by an open mosaic of short perennial bare ground and early successional vegetation, with scattered scrub which is typical of brownfield land of this type. Whilst such habitats are generally of value (including to invertebrates), the site is considered to be of low quality based on its makeup of common/widespread species. The on-site bare habitats and the occasional rubble piles may offer some potential for basking or foraging reptiles and as such the report makes recommendations for site clearance works. The removal of scrubby and ruderal vegetation should also be timed outside of the bird nesting season, or if unavoidable should first be checked for active nests by an ecologist.

254. There is space within the east of the materials recycling area (beyond the application area) which could be managed beneficially for wildlife, including invertebrates until the area is subject to final restoration to heathland.

255. The surrounding woodland (to be retained) would be expected to support common birds and foraging bats as part of a wider network of such habitats locally. No surrounding trees were found to be capable of supporting bat roosts and no evidence of badger was found. Any proposed lighting should be sensitive to foraging bats, particularly using the woodland edge. Best practice measures to prevent animals from becoming trapped in the works or pipes are recommended.

256. There are no aquatic habitats on site or linking to the site. The EcIA concludes that Great Crested Newts are not present on site or in a cluster of nearby ponds which lie within the landfill facility.

257. The wider area includes the Daneshill Lakes and Woodland LWS and local nature reserve which is bisected by Daneshill Road and further to the north is Mattersey Marsh SSSI. Concern for these sites is raised in several local representations and by the parish councils.

258. The EcIA has reviewed the other assessments accompanying the application and states that provided the identified drainage strategy and control measures to mitigate impacts associated with flood events or spillages/accidents at the site are followed, it is not anticipated that there will be direct impacts to these sites.

259. The County Ecologist raises no objection and advises that various recommended mitigation measures should be required by planning conditions, along with a 10-year Habitat Management Plan for the area to the east which lies outside of the proposed site.

260. Natural England has been consulted with respect to the SSSI. Additional assessment work has been completed by the applicant in order to understand any potential pathways from the application site to the SSSI which could lead to the conveyance of silt. As well as confirming that all contaminated process waters from the treatment operations would be fully collected, and prevented

from entering the environment, it shows that surface water runoff from the 'clean' areas would naturally fall towards the woodland area to the south-west and is unlikely to reach as far as the watercourse which goes on to feed the SSSI. Natural England is now satisfied that the proposal would not affect Mattersey Marsh SSSI.

261. The STF will need to secure and operate under an Environmental Permit which would provide the necessary pollution control regulation. Planning conditions can also require final drainage details to ensure the hazardous waste operations are fully contained and able to capture all potentially contaminative run off. The run off from the clean areas such as the access and parking areas should not lead to silt leaving the wider landfill facility. Conditions to require cleaning of vehicle wheels and sweeping of the access road should also be applied.

262. As noted above the proposed operations are beneficial in that they would be able to bring in soils, which once treated would be used in the restoration of the landfill site. That restoration will provide a number of new habitats of greater wildlife value than those present, and would key the site back into its surroundings as part of a network of local habitats. The materials recycling area itself forms part of that wider restoration masterplan and its restoration can follow on once the immediate priorities at the adjacent landfill area have been overcome. Thus these lasting benefits to biodiversity providing new and enhanced habitats should be recognised in considering the present application.

263. The application therefore demonstrates that the site can ably accommodate the proposed STF whilst ensuring the safeguarding of local and designated habitats/sites of value for ecology (and also greatly valued locally). The STF would directly contribute towards the site's restoration and the provision of a range of new and enhanced habitats. Subject to including a number of conditions, the application is considered to accord with policies W3.21, W3.23, DM9 and WCS13 on this matter.

Economic benefits

264. BCS policy DM1 provides support for economic development in rural areas inter alia, where this re-uses built facilities and where located and designed to minimise their impacts upon the character and appearance of the countryside and where compatible with surrounding uses. Such proposals should require the specific rural location (with no other sites close to or within settlements or on brownfield land) and they should not create significant or exacerbate existing environmental or highway safety problems.

265. The Waste Core Strategy seeks to play a positive role in encouraging innovative new waste management technologies and investment to support wider regeneration goals. It also seeks to re-use land and buildings where possible.

266. The National Planning Policy Framework (paragraph 80) states that "significant weight should be placed on the need to support economic growth and productivity". Paragraph 24 advises that in order to meet the needs of

local business and communities in rural area that sites "may have to be located ….. beyond existing settlements and in locations not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable". The use of previously developed land is encouraged.

267. The NPPF (paragraph 118) also seeks to make effective use of land through bringing forward brownfield land for new housing and other needs. It provides substantial support for using suitable brownfield land for homes and other identified needs, and supports "appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land".

268. The proposed STF would provide direct and indirect economic benefits. Directly the application states that 10 full time equivalent positions would be created. However, perhaps more significant is the service the facility would provide to the development industry.

269. Planning policy seeks to unlock and reuse previously development land or 'brownfield' sites to significantly boost the supply of housing and other uses where this can be sustainable. Many such sites carry a legacy of industrial contamination which requires remediation before any work can begin and this can be a significant hindrance to the construction sector which holds up vital investment in new homes and jobs.

270. In many instances remediation of soils and ground can be undertaken in-situ utilising mobile plant and equipment under the regulations set by the Environment Agency. This can include the cleaning of soils containing asbestos materials and on sites located within an urban context, with neighbouring residential or other sensitive uses. However on some sites this might not be feasible for reasons of lack of space or time pressures for example and this is where the proposed facility would provide a particular beneficial service to the development industry, helping to unlock and clean up contaminated sites for redevelopment and manage the waste at a regulated site.

271. At the same time, moving waste up the waste hierarchy also reduces the demand on hazardous landfill space (elsewhere) which is a finite and economic resource in itself.

272. These direct and indirect economic benefits should be recognised and afforded significant weight in line with local and national planning policy objectives to promote local regeneration, economic growth, and the development of the waste recycling sector.

Other matters

273. Due to the previous and historic uses of the site and the noted underlying sensitive groundwaters, the Environment Agency request a remediation condition to cover the presence of potential contamination should this be encountered during the development. This is a reasonable, precautionary

condition, particularly as the concrete surface may be broken out as part of the pad construction works.

274. Lound Public Footpath No.2 shares the length of the landfill access road, terminating at the site gates/entrance and proceeding no further. This has served the landfill (and before that the Royal Ordnance Factory) for 30 plus years and has sufficient width to be shared safely with any pedestrians. A condition requiring the provision of suitable warning signage at each end of the access road can also be included. Public access is planned as part of the eventual restoration which in time will likely increase the use of the footpath than is currently the case.

Conditions

275. A condition is recommended to specify 10-year operation for the STF (allowing for 3 years to commence) and the requirement to clear the site and restore it as part of the requirements under the wider landfill planning permission. Progress with the restoration would be monitored.

276. A condition is recommended to require all suitable post-treated soils to be retained and utilised in the site's restoration and for records to be maintained and reported to the WPA on the flows and volumes of soils in order to demonstrate that suitable treated soils are being used to restore the landfill site. The WPA will also continue to carry out audits and site inspections to check on progress. This is necessary in order to capture and retain the maximum volumes of restoration materials needed to deliver a timely and potentially earlier site restoration. The application has been proposed on this basis and it is considered that an otherwise 'general' recycling facility, operating apart from the landfill, might not be considered favourable in planning and sustainability terms. Without the STF the site may also continue to find it difficult and unviable to source restoration materials and the current unsatisfactory condition could continue.

277. A range of conditions relating to construction works/site clearance, drainage design, materials storage, highway movements and routeing, hours of operation and noise, and measures to control mud, dust and odour are also recommended. This includes a condition requiring there to be no airborne asbestos above pre-development background levels as suggested by the applicant.

278. As noted a condition can also require the establishment of a local liaison group to provide a forum for sharing and addressing any local concerns as well as sharing any monitoring information in the interests of openness and transparency. Detailed operational controls would be fully covered by an Environmental Permit from the Environment Agency.

Other Options Considered

279. 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

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

Crime and Disorder Implications

281. The development would be located within the established landfill facility benefiting from existing perimeter security fencing, and other security measures.

Data Protection and Information Governance

282. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter. Where a third-party review of representations has been required, the prior permission has been obtained from the author to share this.

Human Rights Implications

283. 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. The proposals have the potential to introduce or reintroduce impacts such as those related to the passing of heavy traffic to/from the site, along with local anxiety and concerns related to the hazardous wastes to be accepted and processed at the facility. These potential impacts need to be considered in the planning balance alongside other impacts, which include the general need for the facility and the specific need to attract sufficient quantities of soils for the restoration of the wider landfill, which the proposal would go on to deliver. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

284. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty. Potential direct, indirect and cumulative impacts from the proposal have been considered equally to all nearby receptors and resulting from this there are no identified impacts to persons with a protected characteristic.

Implications for Sustainability and the Environment

285. These have been considered in the Observations section above, including the merits of recycling soils in line with the waste hierarchy and providing materials for beneficial use in the restoration of the wider landfill facility, along with the detailed measures proposed to control emissions to the air and safeguards to the ground/water environment from pollution. The advice from statutory and other consultees on these arrangements has been sought and planning conditions can be made to require such necessary measures to be put in place. The operations would also need to secure and operate in accordance with an Environmental Permit.

286. There are no financial, human resource, or children/adults at risk safeguarding implications. There are no implications for County Council service users.

Conclusion

287. The proposed Soil Treatment Facility would provide a useful and specialist recycling service helping meet the needs of the development industry in the remediation and reuse of previously developed land, locally and regionally. The recycling and treatment processes would ensure that contaminated soils can be remediated, moved up the waste hierarchy and put to beneficial use to restore the landfill site, where there is a pressing requirement for such soils. As such co-siting the STF with the landfill is a significant sustainability advantage.

288. If the volumes of soils expected to be imported and processed over the proposed 10 year operational period are achieved, this would make a substantial contribution towards restoring the site in line with the approved restoration masterplan (and planning permission) for the wider landfill site as opposed to an alternative or short term restoration scheme which was previously under consideration by the WPA. Whilst the former would take longer to achieve and would entail prolonged traffic impacts, it would provide a greater standard of restoration and enhanced public access, rather than the latter approach which did not provide a scheme capable of being approved.

289. The site's largely remote situation is advantageous and along with the detailed design and operational measures which would be put in place, there would be no unacceptable impacts to the environment or to local communities. Particular attention has been paid to the on and off-site ecology and sensitive ground and surface waters, concerns about noise, dust and health concerns as raised by the numerous representations objecting to the proposal. The latter issue has led to further discussions with the Environment Agency. Whilst the Agency's advice to 'twin track' an Environmental Permit application alongside the planning application is not being followed by the applicant, the WPA and the local communities can be assured that the site would need to secure a permit in order to operate and it is through this separate regulatory system that any pollution control issues are best addressed.

290. The proposal is therefore considered to accord with all relevant planning policies and material considerations. It is considered a sustainable form of development and it accords with the Development Plan considered as a whole. It is recommended that a 10-year planning permission should be granted.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

292. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (SG 30/09/2020)

This decision falls within the Terms of Reference of the Planning and Licencing Committee. Responsibility for the regulatory functions of the Council in relation to planning.

Financial Comments (SES 30/09/2020)

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

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Misterton - Cllr Tracey Taylor

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APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Scope of the permission and approved plans

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

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

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

   (a) the commencement of the development hereby permitted;

   (b) The commencement of waste importation onto the site.

   Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:

   (a) Dwg RG-M-01 'Location Plan', dated 13/02/2020 and received by the WPA on 06/04/2020;

   (b) Dwg 3982-CAU-XX-XX-DR-1805, 'Proposed Layout Plan' Rev P2 dated 24/03/2020 and received by the WPA on 06/04/2020;

   (c) 'Site Entrance Plan', received by the WPA on 06/04/2020;

   (d) Dwg 3982-CAU-XX-XX-DR-C-1806, 'Sections Drawing', dated 05/02/2020 and received by the WPA on the 06/04/2020.

   Reason: For the avoidance of doubt as to the development that is permitted.

4. This permission shall be for a limited period only, expiring 10 years from the date of commencement as required to be notified under condition 2a at which point the use shall cease. The site shall be cleared of all waste soils/materials, buildings and equipment and engineered pads and associated infrastructure within 3 months of the 10 year cessation date in preparation for its restoration pursuant to condition 34.

   Reason: To reflect the proposal and to ensure that upon cessation the site is available for restoration as part of the comprehensive restoration strategy.

Ecology and habitats

5. No site clearance or construction shall take place until a Precautionary Method of Works in relation to protecting any reptiles which might be present on site, has been submitted to and approved in writing by the WPA. The approved methods shall be followed in undertaking the development.

   Reason: To minimise the impact of the proposal on reptiles and other wildlife.

6. Operations that involve the removal and destruction of vegetation, including any removal of scrub, shall not be undertaken during the months of March to August inclusive except with the prior written approval of the WPA which shall only follow the submission of a report to the WPA confirming that the vegetation to be removed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed following the WPA's approval in writing.

   Reason: To avoid disturbance to breeding birds and to accord with the Wildlife and Countryside Act 1981 as amended.

7. Measures shall be employed to protect any mammals which may stray into working areas, including the covering off of any deep excavations, or provision of ramps, and the capping of open pipes over 200mm in diameter at the end of the working day.

   Reason: To minimise the impact of the proposal on other wildlife.

8. Details including operating hours and specific location(s) of any external lighting proposed around the site shall be submitted to and approved in writing by the WPA prior to its installation/use. The lighting details shall be designed to be bat friendly in accordance with The Institute of Lighting Professionals (2018) Guidance Note 08/18 – Bats and artificial lighting in the UK. The external lighting shall thereafter be installed and maintained for the life of the development in accordance with the approved details unless any variation is subsequently agreed in writing by the WPA.

   Reason: To minimise the impact of the proposal on bats and other wildlife.

9. Within 3 months following the date of commencement as notified under condition 2a, a Habitat Management Plan to control the natural succession of the remaining area of materials recycling area to the east of the soil treatment facility shall be submitted to the WPA for its approval in writing. The details shall include a means of demarking this area from the Soil Treatment Facility. The Management Plan, as approved, shall be implemented for the life of the development as permitted.

Reason: *To provide appropriate habitat management and to mitigate for the removal of Open Mosaic Habitat on the site and in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.*

Community liaison

10. Within 3 months following the date of commencement as notified under condition 2a, a scheme for the establishment of a local liaison forum, including its terms of membership and reference shall be submitted to the WPA for its approval in writing. The scheme shall operate in accordance with the approved terms for the life of the development.

Reason: *To establish a forum through which operational concerns and issues can be addressed and to enable sharing of monitoring information with the local community, in the interests of transparency and to provide local reassurance.*

Drainage

11. No importation of waste/soils shall take place until a detailed scheme for the management of all foul, surface and process waters has been submitted to and approved in writing by the WPA. The scheme shall ensure there will be no discharge of any foul or surface or process waters from the site into either groundwater or any surface waters, whether directly or indirectly and it shall be supported with appropriate evidence to justify the level of surface water collection capacity, taking account of peak rainfall events, and shall include details for its regular inspection and management which would be carried out, and any emergency response procedures. The drainage works and maintenance provisions shall be fully implemented in accordance with the approved details prior to the receipt of waste at the facility and shall thereafter be maintained for the life of the development.

Reason: *To ensure satisfactory drainage of the site so to protect surface and groundwater quality in the area from possible pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

Unexpected contamination

12. If, during development (including any groundworks and any restoration works), contamination not previously identified is found to be present at the site then no further development or works shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the WPA. The remediation strategy shall be implemented as approved.

Reason: *To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.*

Waste acceptance and storage controls

13. Prior to the site first importing waste soils, a soils reception area with a sealed containment area shall be provided on site, details of which shall first be submitted to the WPA for its written approval.

Reason: *Further details are required as to the location and form of the soils reception area and in the interests of protecting ground and surface waters from pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. Prior to acceptance at the site all waste materials shall be assessed in accordance with the Provectus 'STF – FO02- Soil Reception Procedure' (Dust Management Plan Appendix 2) to ensure that only materials which can be treated at the site are accepted and that imported materials do not give rise to airborne asbestos or odour nuisance off the site.

Reason: *To reflect the proposal and to ensure that impacts arising from the operation of the site do not cause unacceptable environmental or amenity impacts in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.*

15. All delivered waste soils which may potentially contain asbestos materials shall be securely stored in the soils reception area and sheeted in accordance with the approved details until testing confirms it satisfies the waste acceptance criteria. Measures to control and monitor dust shall be applied.

Reason: *To ensure that impacts arising from the operation of the site do not cause unacceptable environmental or amenity impacts in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.*

16. The storage and processing/treatment of waste soil materials shall only take place on the 'Biotreatment Screening and Processing Area' and the 'Screening and Processing Area' detailed on the Proposed Site Layout Plan Drawing No. 3982-CAU-XX-XX-DR-1805 received by the WPA on 6 April 2020.

Reason: *To protect surface and groundwater quality in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. Asbestos waste fractions from the treatment of soils shall be double-bagged and stored in lockable sealed containers/skips until they can be safely removed from the site.

Reason: *To protect surface and groundwater quality in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. Facilities for the storage of all oils, fuels or chemicals/agents shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the compound capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. There must be no drain through the bund floor or walls.

Reason: *To protect surface and groundwater quality in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

Use of post-treated soils

19. All post-treated soils which are suitable for use in the restoration at Daneshill shall be retained for final use within the wider landfill site (as denoted in blue on plan RG-M-01 – condition 3a), unless a specific request is made to and agreed in writing by the WPA.

A report shall be submitted to the WPA at least annually, or upon a written request from the WPA, detailing information on the quantities/volumes of; all soil materials accepted for treatment at the Soil Treatment Facility; those rejected during or after treatment (and why they were rejected); and those utilised for restoration works at the wider Daneshill site and which shall demonstrate ongoing progress towards completing the approved restoration of this site.

Reason: *The development hereby permitted is supported on the basis that it will provide materials to expedite the beneficial and high standard of restoration of the wider site as required by the National Planning Policy for Waste.*

Controls on site access and HGVs

20. The number of HGVs entering the recycling site to either deliver material for recycling or to enable treatment or to remove material which cannot be recycled at the facility and reused for restoration of the landfill site when combined with those entering the landfill site shall not exceed 160 in total each day.

Records shall be maintained of the number of heavy goods vehicle movements into both the recycling facility and the landfill on a daily basis and shall be made available within seven days upon written request from the WPA. All such records shall be kept for at least 18 months.

Reason: To ensure there would be no overall increase in site traffic, as proposed, and in the interests of residential amenity and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

21. All drivers of HGVs accessing and leaving the site in association with the development hereby permitted shall be advised to use the established lorry route to and from the site (Daneshill Road-A638 Great North Road and vice versa) including as part of any contract with third parties for delivering or taking away materials to/from the site.

Reason: To ensure drivers of associated HGVs are made aware in advance of the established route to/from the A-Road network, in the interests of safeguarding the amenity of local communities in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

22. All vehicles carrying waste soils to the treatment facility or removing materials which cannot be treated and recycled for use on the landfill site shall be fully sheeted or contained.

Reason: To prevent dust and material being deposited on the highway and in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Signs shall be erected or maintained in place at each end of the access road warning pedestrians of its use by HGVs and warning drivers of the possible use by pedestrians. These shall be kept in place and maintained for the life of the development hereby permitted.

Reason: To ensure the safety of any users of the public footpath which is concurrent along the length of the landfill access road.

Control of mud/dirt

24. Measures shall be employed to ensure that no vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway. These shall include, but be not limited to:

(a) The inspection of vehicles leaving the site and the provision at all times of wheel cleaning facilities serving the development hereby permitted and where necessary its use by vehicles before exiting the landfill site access road;

(b) The regular inspection, and sweeping/cleaning of the landfill access road and the adjacent public highway as and when required.

Reason: In the interests of controlling mud and dirt and in the interests of highway safety.

Operating hours

25. Except in emergencies to maintain safety at the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), and with the exception of the air blower equipment (which is permitted to run at all times), the site shall only be operated in accordance with the time periods specified below:

07.30 to 18.00hrs on Mondays to Fridays and

07.30 to 13.00hrs on Saturdays.

Outside of these hours including Sundays, Public or Bank Holidays, the site shall be closed for the receipt, movement and transfer of waste and operation of any associated mobile plant.

Reason: In the interests of residential and local amenity and in accordance with policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Noise controls

26. The rating level of the noise emitted from the site shall not at any time exceed the existing background noise level during the daytime by more than 5dB (including any applicable penalties) and shall not exceed the background (including any applicable penalties) during the night time, when measured within the curtilage of any nearby receptor and when assessed in accordance with BS4142 – *Methods for rating and assessing industrial and commercial sound.*

Reason: *To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

27. In the event of a noise complaint being received by the WPA regarding the development hereby permitted which, in the considered opinion of the WPA may be justified, the operator shall, within one month of a written request from the WPA, undertake a BS4142 noise survey to determine if the noise level detailed in Condition 26 above is being breached and submit the survey results in a report to the WPA for its approval in writing . In the event of the noise survey indicating that the noise criterion detailed in Condition 26 above is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and a further survey undertaken to confirm their effectiveness and thereafter maintained for the life of the development.

Reason: *To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

28. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

Reason: *To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

29. The blower unit shall be mounted in an acoustic enclosure and noise levels from this when measured at a distance of 1m shall not exceed 80dB(A). The acoustic enclosure shall remain in place at all times the blower is operational.

Reason: *To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

Air emissions

30. Measures shall be taken to control malodours during the construction and operation of the development in accordance with the Odour Management Plan (ref. 3982-CAU-XX-XX-RP-V-0308.A0.C1) dated January 2020 and received by the WPA on 06/04/2020.

Reason: *To minimise potential malodour and its associated impacts to local amenity in accordance with policies W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

31. Best practicable means shall be employed to ensure that dust emissions are minimised during the construction and ongoing operation of the development as detailed in the Dust Management Plan (Ref.3982-CAU-XX-XX-RP-V-0307.A0-C1) dated January 2020 and received by the WPA on 06/04/2020.

Reason: To ensure that airborne dust emissions are appropriately controlled in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

32. Airborne concentrations of asbestos fibres shall not at any time during the life of the development hereby approved exceed background concentrations as measured at source on the site. Background air sampling results shall be undertaken prior to any waste being first admitted to the facility and regular monitoring shall be undertaken to demonstrate no exceedance during the life of the treatment facility.

Results of the monitoring shall be made available to the WPA upon a written request and shall be available for the community liaison forum to be established pursuant to condition 10.

Reason: In the interests of demonstrating ongoing compliance with policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and to address local anxiety in relation to airborne emissions.

Closure and site restoration

33. In the event that the use of the site for the development hereby permitted ceases for a period in excess of nine months then the site shall be cleared of all stored waste and recycled materials within three months or within the timeframes as may be specified within a written request from the WPA.

Reason: To ensure that upon cessation the site is available for restoration as part of a comprehensive restoration strategy.

34. The site shall be restored in accordance with the provisions of the restoration conditions imposed on Planning Permission Ref 1/29/11/00010, namely conditions 21 to 40, or the restoration conditions within any subsequent permission which may be granted in relation the restoration of the wider landfill site.

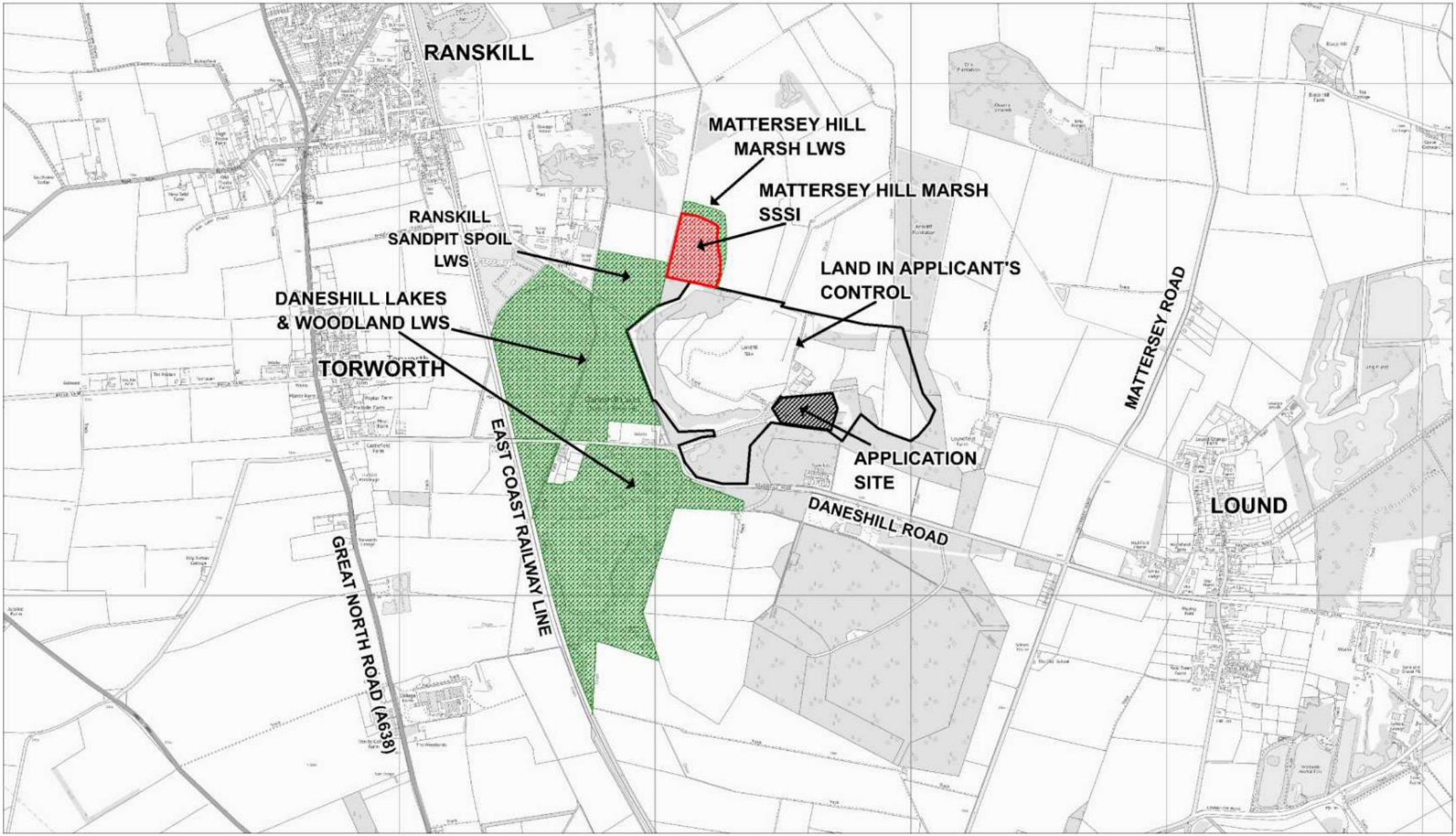
Reason: To ensure a comprehensive and high-quality restoration is achieved for the wider landfill facility in accordance with the National Planning Policy for Waste.

Informatives/notes to applicants

(1) The Environment Agency advises that the landfill permit NP3538MF allows landfill and treatment of leachate activities only, therefore this development will require a permit under the Environmental Permitting Regulations (England and Wales) 2016.

(2) The Environment Agency also advises that the operator must ensure and satisfy themselves that if the soils are to be used for landfill or restoration purposes then the soils must be and are treated to a point that the soil is actually non-hazardous and that the soil satisfies (or meets) the specifications as required in any restoration plan.

(3) Whilst it is noted that the development will require an Environmental Permit in order to operate, through which detailed operational controls would be established, your attention is drawn to the comments from the County Council's appointed contaminated land officer in relation to establishing a robust and ongoing monitoring programme and in relation to the need for strict control and use of the air mist suppressant. A copy of these comments has been previously provided and is available on the planning record.



Nottinghamshire County Council

Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations
Daneshill Landfill Site, Daneshill Road, Lound, Nottinghamshire.
Planning Application No. 1/20/00544/CDM

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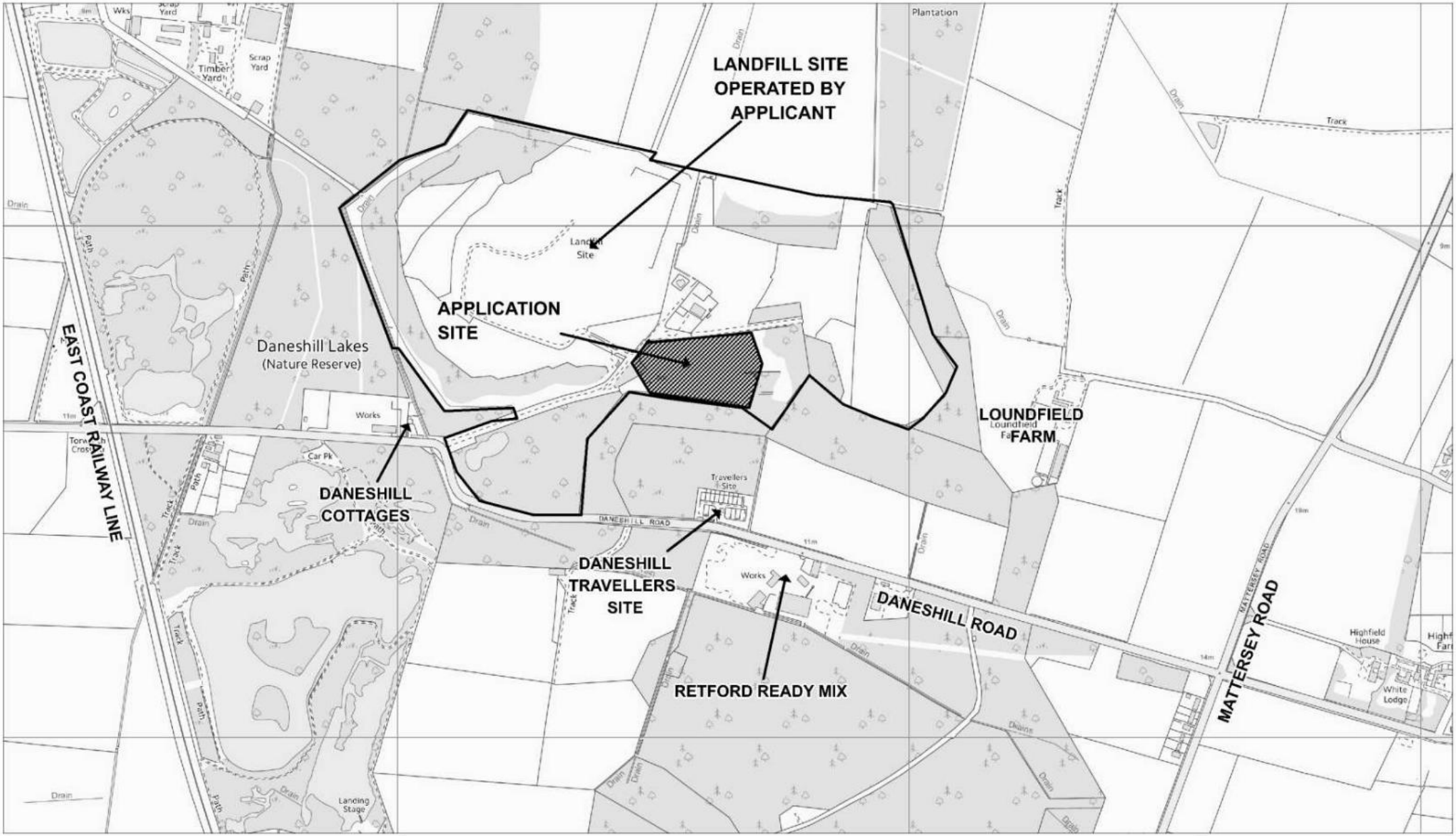
N W E S

Scale: 1:20,000
Produced by: JW
Date: OCT 2020

PLAN 1



Nottinghamshire County Council

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Date: OCT 2020

PLAN 2

Nottinghamshire County Council

Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations
Daneshill Landfill Site, Daneshill Road, Lound, Nottinghamshire.
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Scale: NTS
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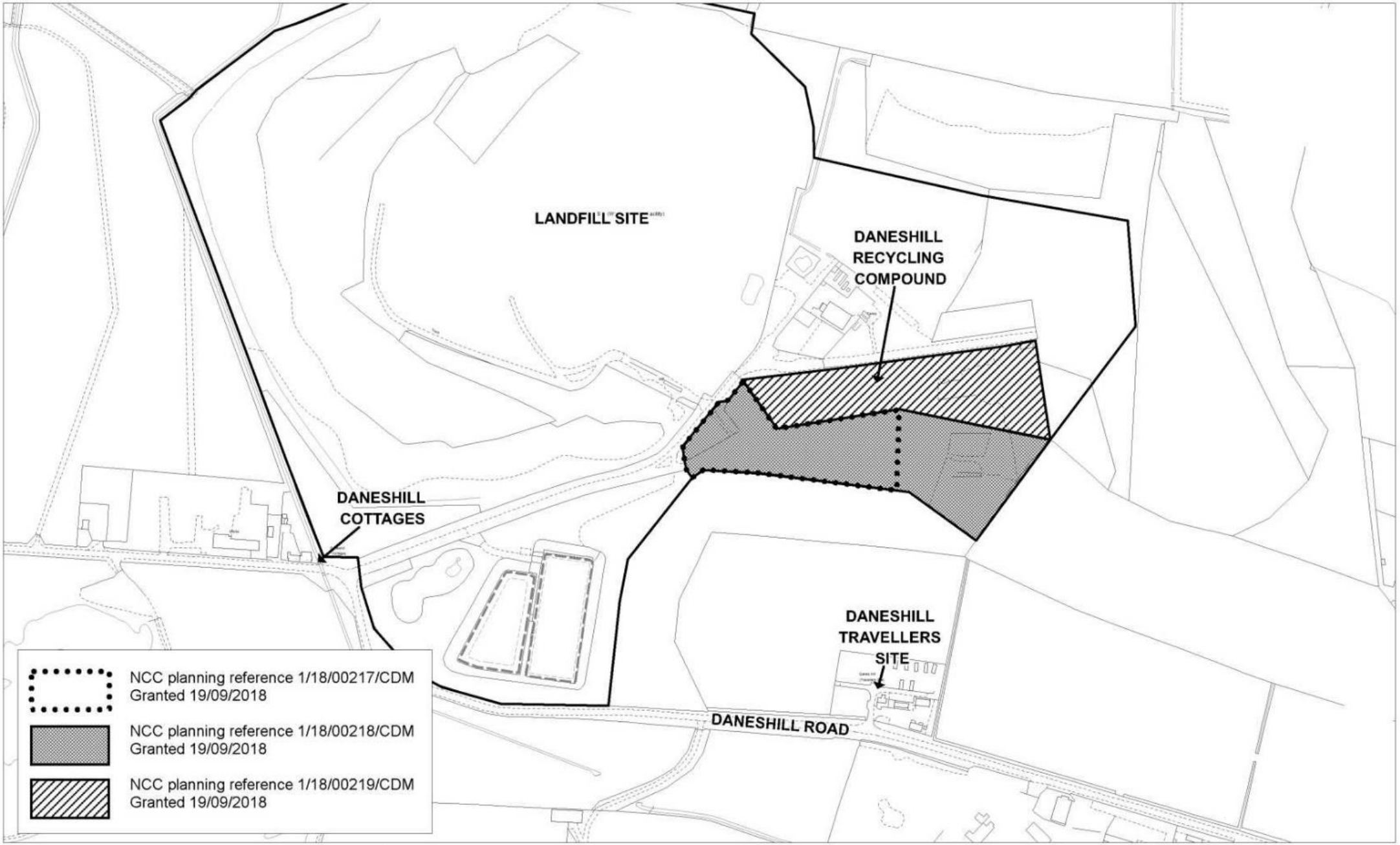
Date: OCT 2020

PLAN 3



Nottinghamshire County Council

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Daneshill Landfill Site, Daneshill Road, Lound, Nottinghamshire.
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N W E S

PLAN 4

PLAN 5

PLAN SHOWING SOILS INFILL TO RESTORATION – 444,925m^3

NTS

Nottinghamshire County Council

Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations

Daneshill Landfill Site, Daneshill Road, Lound, Nottinghamshire.

Planning Application No. 1/20/00544/CDM

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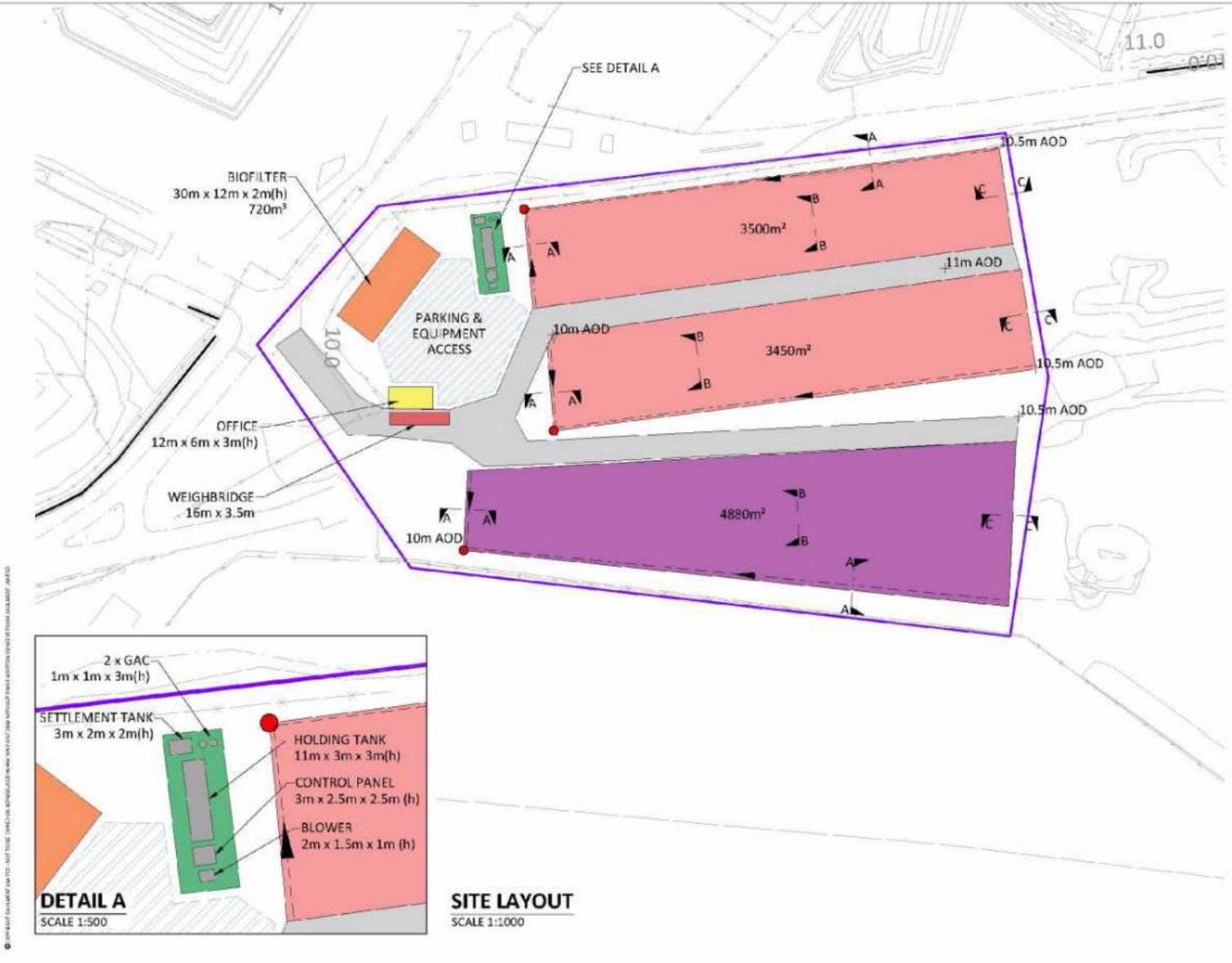

DETAIL A
SCALE 1:500

SITE LAYOUT
SCALE 1:1000

Nottinghamshire County Council

Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations
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PLAN 6

Nottinghamshire County Council

Report to Planning and Licensing Committee

13 October 2020

Agenda Item: 8

REPORT OF CORPORATE DIRECTOR – PLACE

ASHFIELD DISTRICT REF. NO.: **4/V/2020/0486**

PROPOSAL: **CHANGE OF USE OF CARETAKER'S BUNGALOW TO SCHOOL USE (CLASS D1) AND ERECTION OF 2.4M HIGH SECURITY FENCING, GATES AND ASSOCIATED LANDSCAPE WORKS.**

LOCATION: **WOODLAND VIEW - CARETAKER'S PROPERTY (JOHN DAVIES) BARKER STREET, HUTHWAITE, NOTTS NG17 2LH**

APPLICANT: **NCC CHILDREN AND FAMILIES**

Purpose of Report

1. To consider a planning application for use of a former caretaker's bungalow as a school nurture unit at Woodland View Primary School, Huthwaite. The key issue relates to amenity impact at a school entrance gate. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Woodland View Primary School lies approximately 500m to the north of Huthwaite village centre on the boundary of the settlement. The school is on a site of 3.62ha with existing buildings and playing field to the east lying within the defined settlement boundary of the wider Sutton in Ashfield urban area. The school playing field to the north lies outside the defined settlement. (Plan 1). The school site lies immediately to the north of Barker Street, a residential street of primarily terraced houses and some semi-detached houses. The majority of properties do not have off-street parking.

3. Vehicular and pedestrian access to the school is gained via a non-adopted road running north from the north-western end of Barker Street, and is also the route of Public Footpath Sutton in Ashfield FP26. Beyond the school entrance gate Sutton in Ashfield FP 26 follows the route of an un-made track, which is used as a maintenance access to playing field to the north of site.

4. School pedestrian access is also gained in the south-east corner of the site via Public Footpath Sutton in Ashfield FP85 between 49 and 51 Barker Street, which runs along the eastern boundary of the site in a northerly direction to join

Public Footpath Sutton in Ashfield FP35. That pedestrian access gate is opened at school start/finish times with the main entrance at the northern end of Barker Street used at other times of the school day. A golf course lies to the east of Public Footpath Sutton in Ashfield FP35, while agricultural land to the north and west of the site is in open countryside.

5. The drive between 49 and 51 Barker Street is used to access a former school caretaker's bungalow, garages to the rear of 49 and 51 Barker Street, as well as providing vehicular access to the rear of properties at 31-47 Barker Street (Plan 2).

6. The bungalow is presently unoccupied. The vehicular access to the bungalow is through a palisade gate. There is a pedestrian entrance gate to the school on the north-west boundary of the bungalow site. The bungalow site is bounded by 2.0m high Heras fencing on its north-west and north-east boundaries with the school, by a wall on the boundary with properties on Barker Street, and by a mature hedge on the south-east boundary running parallel to the public footpath (Plan 3).

7. There is pedestrian access to the school from Barker Street along the drive carrying the route of Public Footpath Sutton in Ashfield FP85, and through the bungalow site. The drive between 49 and 51 Barker Street is not a vehicular access to the school.

8. The application site is comprised of the school campus, the caretaker's bungalow, and the means of access to the school and bungalow from a public highway both at the north-west end of Barker Street and between 49 and 51 Barker Street.

9. The Primary School has a net capacity for 350 pupils with an additional 60 place nursery. The school has 12 classrooms all of which are above the minimum size prescribed by the Department for Education.

10. 30 children are admitted to the school at Key Stage 1 and pupil numbers increase to cohorts of 65 when children from All Saints C of E Infant School enter the school at Key Stage 2.

Background

11. Two larger cohorts were admitted to Reception in 2015 (50) and 2019 (41) to meet a demand for pupil places in Huthwaite. Consequently, there are currently two bulge year groups at the school. The number of pupils on the school roll for 2020/21 and pupil projections to 2026/27 are shown in the table below although the applicant points out that the school may be required to admit two or three children above the Published Admission Number. Numbers on roll can vary as families move into or leave the school catchment during the school year. Pupil numbers will fall in 2022/23 when the first of the school bulge year groups leaves the school and gradually rise as the second bulge year passes through the school, before falling again in 2026/27.

	Yr R	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total
2020/21	31	**40**	30	59	54	**86**	60	360
2021/22	30	31	**40**	65	59	54	**86**	365
2022/23	30	30	31	**75**	65	59	54	344
2023/24	30	30	30	66	**75**	65	59	355
2024/25	30	30	30	65	66	**75**	65	361
2025/26	30	30	30	65	65	66	**75**	361
2026/27	30	30	30	65	65	65	66	351

Figure 1. Projected pupil numbers

Planning history

12. Planning permission 4/V/2015/0159 granted July 2015 for the erection of a two-storey replacement 350 place primary school. The report, when determining that application, made specific reference to the access between 49-51 Barker Street being used as a pedestrian entrance to the existing school, and that it would continue to be used as a pedestrian access to the replacement school.

Proposed Development

13. Planning permission is sought to change the use of the former caretaker's bungalow to educational use as an enlargement of the adjacent Woodland View campus.

14. The school currently uses a studio within the main school building as a nurture area. It is proposed that the bungalow would be used as a nurture unit allowing the school studio to be used as a classroom to accommodate the children on roll.

15. The nurture unit would be used by small groups of children and would provide a safe calm area for a planned programme of activities for children with complex educational needs. The facility would allow children to remain within a mainstream school environment.

16. 2.4m high Heras style security fencing would be provided between the bungalow and the northern and southern boundaries, returning inside the mature hedge-line to meet the eastern boundary. A pedestrian access gate would be provided in the northern boundary along with a new footpath link to the school building. A new area of outdoor hard play would be formed to the north of the bungalow with a grass area between the bungalow and southern boundary hedge retained (Plan 4).

17. Children would access the nurture unit from the existing school site. No changes are proposed to the means of pedestrian or vehicular access to the school, and vehicular access to the properties accessed along the drive between 49 and 51 Barker Street would not change.

Consultations

18. **Ashfield District Council** – No objection.

19. **NCC Highways Development Control** – No objection. The proposal does not affect access and neither does it adversely affect highway safety.

20. **NCC Countryside Access** – No objection. *Sutton in Ashfield Footpath 85 runs adjacent to the application site.* An advisory note is recommended drawing attention to the need not to obstruct the footpath.

21. **NCC Safer Highways**, **Severn Trent Water Limited**, **Cadent (Gas)B,** and **Western Power Distribution** - No response received.

Publicity

22. The application has been advertised by site notice and neighbour notification to 15 properties on Barker Street, which includes those benefitting from vehicular access via the drive between 49-51 Barker Street, in accordance with the County Council's Adopted Statement of Community Involvement.

23. Councillor Tom Hollis has been notified of the application.

24. 4 letters have been received from residents of Barker Street:

a) Two residents raise no objection to use of the caretaker's bungalow. The building is empty, disused and a target for vandalism and if not to be used for residential purposes is ideal as a nurture unit/teaching and learning (2). However other concerns are raised:

<u>Ownership</u>

b) Land between 49 and 51 Barker St is included in the application site and is owned by others (4). Half the drive is owned by 51 Barker Street with the remainder owned by 49 Barker Street (3).

c) Lack of notification to residents with vehicular access over land between 49 and 51 Barker Street [subsequently notified].

Access

d) Vehicular access is limited to residents at 39-51 Barker Street (2) and is not a vehicular access to the school (2). The access between 49 and 51 Barker Street is an access to the bungalow, not the school (2). There is only pedestrian access to the bungalow. The drive is the route of a public footpath (2).

e) The drive between 49-51 Barker Street is not suitable as a construction access. Machinery for construction will be too large and will cause damage to property/the drive. Work vehicles should use the main school entrance (2). Services are at shallow depth and a likely to be damaged (there has been a previous water pipe burst).

f) Previous school projects have caused damage to the drive which have not been properly resurfaced.

g) It is implied that the new gate would be used to enter/exit the main school buildings. The school entrance gate is at the northern end of Barker Street. The route is not suitable as the entrance to the school.

Access, Safety and Amenity

h) Obstruction of vehicular access to properties by parents at school start/finish times (2). Poor parking. Abusive behaviour by parents (4) and potential damage to resident's vehicles (2). Increased use of the access by pedestrians and vehicles will increase tension between residents and parents. Lack of road sense by pedestrians when using the public footpath. Danger for children crossing Barker Street.

Security

i) Lack of site security/safeguarding (3). There is no security, lighting or CCTV at the entrance by the bungalow (3).

j) Gates are left open after (2) and before school hours [It is unclear if this is a reference to the gate to the school or the palisade gate to the bungalow].

k) Changes to lighting, CCTV and entrance gate should be included in the application (2). If there are changes to make this a main entrance to the school it should be included in the application.

l) Fencing is not proposed along the boundary with 51-55 Barker Street (3).

m) Will replacement gates be the same width as existing?

Amenity and Ecology

n) Impact of fencing on the hedge/loss of habitat (2). Impact on the public footpath.

o) Light pollution from the school building.

p) Noise disturbance from the school alarm (2).

Other matters

q) Why was the school not suitably sized when rebuilt?

25. The issues raised are considered in the Observations Section of this report.

Observations

26. School buildings and the caretaker's bungalow lie within the urban area defined in the Ashfield Local Plan (2002) (ALP) with areas of school playing field outside of the settlement boundary. ALP Saved Policy ST1 *Development* will allow proposals which (amongst other criteria) *will not adversely affect the character, quality, amenity or safety of the environment,… highway safety or capacity of the transport system*. The proposed development is in a sustainable location to support the needs of the local community.

27. Use of the former caretaker's bungalow for educational purposes would provide a suitably remote facility for a nurture unit, detached from the main school but within the wider school campus. Having regard to the siting of the bungalow and distance from the closest residential properties, use of the bungalow for school use and outdoor play would not give rise to unacceptable noise disturbance and loss of residential amenity.

28. The representations received do not raise objection to the proposed use of the caretaker's bungalow for educational purposes, but are focussed on land ownership and use of the drive between 49 and 51 Barker Street by vehicular traffic, and use of the drive as a means of pedestrian access to the school. There is a dispute over the ownership of the access drive between 49-51 Barker Street which has emerged in the course of considering the proposal, but is not a matter material to the determination of this planning application.

29. The main school entrance is at the northern end of Barker Street. The school is also currently accessed along the drive, which is the route of a public footpath between Barker Street and the bungalow entrance gate, as a means of pedestrian access to the school at start and finish times. The applicant has included land between the school site and Barker Street across third party owned land to demonstrate access to a public highway. Certificate C (a declaration of land ownership supporting a planning applciation) has been completed in support of the application following publication of a press notice by the applicant, as required by the Development Management Procedure Order.

30. There is no vehicular access to the school along the drive between 49-51 Barker Street. Pedestrian or vehicular access to the school would not change as a result of the proposed development. A condition is recommended to exclude the access drive between 49-51 Barker Street being used as a vehicular access to the existing school site, although it could continue be used as a vehicular access to the bungalow if the appropriate property rights are in place (Condition 5).

31. The applicant may need a vehicular access to be able to carry out proposed works to the building and its grounds, including the erection of fencing. That work could be carried out manually, or with temporary vehicular access through the school site if necessary, although it is likely that there is a right of vehicular access to the bungalow. Rights of access are not material to the determination of this planning application although the applicant will need to be satisfied that appropriate control of land and/or rights are in place in order to carry out work.

32. The issue of site security is raised in representations. Additional works to replace the entrance gate, provide additional fencing to the rear of 51-55 Barker Street, lighting and CCTV may require planning permission but do not form part of the submitted planning application. The school will need to be satisfied that appropriate security and safeguarding measures are in place.

33. The applicant has indicated that the school may be required to admit pupils over their Published Admission Number. Although in the short term the numbers on the school roll may rise slightly, the incidence of poor behaviour outside the school gate is unlikely to materially increase. The school is in the best position to influence the bahaviour of parents outside school entrances and although acknowledged as an area of concern to residents is not a matter that can be controlled throught the determination of this planning application. The land owners may be able to prevent unathorised vehicular use of the access drive by parents, but that would be a civil matter.

34. The proposed fence would be sited inside the existing hedge which would remain, and there are no ecological impacts arising. Amenity issues related to school lighting and alarms are not material to the determination of this planning application.

35. Why the replacement school was not suitably sized when rebuilt has been questioned. Funding was made available by the Education Funding Agency to replace not enlarge the school and the demand for additional capacity derives from growth, a lack of school places elsewhere locally and the need to provide a nurture area for best education and learning at the school. The school can accommodate numbers that exceed its design capacity by repurposing other areas of the school and using them as teaching space.

Other Options Considered

36. 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

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

Crime and Disorder, and Safeguarding of Children and Adults at Risk Implications

38. Security fencing would enclose the rear garden of the bungalow, tied in to existing school fencing to create a secured area.

Data Protection and Information Governance

39. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Human Rights Implications

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

Implications for Sustainability and the Environment

41. These have been considered in the Observations section above.

42. There are no Financial, Human Resources, Public Sector Equality Duty implications or implications for Service Users.

Statement of Positive and Proactive Engagement

43. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

44. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

[RHC 21.09.2020]

Financial Comments

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

[RWK 21.09.2020]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Sutton West Councillor Tom Hollis

Report Author/Case Officer
David Marsh
0115 9932574
For any enquiries about this report, please contact the report author.

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APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

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

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

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

   Reason: *To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.*

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application as amended, documents and recommendations of reports, and the following plans:

   (a) Location Plan (Drawing 29286-ARC-ZZ-??-DR-B-1000 Rev P01 received by the CPA on 2 June 2020.

   (b) Site Plan/Fencing Plan (Drawing 29286-ARC-ZZ-XX-DR-B-1001 Rev P02 received by the CPA on 13 July 2020.

   Reason: *For the avoidance of doubt as to the development that is permitted.*

4. The approved nurture unit shall only be used for purposes ancillary to Woodland View Primary School (and by children on the school roll), and shall expressly not be occupied as a separate planning unit other than with the prior written consent of the CPA.

   Reason: *For the avoidance of doubt as to the development that is permitted and to control use of the building and curtilage which could otherwise give rise to detrimental impacts to highway safety and residential amenity.*

5. The vehicular access between 49-51 Barker Street shall not be used as a means of vehicular access to the existing school site.

   Reason: *For the avoidance of doubt as to the development that is permitted.*

Informatives/notes to applicants

1. NCC Countryside Access advises that:

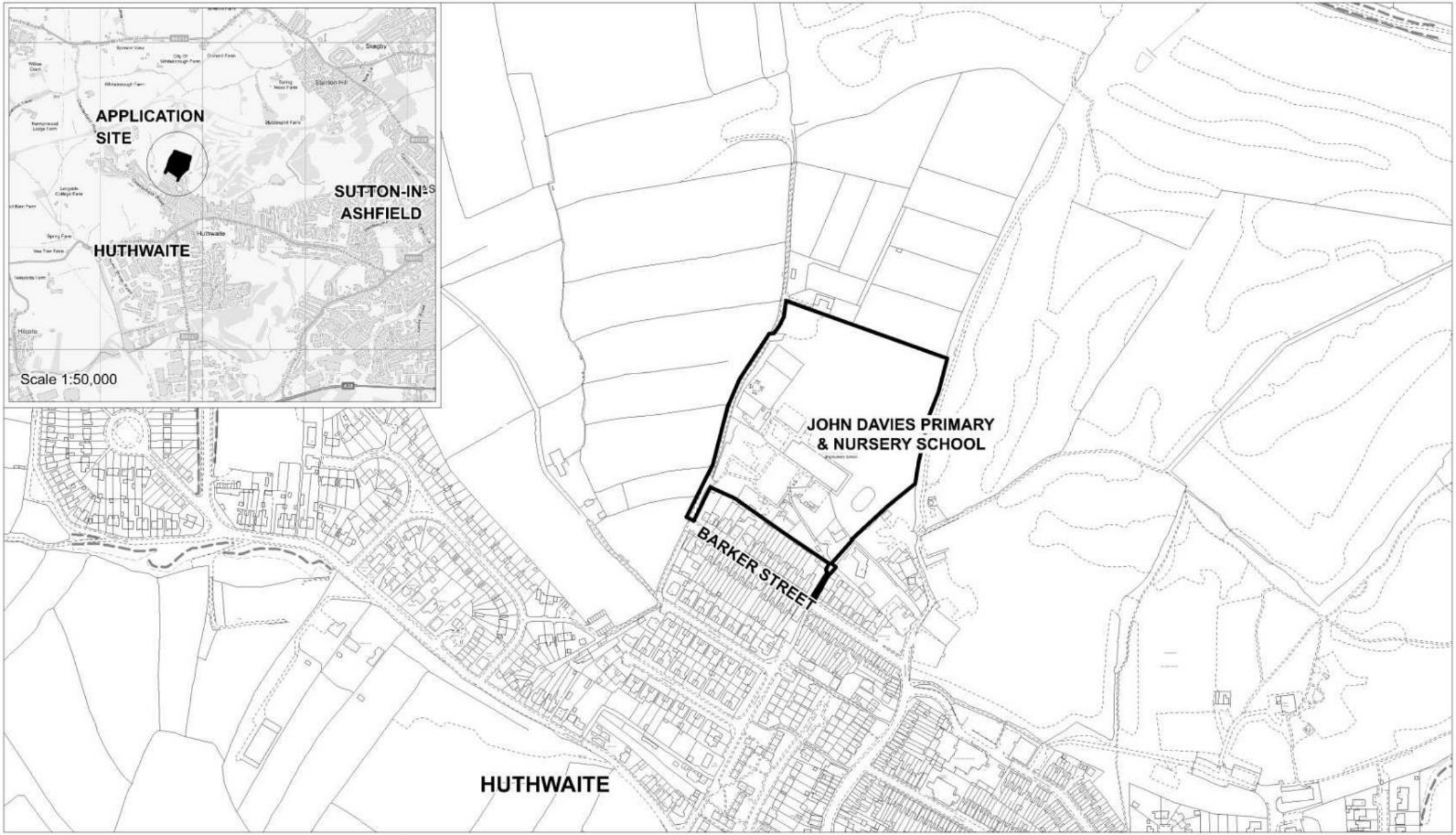
   - Sutton in Ashfield Public footpath 85 should remain open, unobstructed and be kept on its legal alignment at all times;

   - Vehicles should not be parked on the Right of Way or materials unloaded or stored on the right of way so as to obstruct the path;

   - There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team;

   - The existing boundary hedge/tree line directly bordering the boundary is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with the Right of Way.

2. With reference to Condition 5, the bungalow subject of this application may be accessed by vehicular traffic between 49-51 Barker Street, although the applicant is advised that this grant of planning permission does not override any rights of access which may be needed.



Nottinghamshire County Council

Change of use of caretaker's bungalow to school use (Class D1) and erection of 2.4m high security fencing, gates and associated landscape works.
Woodland View - Caretaker's Property (John Davies) Barker Street, Huthwaite, Nottinghamshire
Planning Application No. 4/V/2020/0486

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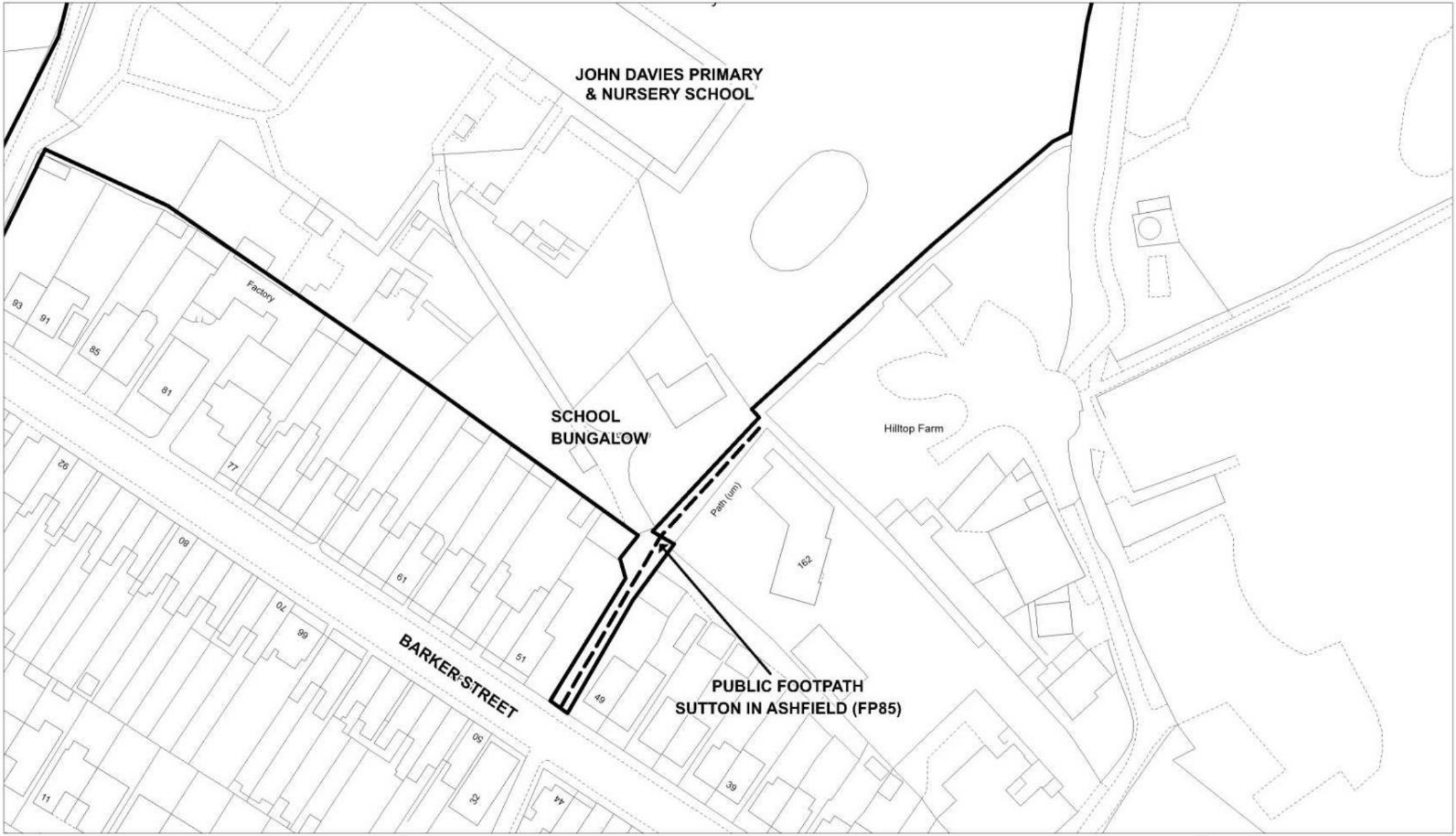
Date: OCT 2020

PLAN 1



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Date: OCT 2020

PLAN 2

Nottinghamshire County Council

Change of use of caretaker's bungalow to school use (Class D1) and erection of 2.4m high security fencing, gates and associated landscape works.
Woodland View - Caretaker's Property (John Davies) Barker Street, Huthwaite, Nottinghamshire
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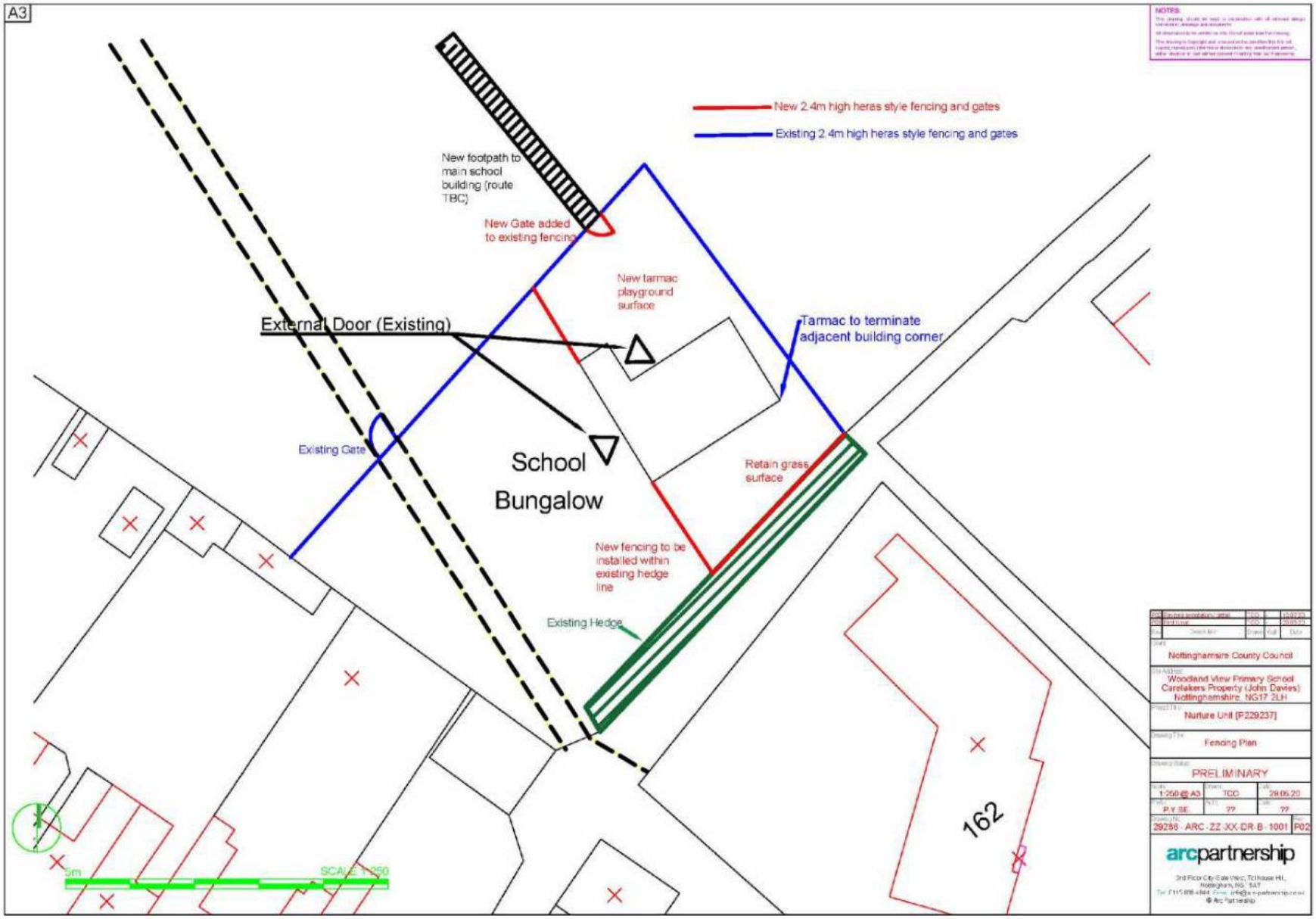
PLAN 3



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PLAN 4

Nottinghamshire County Council

Report to Planning and Licensing Committee

13 October 2020

Agenda Item: 9

REPORT OF CORPORATE DIRECTOR - PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the report

1. To report on planning applications received by the Development Management Team between 21st August and 25th September 2020, to confirm the decisions made on planning applications since the last report to Members on 8th September 2020, and to detail applications likely to come before Committee in the coming months.

Background

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

Statutory and Policy Implications

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

4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments - [RHC 30/09/2020]

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

Financial Comments [SES 30/09/2020]

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

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Rebecca Kirkland
0115 993 2584

Planning Applications Received and Determined
From 21st August to 25th September 2020

Division	Member	Received	Determined
BASSETLAW			
Worksop South	Cllr Kevin Greaves		Variation of condition 14 of planning permission 1/19/00490/CDM - to allow 3 pre-loaded vehicles to leave the site between 06:30-07:30 hours on weekdays. Unless in the event of an emergency the site shall continue to only operate between the hours of 07:30-17:30 on weekdays, 07:30-12:30 on Saturdays and at no times on Sundays, Public or Bank Holidays; at A1 Recycling Metals (2014) Limited, Alpine Industrial Estate, Jockey Lane, Elkesley; GRANTED 09/09/2020.
MANSFIELD - None			
NEWARK & SHERWOOD			
Ollerton	Cllr Mike Pringle	Planning application to retain existing modular classrooms know as Building 2 and 3 access ramps /steps and associated landscape works at Walesby Primary School, (ref; 3/15/01491/FULR3N expires 30 September 2020); received 21/08/2020.	

APPENDIX A

Division	Member	Received	Determined
Collingham	Cllr Maureen Dobson		Extension of a water storage lagoon and exportation of the arising sand and gravel from the agricultural unit; at Land off Spalford Lane, Newark, North Scarle; GRANTED 21/09/2020
ASHFIELD			
Sutton Central and East	Cllr Samantha Deakin		Retention of existing modular classroom (ref: 4/V/2015/0096); at Hillocks Primary School, The Hillocks, Unwin Street, Sutton In Ashfield; GRANTED 11/09/2020.
BROXTOWE			
Stapleford and Broxtowe	Cllr John Longdon		Planning application to retain existing temporary classroom ref 5/15/00428/CCR; at William Lilley Infants School, Halls Road, Stapleford; GRANTED 18/09/2020.
GEDLING – none			
RUSHCLIFFE			
West Bridgford North	Cllr Liz Plant		Retention of temporary classroom (ref: 8/17/01559/CTY); at Abbey Road Primary School, Abbey Road, West Bridgford; GRANTED 16/09/2020.

APPENDIX A

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

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

Target Committee	Planning App No.	Location	Development
24th November 2020	8/20/01279/CMA	Bunny Materials Recycling Facility Loughborough Road Bunny NG11 6QN	Retrospective Section 73 planning application seeking permission to vary the approved layout of the waste recycling facility at Bunny, Notts to provide additional Incinerator Bottom Ash storage facilities
5th January 2021	3/20/01244/FULR3N	British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL	Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.
9th February 2021	1/18/01611/CDM	Harworth Colliery No 2 Spoil Heap, Blyth Road, Harworth,	Importation of 3.6 million cubic metres of restoration materials to complete the restoration of Harworth Colliery No. 2 spoil heap.
9th February 2021	8/20/01826/CTY	Ratcliffe-on-Soar Power Station, Nottingham, NG11 0EE	Proposed Development of the East Midlands Energy Re-Generation (EMERGE) Centre (a multifuel Energy Recovery Facility, recovering energy from waste material) and associated infrastructure.

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

Planning Application: 5/13/00070/CCM
Location: Shilo Park, Shilo Way, Cossall
Proposal: Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings

Planning Application: 8/17/02096/CMA
Location: Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham
Proposal: The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

Planning Application: 2/2018/0040/NCC
Location: Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, NG21 0HW
Proposal: Retrospective permission for silica sand extraction and associated revised site restoration proposals.

Planning Application: 3/19/00100/CMM

Location:	Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
Proposal:	Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.

Planning Application:	4/V/2020/0560
Location:	Leen Valley Golf Club, Wigwam Lane, Hucknall, NG15 7TA
Proposal:	Improvements to Leen Valley Golf Club including improvements to the existing practice ground outfield and part of the 16th hole including a flood attenuation basin and the creation of an irrigation storage pond; an adventure golf putting area and a summer toboggan zone using imported soils; with associated ecological improvements and planting.