

**26<sup>th</sup> April 2016****Agenda Item:6****REPORT OF CORPORATE DIRECTOR – PLACE****NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/16/00081/CMA**

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

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

**APPLICANT: CF AND JM LEE**

**Purpose of Report**

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

**The Site and Surroundings**

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

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

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

## **Planning History**

### Historical Planning Permissions

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

### Extant Planning Permission

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

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

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

### **Proposed Development**

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

#### Condition 9 – Material Storage

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

### **Consultations**

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

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

## **Publicity**

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

## **Observations**

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

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

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

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

#### Environmental Protection

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

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

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

#### Restoration proposals

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

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

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

## **Conclusion**

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

## **Other Options Considered**

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

## **Statutory and Policy Implications**

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

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

### **Human Rights Implications**

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

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

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

### **RECOMMENDATIONS**

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

**TIM GREGORY**

**Corporate Director – Place**

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

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

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

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

## **Background Papers Available for Inspection**

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

## **Electoral Division and Member Affected**

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

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