

25th February 2014**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****RUSHCLIFFE DISTRICT REF. NO. 8/13/01494/CMA**

PROPOSAL: **USE OF LAND ADJACENT TO THE EXISTING SITE FOR A 12 MONTH
PERIOD FOR TEMPORARY STORAGE OF RECLAIMED AGGREGATES
AND TO VARY CONDITION 7 OF PLANNING PERMISSION 8/96/79/CMA
AND CONDITION 9 OF PLANNING PERMISSION 8/94/00164/CMA TO
EXTEND WORKING HOURS**

LOCATION: **JOHNSONS AGGREGATES AND RECYCLING LIMITED,
LOUGHBOROUGH ROAD, BUNNY**

APPLICANT: **JOHNSONS AGGREGATES AND RECYCLING LIMITED**

Purpose of Report

1. To consider a planning application for a temporary use of land for aggregate storage, on a parcel of land situated to the immediate north of an existing materials recovery facility (MRF) off Loughborough Road, Bunny, for a twelve month period, and for a temporary relaxation of working hours to allow for the processing of Incinerator Bottom Ash (IBA) up to 20:00 hrs on weekdays only (excluding Public and Bank holidays). The key issues relate to the appropriateness of the development in the Green Belt, visual amenity impacts, dust, noise and odour impacts, traffic impact and ecological effects on the Bunny Old Wood Site of Importance for Nature Conservation (SINC) and Nature Reserve. As the area of land, which is the subject of this planning application, lies within the Green Belt, it has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to conditions, as set out in Appendix 1.

The Site and Surroundings

2. The MRF site lies on the southern side of Nottingham approximately 10.2 km from the city centre, and approximately 11.5 km to the north-east of Loughborough. It is located 0.75 km to the south of the village of Bunny, and is situated on the western side of Loughborough Road (A60), to the south-west of its junction with Gotham Lane, just beyond the former Bunny Brickworks. It is situated within the Nottingham-Derby Green Belt.

3. The nearest residential properties to the site are Woodside Farm, which is situated approximately 100-120m to the east of the proposed temporary extension area and the existing MRF respectively, albeit separated from the site by the A60 (see Plan 1); and Chestnut Farm and Hillside Farm Care Home approximately 160m to the south-west, beyond the boundary of a former landfill site. Broadly to the north of the site, and beyond the former Bunny Brickworks site, is residential development within Gotham Lane, together with Greenwood Lodge Care Home, which is the nearest sensitive receptor within Gotham Lane, at a distance of 220m from the site. More distant residential development is situated beyond Gotham Lane, within Bunny Village, situated on Main Street, at a distance of approximately 750m to the north of the site.
4. To the west and south, lies the former Bunny Landfill site, which has recently been restored to grassland. Beyond the former landfill site, to the west and south-west lies arable land, with further agricultural land to the east, beyond the A60.
5. The existing MRF site comprises approximately 1.06 ha. of operational land, and is an established recycling/recovery facility for the crushing and screening of inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA material.
6. The proposed temporary extension area comprises 1.5 hectares of brownfield land to the immediate north of the MRF site, and is part of the former Bunny Brickworks site. The temporary site currently comprises large aggregate storage mounds, approximately 8-10m high, together with the concrete and brick footprints of the former brickworks and associated colonising scrub on the eastern part of the site. The A60 Loughborough Road passes the site to the east, separated from the application site by a mix of bunding approximately 3m high, hedgerows and tree blocks and lines. The derelict footprints of the brickworks extend to the north, beyond which a wood and field separate the industrial works from residential development on Gotham Lane.
7. There is bunding to the south-eastern boundary of the existing MRF site, providing screening along Bunny Hill. The MRF site is accessed off the A60 Loughborough Road, with access between the existing site and the temporary extension area being gained via an access point situated along the northern boundary to the MRF site, adjacent to the IBA processing building.
8. The MRF site layout comprises two areas, one of which is a dedicated waste transfer area, for the receipt, storage and processing of commercial and industrial waste; and includes a waste transfer building, which is currently used for the indoor storage and processing of IBA. This area occupies the south-eastern part of the site, and is used for commercial and industrial waste operations, including the storage and processing of IBA. The IBA storage bays occupy the most southerly sector of the south-eastern part of the site, and have an overall footprint of 2,300 sq.m.
9. A separate area for the crushing and screening of construction and demolition waste occupies the western part of the MRF site. It comprises separate stocking areas for raw and processed aggregate, with stockpiles up to 7m in height.

10. There is no fixed plant except in the waste transfer building, which contains a feed hopper and conveyor belt system. Mobile plant includes a mobile crusher, loading shovels, hydraulic grab, stockpile conveyors, and an externally mounted dryer. The MRF site also contains site offices, vehicle parking and a weighbridge.
11. The site is largely screened from view from the nearest receptors by the topography of the land, earth bunds, concrete fences, material stockpiles and mature, dense vegetation, comprising tree belts, hedgerows and mature trees.
12. The nearest designated nature conservation sites are Bunny Works Grassland SINCE to the north of the proposed extension site, and Bunny Old Wood SINCE and Nature Reserve, which lies approximately 400m to the south-east on the eastern (opposite) side of the A60 (Loughborough Road).

Relevant site history and background

13. As stated, the application site relates to both an existing MRF, which operates under a number of planning permissions granted by the County Council, as Waste Planning Authority, and a temporary extension site made up of 1.5 hectares of brownfield land, which was formerly part of the Bunny Brickworks complex, and now benefits from an extant planning permission granted by Rushcliffe Borough Council, for the redevelopment of the former Bunny Brickworks site for Class B1 (Business), B2 (General Industrial), and B8 (Warehousing) uses.

Existing MRF site

14. Planning permission (8/94/00164/CMA) was originally granted in September 1994 to the then waste operator Safewaste (UK) Ltd, for a recycling centre on land adjacent to Bunny Brickworks, for the receipt and processing of a range of inert construction and demolition wastes. At the time of the application, the site was being used for the storage of concrete products and as a bus storage area.
15. An annual operational throughput of 100,000 tonnes of inert waste material was established under this planning permission generating up to 80 vehicle movements per day. This was based on an average of 40 vehicles per day, delivering waste to the site and collecting processed material, although controls were never imposed on vehicle numbers or the routing of these vehicles.
16. In December 1996, a further planning permission (Plg. Ref. 8/96/79/CMA) was granted for a change of use of buildings and land in the south-eastern part of the MRF site, to allow for the receipt and processing of non-hazardous commercial and industrial wastes.
17. Under this permission, the hours of operation, which are still in force today, were set at 07:30 hrs to 18:00 hrs Mondays to Fridays, and 07:30 hrs to 13:00 hrs on Saturdays. Within these times, crushing and screening operations were only permitted to take place between 08:00 hrs and 17:00 hrs on weekdays, and between 08:00 hrs and 12:30 hrs on Saturdays. There was no permitted working on Sundays, Bank or Public holidays.

18. The planning application also proposed an extra 15 vehicles per day entering and exiting the site, in addition to the 40 vehicles per day established under the previous planning application. It is noted that planning conditions covering lorry movements were never attached to either of the planning permissions (Plg. Ref. 8/94/00164/CMA and 8/96/79/CMA).
19. Two further planning permissions (Plg. Ref. 8/00/976/CMA and 8/00/973/CMA) were granted in December 2001 and November 2002 respectively, for the storage of secondary recycled aggregates, and for the storage of skips and wood associated with the recycling operations.
20. A non-material amendment to planning permission 8/96/79/CMA was approved in March 2012 to allow the current operator, Johnsons Aggregates, to install two indoor storage bays, with an overall storage capacity of 1,200 tonnes, within the existing waste transfer building, so as to accommodate the processing of IBA.
21. Finally, in March 2013, retrospective planning permission (Plg. Ref. 8/12/01028/CMA) was granted for the erection of IBA storage bays, and change of use of land to extend the commercial and industrial waste transfer/processing area, to accommodate the storage of IBA material.
22. The existing MRF site also operates under an Environmental Permit issued by the Environment Agency for waste management.
23. With regards to the existing operations, planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA are the three main planning permissions that the applicant operates under, and which authorise the importation, storage, processing and transfer of inert construction and demolition wastes, and also non-hazardous commercial and industrial waste materials, involving primarily the acceptance and processing of IBA.
24. The County Council, as Waste Planning Authority, has recently served a Breach of Condition Notice (BCN) on the applicant, due to excessive stocking of IBA on site over the Christmas period. Whilst the MRF was closed for the holiday period, and no IBA processing occurred, waste material continued to be delivered, resulting in the IBA heaps being stacked well above the permitted level of 4m. It was also noted that odour could be detected off site, which was considered to be directly attributable to the volume of unprocessed IBA on the site, and the excessive stockpile heights, and again this was a factor in the decision to serve a BCN.
25. No evidence has been found to indicate that noise from the current operations is a particular problem, in response to complaints raised by local residents. The Monitoring and Enforcement Officer is still actively investigating dust and operating hours, although it is appreciated that the recent significant rainfall has provided natural dust suppression.
26. Since serving the BCN, the applicant has worked towards reducing IBA stockpiles in the bays, and has brought in different management procedures to address these issues. It is anticipated that the temporary twelve month increase

in IBA processing capacity, which is the subject of this planning application, would resolve the residual problem of overstocking of IBA on the site.

27. The substance of any complaints relating to dust, noise and odour, remains under investigation and the site will continue to be subject to regular monitoring inspections.

Current operations

IBA operations

28. IBA recycling operations have now been carried out for approximately two years, at the Bunny MRF. HGVs (articulated tipper lorries) bring in raw material to the site, where it is unloaded onto raw material stockpiles, and left to mature.
29. On receipt into the MRF, the raw IBA is unloaded into the open air storage bay, where it undergoes a cooling, crushing and weathering process.
30. Outdoor operations involve the crushing of the raw IBA, using a loading shovel, to both feed the unprocessed IBA into a hopper and remove processed materials. The initial crushing allows magnets to remove metallic materials (Ferrous and Non-Ferrous metals). A large skip is located at the side of the crusher for the containment of ferrous metals removed by magnet. All metallic materials removed from these operations are then stored on part of the impermeable area within the storage bay. All mobile crushing operations are carried out within the storage bay area.
31. Following the outside storage and partial processing of the raw IBA material, the matured IBA is fed into the in-feed hopper by a front end loader shovel and is then transferred to the waste transfer building, where it is blended with other inert waste to make a secondary aggregate (IBA aggregate).
32. The IBA passes through the various processes within the building, followed by a dryer sited externally, adjacent to the processing building before exiting via conveyors into product bays. A front end loader moves the final graded product to reclaimed aggregate stockpiles.
33. Finally, the end product is tested for quality, under the EA's Regulatory Position Statement, before being stored on an area of hardstanding, prior to dispatch off site. It is this reclaimed aggregate product which is currently being stockpiled on the temporary extension site adjacent to the MRF, awaiting dispatch off site.
34. Processed material leaves the MRF, generally on rigid wheel tipper trucks, having been loaded by front end loaders.

Aggregate and soil recycling operations

35. The MRF also carries out aggregate and soils recycling operations. This involves soils, stone and masonry products being brought to the site to be crushed, sorted and stored, prior to being dispatched to customers as aggregates and soils of different grades.

Former Bunny Brickworks

36. The proposed temporary extension area covers that part of the former Bunny Brickworks which originally comprised built infrastructure (brick kilns and ancillary structures), and served the associated former mineral extraction works (gypsum, clay and marl surface workings) on land to the west.
37. Production ceased in the late 1980s/early 1990s and the buildings were subsequently demolished. The ground conditions comprise brick rubble to a depth of 1.2m over most of the site. The ground has not been disturbed since then and is deemed suitable for the storage of materials reclaimed from the processing of IBA and construction and demolition waste. The indications are that the Environment Agency (EA) considers the ancillary storage arrangements to be satisfactory (Compliance Assessment Report, Ref: 43390/0181161).
38. In 1994, outline planning permission (Plg. Ref. 92/540/OUT) was granted by the Borough Council on a site area of some 8.5 hectares at this location (including what has subsequently become the MRF) for the construction of buildings for Class B1 (business), B2 (general industrial), and B8 (warehousing) uses.
39. Three further planning applications were approved by the Borough Council in 1999 (Plg. Ref. 97/527/OUT), 2005 (Plg. Ref. 05/00390/OUT) and August 2010 (10/00777/EXT) extending the life of the outline planning permission.

Proposed Development

40. The application seeks planning permission to regularise a temporary extension to the existing MRF (the land having been used since early 2013) to provide extra storage space for an overspill of reclaimed aggregates from the MRF's recycling operations. To run concurrent with this, it is also proposed to increase operational hours by an extra 15 hours per week, based on an additional three hours per day, Mondays through to Fridays, (excluding Bank and Public Holidays) with a finish time of 20:00 hrs. This relaxation in working hours would only apply to IBA processing, contained within the IBA processing building, and associated materials handling, and would be for a temporary twelve month period.
41. The planning application originally sought a permanent extension to working hours up to 23:00 hrs, Mondays through to Fridays. However, an accompanying noise survey, and subsequent noise report failed to demonstrate to the County Council's Noise Engineer that noise impact would not be an issue beyond 20:00 hrs, for those nearest sensitive receptors. Following negotiations between County Council Officers and the applicant, the proposal was amended to reflect these concerns, involving a finish time of 20:00 hrs on a temporary twelve month basis.
42. It was also agreed to bring down the stocking height for aggregates stored on the extension site from 8m, as originally proposed, to 7m, to bring the proposals into line with the permitted stocking heights on the existing MRF site.
43. The proposals would increase the MRF's capacity to process IBA waste, and work towards reducing the overly high stockpiles of unprocessed material on the MRF site, back down to permitted levels. The applicant has indicated that this will be achieved within the temporary twelve month period being sought.

44. The proposals would involve a temporary use on land directly adjacent to, and adjoining the northern site boundary of the MRF site, for the storage of reclaimed aggregate, from both the processing of IBA and inert construction and demolition waste, awaiting dispatch off site. The material would continue to be stored in open stockpiles to a maximum height of 7m, and any potential dust nuisance would be controlled in line with an approved dust mitigation scheme, already covering existing operations.
45. The proposed period of use of the land for aggregate storage is for a temporary twelve month period.
46. An internal access point, established along part of the northern boundary of the MRF site, provides an internal haul 'route' between the two adjoining sites.
47. Whilst waste materials can only be accepted, stored and treated within the MRF's permitted site boundary, a number of non-waste aggregate products are made from the waste, under the Waste and Resources Action Programme (WRAP) protocol. These aggregates are not subject to the EA's permitting regime and may be stored outside of the permitted boundary. It is these aggregates that it is proposed to store on the extension site.
48. In order to extend the hours of working, the proposals seek to vary a single planning condition attached to the August 1994 permission (Plg. Ref. 8/94/00164/CMA) and a further condition attached to the December 1996 permission (Plg. Ref. 8/96/79/CMA).
49. Under Condition 9 and Condition 7 of these respective permissions, the current operating restrictions allow the site to operate only between the hours of 07.30 hrs to 18:00 hrs on weekdays, and 07.30 hrs to 13:00 hrs on Saturdays. Within these times, crushing and screening operations can only take place between the hours of 08:00 hrs and 17:00 hrs on weekdays and 08:30 hrs to 12:30 hrs on Saturdays.
50. The application seeks permission for a temporary increase in working hours for twelve months, to allow the processing of IBA waste between the hours of 08:00 hrs to 20:00 hrs Mondays to Fridays (excluding Public and Bank Holidays). The proposals would only involve the processing building operating together with one loading shovel during the extended hours. There would be no use of the dryer during evening operations.
51. No other operations, except for the processing of IBA waste, would take place during the extended evening hours, and all other hours of operation would remain unchanged.
52. Within these times, there would be no change to the operational hours associated with crushing and screening operations, with these remaining fixed at 08:00 hrs to 17:00 hrs, nor would there be any changes to the hours associated with the acceptance of waste including IBA material into the site, or its dispatch off site, with the hours remaining fixed at 07:30 hrs to 18:00 hrs on weekdays.
53. No changes to aggregate and soil recycling operations are being proposed.

54. Two noise surveys have been carried out to assess the potential impact of extending operational hours up to 23:00 hrs on Mondays through to Fridays, as originally proposed.
55. The proposed development would not result in any increase in the tonnage of material entering the site annually to that already permitted (100,000 tonnes per annum). Likewise, there would be no change to existing traffic movements as a result of the development.

Consultations

56. **Rushcliffe Borough Council** raises no objection to the proposal, subject to conditions restricting the type of plant which can be used during the extended hours of operation and limiting the height of the outdoor storage piles to 8m.
57. Members have also made reference to the fact that the site should operate a wheel washing facility to avoid mud and debris being deposited on the public highway, and that measures should be put in place to prevent pollution of the water environment.
58. **Bunny Parish Council** raises an objection to the proposals on grounds that it would be unacceptable to continue working up to 23:00 hrs, and the proposals would only serve to exacerbate existing problems regarding noise, dust and odour, operating hours and stockpile heights. The complaints tend to arise from activities around the site, particularly vehicle movements on and off site, including heavy goods traffic through the village, at all hours. The applicant already uses a weak exception clause to extend hours and would no doubt continue to do so.
59. **Environment Agency Midlands Region (EA)** raises no objections to the proposals from a planning perspective. Both dust and odour incidents have been reported to the EA, but not substantiated at the time of the application. Noise incidents have not been reported to the Agency. As such, there are no objections to extending the working hours or boundary of the site subject to the permit conditions.
60. However, the Agency draws attention to several potential environmental concerns, in relation to the increase in material stored on site. There is the potential risk of dust being blown off site and its potential to affect the immediate environment and residential property; and the potential for an increase in noise levels through increased activity and extended working hours.
61. Whilst the Bunny site is subject to an environmental permit (permit number EPR/DP3493CT) regulated by the EA, which seeks to prevent or minimise pollution risk by specifying operations and activities authorised at the site, the temporary storage area would not be subject to these controls, and would fall outside the remit of the Agency.
62. Conditions 3.2.1, 3.3.1 and 3.4.1 of the permit stipulate that dust, odour and noise and vibration, respectively, shall not cause pollution, and that if any incidents relating to any of these emissions are identified, the EA can require the operator to implement an approved management plan.

63. *Waste materials can only be accepted, stored and treated within the permitted boundary. Through the operations on site, a number of non-waste products are made from the waste, under the WRAP protocol, which are not subject to permit conditions, and it is these products which may be stored outside the permitted boundary. It is recommended that products stored outside the permitted boundary are limited in height and contained within bays to minimise the risk of dust being blown off site.*
64. **Nottinghamshire Wildlife Trust (NWT)** raises objections to the proposals. *It is considered that a rigorous assessment of all potential ecological impacts of the proposed development should be undertaken, identifying the direct and indirect impacts of this development on habitats and species. It was noted that whilst the applicant had already stored material on the extension land, the extent, or otherwise, of habitat left undamaged is unclear. The land was previously one of natural regeneration on previously developed land (PDL), with grassland and scrub communities, which may have hosted breeding and foraging birds, reptiles and invertebrates. The habitat may potentially qualify as a BAP habitat, 'Open Mosaic Habitat On PDL', but without more relevant information, on the site's current ecological status, the ecological impact of using the land for storage, cannot be determined.*
65. *In particular, the impacts of dust and noise disturbance should be looked at in relation to sensitive habitats, including the prevention of dust deposition and the impact of noise on breeding birds or other sensitive fauna in the surrounding area, where suitable habitats (trees, scrub, grassland) exist, for a wide range of species. It is noted that the Noise Report does not consider noise impact on breeding birds or other sensitive fauna.*
66. *It is noted that there is no commitment to dust suppression misting on the new extension area, or explanation as to why the processed materials stored here might require different treatment. Concerns therefore remain over the potential impacts of dust deposition on Bunny Wood SINC and Nature Reserve and other surrounding habitats. As part of the proposals, measures would be expected to reduce the effects of both noise and fugitive dust, particularly as the proposals would involve 8m high storage mounds.*
67. **NCC (Nature Conservation)** is able to support the planning application, on the basis that planning conditions would ensure that the use of the retained vegetation area on the adjacent land is prohibited unless an ecological survey has been undertaken and a scheme of mitigation both prepared and adhered to where necessary.
68. *The main issue relating to the proposed increase in working hours is noise, and noise assessments have been carried out in relation to the nearest property.*
69. *In relation to noise, and having reviewed the Noise Assessment Reports, these indicate that both the modelled and measured noise levels (LA90) at receptors in proximity to the site do not exceed 55dB during the proposed extended hours of operation. It should be noted that both of the measurement locations, Woodside and Hillside Farm, are closer to the site than the closest part of Bunny Wood, which is at least a further 100m away from the site (meaning that there will be further noise attenuation). In addition, subjective assessments detailed in*

the report indicate that the site is not generally audible above the existing background noise levels, which is understood to be dominated by the A60. On that basis, it appears very unlikely that proposals would give rise to any significant ecological impact as a result of noise, within Bunny Old Wood.

70. *It has been demonstrated that the proposed evening IBA operations would result in acceptable noise impact and no further noise mitigation measures should be required. Whilst these conclusions have been reached in the context of human receptors, it appears unlikely that the proposals would give rise to a significant increase in Bunny Old Wood.*
71. *Attention has been drawn to a recent major proposal (Two Oaks Farm) dealt with by the Waste Planning Authority (WPA), whereby a level of 55dB was used as the level at which noise may have adverse effects on the breeding behaviour of Nightjar and Woodlark (two bird species considered to be particularly sensitive to noise). This figure was adopted by the applicant's ecologist following a review of a range of studies, and this approach was not disputed by any consultees. It is considered that it is reasonable to use this figure in relation to this application.*
72. *With regards to other issues, it is noted that there are suggestions that current activities relating to the processing of IBA at the site, are causing dust emissions and subsequent deposition, including within the adjacent Bunny Old Wood. It is therefore advised that the Local Planning Authority be prepared to place additional controls on the site in relation to dust suppression, if required.*
73. *Whilst outside the scope of the current planning application, the applicant is nevertheless advised that any further expansion onto land to the north of the proposed extension site would need to be supported by an ecological assessment. An Advisory Note to this effect would be added onto any decision notice.*
74. **NCC (Landscape)** *supports the application given the transient nature of the proposals for a temporary use of land adjacent to a MRF, for aggregate storage. Due to existing land use and vegetation/landform, it is considered that the proposed development would have minor impact on the landscape character of the area, and limited visual impact for nearby receptors. The short-term nature of the proposals means that any mitigative measures involving additional screen planting would be irrelevant, and the visual impact, without mitigation, is considered acceptable. However, attention is drawn to the fact that in the event that the lifespan of the storage area is extended or made permanent, mitigative planting or other measures may well be required.*
75. *In terms of landscape character designations, the proposed development site falls within the Nottinghamshire Wolds Regional Character Area, in the allocated Development Policy Zone (DPZ) reference NW01 Gotham and West Leake Hills and Scarps. The strength of character of this DPZ is given as 'strong' and the landscape condition is judged 'good', giving an overall landscape strategy to 'conserve'.*
76. *Various landscape actions are given for this DPZ, the most relevant of which is to: 'Ensure any new industrial development is nestled on low ground and has*

well wooded boundaries which integrate with woodland on higher ground to reduce its visibility’.

- 77. The impact of the proposals on the described landscape character is minor. The derelict nature of the former brickworks has been altered by the creation of the temporary storage mounds, bringing it back into an active industrial space. The land, which was slowly being colonised by pioneering vegetation, has lost the greening scrub. However, the site remains of an industrial nature and due to the temporary nature of the proposed storage, there will be opportunity for the re-establishment of similar vegetation on removal of the mounds.*
- 78. Whilst the 8m high storage mounds have the potential to have a significant visual impact on their surroundings, due to existing vegetation, topography, and existing features of the works this impact would be substantially limited.*
- 79. For users of the A60, the existing vegetation and bunds significantly screen the application site, though views of the mounds would be clear when viewed directly along the access road to the site. The tops of the mounds may also be apparent when viewed from the A60 north of the access, and in winter the roadside trees and hedge may be insufficient to block the views completely from this section of highway. The impact of the development is judged as being negative and slight. Regarding Woodside Farm, it is well screened from the location of the proposed storage mounds by a woodland block, and no impact is anticipated.*
- 80. To the north, views of the development from residential development along Gotham Lane are limited by existing woodland. Some views may be afforded from properties at the western end of the dwellings along Gotham Lane, particularly in winter, but these, though the operations would be closer, would not represent a significant departure from their existing views of Johnsons works, and the visual impact would be slight. Views from an appliance warehouse, which stands to the north-west of Gotham Lane, and is the closest building to the proposed site, would be of mounding. The proposals would take operations closer to their property than the existing situation. Screening from vegetation is moderate, and the visual impact is judged as being slight to moderate and negative. However, the receptor is not deemed to be sensitive.*
- 81. Hedgerows to the fields between the site and Hillside Farm Care Home, together with the topography of the land as it rises up the escarpment, restrict views of the development site from the Care Home, and it is anticipated that the impact would be low.*
- 82. From further afield, there is potential for some views to the development from the edge of Bunny Old Wood, notably from the bridleway, along the northern edge. However, filtered by vegetation and set against the existing industrial elements of the works, the impact would be minimal.*
- 83. Set in the context of the existing works, associated plant and storage mounds, and filtered by vegetation, any views from medium and longer distance would not be significantly impacted upon.*

84. **NCC (Planning Policy)** raises no objection to the proposals and indicates that the application must be considered in light of the National Planning Policy Framework (NPPF) (March 2012) and Planning Policy Statement 10: 'Planning for Sustainable Waste Management' (PPS 10) (and the emerging draft, published for consultation July 2013). In line with paragraph 215 of the NPPF, due weight and consideration should also be given to the saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) and the strategic policies of the adopted Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy (WCS) (Adopted December 2013).
85. In terms of national policy, the main driver of the NPPF is that of sustainable development, whereby proposals that accord with the development plan should be approved without delay, or where the local policy is absent, silent or out-of-date, permission should be granted subject to the policies of the NPPF, and subject to adverse impacts not outweighing the benefits. PPS 10 introduces the concept of the waste hierarchy, whereby waste management should be planned to move waste as far up the waste hierarchy as possible (something this proposal would be in compliance with as a recycling operation).
86. In light of the criteria in the NPPF with regard to the application of weight to local policy documents, it is considered that the saved environmental protection policies in Chapter 3 of the WLP and the strategic policies in the WCS are relevant in this case. Chapter 3 of the WLP sets out a series of environmental considerations which any proposal must meet, notably Saved Policies W3.4 (visual impact) and W3.9 (noise impact). Policy WCS3 of the WCS gives first priority to the development of new or extended recycling facilities, and Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve management methods. Both of these policies provide support for the proposals.
87. It is noted that the application site is part of an area of previously developed land (former Bunny Brickworks) within the Green Belt. NPPF policy (Para. 89) highlights the fact that built development will normally be inappropriate within the Green Belt but may be acceptable where this involves the partial, or complete, redevelopment of previously developed land and where this would not have any greater impact than the previous development. In this respect, Rushcliffe Borough Council has granted planning permission for light industrial and storage/distribution uses on the whole of the former brickworks site. Policy WCS4 of the WCS similarly restricts built waste management facilities within the Green Belt unless they can demonstrate 'very special circumstances'.
88. However, in policy terms the Planning Policy Team is satisfied that this proposal, although linked to an existing recycling operation, would not constitute built development as it is for the temporary stockpiling of material and does not involve any additional hardstanding or built structures. Subject to detailed landscape comments, the temporary nature of the stockpiles, and absence of any built development, mean that there is unlikely to be any additional impact upon the openness of the Green Belt.
89. Policy WCS7 of the WCS directs aggregates recycling facilities to existing or proposed employment land.

90. *Attention is drawn to the fact that there are a series of environmental considerations which any proposal must meet, and these matters are deferred to other relevant teams within the County Council.*
91. **NCC (Noise Engineer)** *is able to support the application in light of the proposed extended working hours (for the processing of IBA only) being reduced down from 23:00 hrs to 20:00 hrs. With regards to a follow-up Noise Survey Report requested by the County Council, there were hours into the evening, in which the noise criteria would be exceeded, and would be likely to generate complaints. Checks and assessment of the measured data in accordance with the procedure in BS4142, indicated that the noise levels beyond 20:00 hrs were at a level where 'complaints were likely'.*
92. *Based on the noise assessments and noise surveys undertaken to date and in the absence of more accurate topographical information or further noise assessment work, the IBA evening operations would be acceptable up until 20:00 hrs, subject to the inclusion of planning conditions covering appropriate noise mitigation in the event of justifiable complaints, to ensure compliance with the established noise criteria; and controls over working hours, operational plant/equipment, and annual throughput.*
93. **NCC (Highways) Rushcliffe** *is able to support the planning application on grounds that total lorry movements are limited to 100 two-way movements per day over a five day working week. It is considered that this would be a reasonable compromise given that it does not exceed the current peak but does allow for some growth when compared to the average over the last year. Based on the figures supplied by the applicant of HGV records over the year, these provide for an average figure of around 69 movements per day over the past 12 months, with a current daily peak of 98 movements in September 2013.*
94. **National Grid (Gas), Severn Trent Water, NCC (Countryside Access) and NCC (Reclamation)** *have made no response. Any consultation responses received will be reported orally at Committee.*

Publicity

95. The application has been publicised by means of a site notice, press notice and twenty neighbour notification letters have been sent to the nearest occupiers in Bunny Hill and Gotham Lane, inclusive of Hillside Farm Care Home, Bunny Hill, together with a further letter to No. 44 Burton Walk, East Leake, in accordance with the County Council's adopted Statement of Community Involvement. Seven letters of representation from seven separate households have been received raising objections on the following grounds:
- a) increased noise impacts, not just with regards to decibel levels, but the constant 'droning' noise of machinery, including continuous reverse warning alarms;
 - b) increased light pollution from the extended use of existing floodlights and security lighting into the evenings, exacerbating an existing problem of light pollution;

- c) visual amenity impact associated with large IBA storage 'heaps' and aggregate stockpiles; as these 'heaps', including the 'temporary' stockpiles of material on land north of the site, can be viewed from both residential development in Bunny Village and Bunny Old Wood, from which the whole site appears as an 'eyesore' when viewed from a public bridleway;
- d) stockpile heights often exceed the permitted 7m and should not be allowed to go up to 8m, particularly as IBA material is frequently stored in high piles north of the site rather than in the approved storage bays;
- e) inadequate screening of the site from existing vegetation and landforms; with no associated landscaping plan or acoustic fencing to mitigate amenity impacts;
- f) increased impacts of dust/airborne particles, with loss of local air quality caused by IBA material;
- g) odour impact, with wind-borne IBA particles creating an obnoxious and unpleasant 'burnt-cement' like odour;
- h) toxicity of the IBA material;
- i) detrimental health impacts;
- j) Increased traffic impacts;
- k) detrimental ecological impact on the Bunny Old Wood SINC, and grazing livestock, from severe noise and dust impacts;
- l) amenity impacts, with a loss of relative tranquillity on weekday evenings, especially in the Summer, when visitors walk/ride through Bunny Old Wood Nature Reserve at the end of a working day; children and adults in bed trying to sleep by 23:00 hrs; as this noise travels a long way and is annoying in warmer weather when bedroom windows are open;
- m) the 'temporary' element to the storage is disputed, given the quantity of material on site, with concern that this could become a permanent use;
- n) ambiguity as to whether or not an alternative application site being pursued by the applicant will alleviate levels of overstocking at the Bunny MRF;
- o) the MRF should only be allowed to operate during daytime working hours, when the County Council and EA can reasonably be expected to monitor the site and enforce any imposed planning conditions; particularly as the past history of the site, shows a continuing disregard for operating conditions.

96. Councillor Reg Adair has been notified of the application. No written representations have been received.

97. The issues raised above are considered in the Observations Section of the report.

Observations

Introduction

98. The application has been submitted by the current operators, Johnsons Aggregates, a leading recycler of IBA material in the East Midlands, in order to address the current provision of IBA waste treatment at the existing Bunny MRF, and enhance the overall capabilities of the recycling operations. This is in direct response to the overstocking of IBA material that has occurred on site over the last twelve months.
99. Stocks of reclaimed aggregate material had steadily increased to such an extent that by early 2013, additional temporary storage had been sought on a parcel of adjacent land, within the former Bunny Brickworks complex. The intention was to clear the land by the Summer of 2013, but it became clear that this would not be achievable, and hence the need for this application.
100. The aim of the planning application is to facilitate a more rapid turnover of IBA waste at the Bunny MRF, increasing the pace at which the overstocked material can be dealt with, in order to bring IBA stocks back down to permitted levels. The additional working hours would enable the IBA processing plant to run consistently, for longer periods of time, and this coupled with the additional storage capacity on the extension site, should provide sufficient measures to reduce current stocking levels back down to acceptable levels.
101. The backlog in IBA material awaiting processing is the result of operational difficulties arising from the handling of an unfamiliar waste stream, comprising an extremely wet, abrasive and sticky material. To achieve any consistency in the rates of recycling of IBA material, the material must be extremely dry, and the introduction of a small dryer into the system, has recently overcome most of the processing problems. Prior to this, the process was beset by constant break-downs in machinery, as attempts were made to process material that had not fully dried out. This led to increasingly inconsistent quantities of IBA being processed and stocked, resulting in increasing stocks of material on site. This has given rise to the current problem of overstocking.
102. For information purposes, attention is drawn to the fact that the applicant has recently been granted planning permission (Plg. Ref. CW8/0413/17) by Derbyshire County Council, for a second IBA processing and Aggregate and Soils Recycling Facility at Stanton, Derbyshire. Once this facility comes on stream, it is understood that it will provide the extra capacity required by the applicant to meet an increasing market in IBA recycling. In the future, IBA material currently being processed at the Bunny MRF, could be diverted to the Derbyshire facility, so as to prevent any further occurrences in overstocking.
103. In terms of assessing the proposed application under consideration in this report, it is considered that the main issues relate to the principle of extending the recycling facility in the Green Belt, the impacts of the development on the visual amenity and character of the open Green Belt; and the impact on the

residential amenities of neighbouring properties, particularly in relation to the potential for dust, odour and noise from the operations; and ecological impact on the Bunny Old Wood SINC and Nature Reserve.

104. Reference is now made to those material considerations considered relevant to the determination of this planning application.

Planning Policy considerations

105. In national planning policy terms, the proposed development is given due consideration in light of the NPPF and PPS 10 (and the emerging draft, published for consultation July 2013), which remains as national guidance for waste planning matters.
106. The NPPF sets out the overarching principle of sustainable development, which is a core policy objection, with reference being made to development that helps to *'improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'*. PPS 10 (and the emerging draft) sets out the concept of the waste hierarchy, whereby waste management should be planned, so as to move waste as far up the waste hierarchy, as possible. The proposal would be in compliance with these principles, as a recycling operation, and would involve increasing the site's capacity to beneficially manage IBA, allowing more waste material to be recycled, (albeit on a temporary basis, and for the purpose of reducing overstocked material).
107. The NPPF sets out the national policy approach towards development, and whilst it does not specifically make reference to waste, which continues to be covered by PPS10 (and the emerging draft document), it does set out guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
108. In line with this advice, due weight and consideration is now given to the saved policies of the adopted WLP and the strategic policies of the adopted WCS; and likewise any saved policies of the Rushcliffe Borough Local Plan (Adopted June 1996) (RLP) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006) (RBNSRLP).
109. Whilst the recently adopted Waste Core Strategy (WCS) (Adopted December 2013) replaces many of the existing saved waste policies contained in the WLP, the majority of the environmental protection policies will remain in force until they can be replaced by a separate site specific and development management policy documents.

Local Waste Policy considerations

110. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the saved policies of the WLP, with the saved environmental protection policies in Chapter 3 being relevant;

and the adopted WCS, together with the saved policies of the RLP and the RBNSRLP. These are the key policies against which the application should be assessed.

111. Policies WCS3 and WCS8 of the WCS set out the policy approach towards developing recycling facilities. Policy WCS3 prioritises the development of new or extended waste recycling facilities, and WCS Policy WCS8 provides an overarching supporting policy for the extension of existing waste management facilities, where it would increase capacity or improve existing waste management methods.
112. Both of these policies provide support for the principle of the proposed development provided it can be demonstrated that the proposals would not create any unacceptable environmental impacts. Key to the acceptability of this proposal, in terms of environmental impacts, is its compliance with Green Belt policy, and the significance of any associated visual impacts, together with potential dust, noise, odour and ecological impact on the nearest sensitive receptors.

Green Belt Policy considerations

113. There are implications in terms of Green Belt policy, for that part of the proposals relating to the temporary extension site on land to the north of the MRF, for the stocking of reclaimed aggregates. Central Government guidance on national Green Belt policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF, and PPS 10 (and the emerging draft document). Locally, Green Belt policy is set out under Policy EN14 of the RBNSRLP.
114. The RBNSRLP Proposals Map incorporates land use designations within the Rushcliffe area. It identifies the application site as being located within the Green Belt and therefore not identified for development. RBNSRLP Policy EN14 states that *'within the Green Belt as defined on the Proposals Map planning permission will only be granted for appropriate development for the following purposes:*
 - a) Agriculture and forestry;*
 - b) For other uses which preserve the openness of the Green Belt, including essential facilities for outdoor sport and recreation and for cemeteries;*
 - c) Alteration and limited extension or replacement of existing dwellings;*
 - d) Limited residential infilling in existing settlements within the Green Belt'.*
115. Under the criteria set out under Policy EN14, the extension of a waste recycling facility, in this case for the stocking of reclaimed aggregates, albeit on a temporary basis, is not identified as being 'appropriate development' within the Green Belt. In the context of RBNSRLP Green Belt policy, the development must therefore be considered as 'inappropriate development', and as such, the proposal has been treated as a 'departure' from the development plan.
116. At the time of the planning application's submission, the WLP was still in place as the adopted waste local plan, and the WCS still an emerging document,

hence the proposals were assessed against Policy W3.17 of the WLP, as the relevant policy for waste development in the Green Belt, and advertised as a 'departure' to this policy.

117. Policy W3.17 of the WLP states that only landfill schemes which represent the best option for reclaiming mineral workings or other derelict voids may be considered as 'appropriate' within the Green Belt. The proposals for a temporary extension to an existing MRF for the storage of reclaimed aggregates cannot accord with this policy and the development must, therefore, be considered as a 'departure' to this policy.
118. Direction is given under Section 38(6) of the Planning and Compulsory Purchase Act 2004, that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise.
119. Reference is now made to those material considerations considered relevant to the determination of this planning application, including Central Government policy as set out in the NPPF; national waste policy established under PPS 10 (and the emerging draft document); and the fact that the planning application relates to a temporary extension to an established MRF site within the Green Belt, on land that is allocated for employment use, under Saved Policy E7 of the 1996 RLP.
120. The policy framework established under the NPPF seeks to ensure that urban sprawl is prevented, with the aim of preserving the openness and the permanence of the Green Belt. There is a general presumption against 'inappropriate development' in the Green Belt, and that such development should not be approved, except in 'very special circumstances'.
121. Paragraphs 89 to 90 of the NPPF establish a similar approach to the RBNSRLP in terms of listing appropriate forms of development in the Green Belt. As the proposed development does not fall within the categories of 'appropriate' development as defined in the NPPF, it is therefore deemed to be 'inappropriate development' in the Green Belt.
122. 'Inappropriate development' is deemed by definition as being harmful to the Green Belt. The emerging draft PPS 10 document indicates that waste development in the Green Belt in most cases is 'inappropriate' development and should be assessed on this basis.
123. Where waste management development proposals in the Green Belt would result in 'inappropriate development' in terms of the NPPF, any wider benefits of the scheme may contribute to the 'very special circumstances' required by the framework for the development to be granted planning permission. Therefore, it is necessary to determine whether or not this consideration provides Green Belt policy support for this proposal.
124. In accordance with this, there are a number of criteria that would suggest that there is a case to be made under the 'very special circumstances' test. With regards to the principle of extending the recycling facility in the Green Belt, the proposed extension area, whilst being washed over by Green Belt policy, is part of a wider allocated employment site (former Bunny Bricks) and has an extant

planning permission for buildings associated with B1, B2 and/or B8 uses. Whilst the proposed use is not specifically listed under Policy EN14 of the RBNSRLP, nor under the NPPF listing, as being appropriate in the Green Belt, the proposal nevertheless relates to a change of use of an area of brownfield land for the temporary storage of reclaimed aggregates in association with an immediately adjoining established recycling operation. It is considered that the established use of the land for light industrial/general industrial/storage uses, and the fact that the temporary use of land for open storage is not out of keeping with the established use on the site, and is also associated with an existing recycling operation, provides the 'very special circumstances' which justifies allowing 'inappropriate' development in the Green Belt.

125. Added to this, there is support for the proposal, in terms of WCS Policy WCS7, which directs aggregate recycling facilities to existing or proposed employment land, and which can be given some weight, when assessing the proposal under the 'very special circumstances' test.
126. It has been demonstrated that the proposal could meet the NPPF Green Belt Policy, under the 'very special circumstances' test provided no harm is caused to the open character of the Green Belt, and the purposes of including that land in the Green Belt, as considered below, and subject to there being no unacceptable environmental impacts. It has been demonstrated that the proposed use of the land for the provision of temporary storage space for stocking reclaimed aggregates is not unacceptable development, provided that the development does not detract from the openness of the Green Belt, nor adversely impact on the visual amenity of the locality.
127. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer Green Belt departure planning applications to the Secretary of State. Since the planning application is for temporary, comparatively insubstantial development within the Green Belt which does not trigger the thresholds for referral set out within paragraph 4 of this Circular, there is not a requirement to refer this application to the Secretary of State should Committee be minded to approve it.

Impact on the open character of the Green Belt

128. 'Inappropriate development' can be acceptable where it can be demonstrated that the proposed development would have no greater impact on the open character of the Green Belt, or the purposes of including the land in it, than the existing development. The NPPF places significant weight on 'inappropriate development', if permitted, maintaining openness and not conflicting with the purposes of including land in the Green Belt.
129. The purposes of including land in the Green Belt are:
 - *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*

- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

130. The extension site is presently part of an area of previously developed land (former Bunny Brickworks), and is set back from the public highway (Loughborough Road), at a relative distance from the nearest residential development. Any attendant visual amenity impacts would mainly be confined to more distant users of the surrounding land, most notably those using Bunny Old Wood, and residential properties towards the western end of Gotham Lane. However, views towards the site from any sensitive receptors would be substantially mitigated by existing vegetation, the topography of the land, and the industrial character of the adjacent recycling operations.
131. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4 seeks to secure both the retention and protection of existing features which have value in terms of screening, and the appropriate use of screening and landscape to minimise visual impacts, including earth mounding, fence, and/or tree and shrub planting.
132. In the context of WLP Saved Policy W3.3, the development's proximity to an existing recycling operation with a substantial waste transfer building and associated ancillary development, including mobile/fixed plant and stockpiles of raw and reclaimed aggregates, would give it the appearance of being part of an existing operational site. It is considered that it would, to some extent, appear visually integrated into its setting, when viewed against the backdrop of the existing MRF. It is noted that the stockpiles of reclaimed aggregates would comprise relatively low level development when compared to much of the existing operational plant, thereby minimising visual impact.
133. Although linked to an existing recycling operation, the proposal would not constitute built development as it is for temporary stockpiling of material and does not involve any additional hard-standing or built structures. The temporary nature of the stockpiles and absence of any built development, mean that there is unlikely to be any additional impact upon the openness of the Green Belt. The development therefore is compliant with current PPS 10 guidance, which acknowledges that the locational needs of some proposed waste development means that they must be located within the Green Belt, subject to there being no unacceptable environmental impact.
134. The proposed reclaimed aggregate stockpiles would be no higher than existing landscape features, which predominantly consists of mature hedgerows and hedgerow trees, and blocks of woodland. It is considered that, subject to restrictions on the height of the stockpiles, and given the adequate screening from bunding and existing vegetation, and the industrial backdrop, the development would not unacceptably harm the open character of the Green Belt. Planning conditions would ensure that storage heights are limited to 7m in height, thus ensuring that these activities do not become visually intrusive.

Subject to these planning conditions, the development satisfies the requirements of WLP Policy W3.3.

135. Due to the vegetation and landform, and given that the land in the immediate vicinity is in industrial use, the proposed temporary use of the extension site for open storage would not significantly impact on the landscape character of the area, and would have limited visual impact for the nearest sensitive receptors. As such, the proposals accord with WLP Saved Policies W3.3 and W3.4.
136. Overall, when set in the context of the existing works, associated plant and storage mounds, and filtered by vegetation, any views from medium and longer distances would not be significantly impacted upon. The development would not impact significantly on the openness of the Green Belt, given the transient nature of the proposals, the limited impact on the landscape and the absence of any built development.
137. It is noted that the Borough Council has not objected to the development on Green Belt grounds and the development does not give rise to any adverse impact on surrounding areas. Furthermore, the County Council's Landscape Officer has indicated that there are no environmental impacts in landscape and visual impact terms.

Visual amenity impact of development

138. In terms of residential amenity impacts, it is considered that the nearest residential development would have only distant views of the site, or else be substantially screened from the proposed development by virtue of existing mature vegetation and bunding. The extension site is contained within a wider brownfield site, adjacent to an existing operational waste facility, and is relatively distant to the nearest residential property, Woodside Farm (100m).
139. An existing woodland block together with the A60 would ensure that any storage mounds occupying the extension site, would be well screened from Woodside Farm, and no visual impact is anticipated at this property. Similarly, existing woodland would mitigate views to the north of the site, providing substantial screening of the development from residential property along Gotham Lane. The only exception to this would be those properties situated at the western end of Gotham Lane, which may be afforded some views of the development, most pertinently during the winter months.
140. In mitigation, whilst the proposals would bring operational development closer to these properties, given the more northerly location of the proposed extension site, the views associated with these operational activities would not be significantly different to those presently experienced by these properties. Existing views of the established MRF are limited by existing woodland, and it is not anticipated that visual impact associated with the proposed development would be anything other than insignificant.
141. In terms of other sensitive receptors, the anticipated impact at Hillside Farm, a local care home, would be substantially mitigated by a combination of existing vegetation and the local topography of the land. Views of the proposed development would be filtered by existing hedgerows to the fields situated

between the site and Hillside Farm. These views are further restricted by the situation of the land as it rises up an escarpment, obscuring views of the proposed extension site from the care home.

142. There is the potential for more distant views of the proposed development from the edge of Bunny Old Wood, which is situated at a distance of over 200m south-east of the proposed extension site, on the opposite (eastern) side of the A60. In particular, distant views would be evident from the bridleway edging the northern edge of the Old Wood. However, such views would be acceptably mitigated by existing boundary treatment comprising a mixture of mature vegetation, hedgerows, tree blocks and bunding approximately 3m high to the eastern boundary of the existing site along the A60. Views from the northern edge of Bunny Old Wood would be filtered by existing mature vegetation, and the proposed development would be visually integrated into its setting when viewed against a backdrop of existing industrial elements of the existing MRF. As such, visual amenity impact on users of the Old Wood would be limited.
143. The visual impact of the development is assessed as being low to insignificant. With regards to surrounding sensitive receptors, it is anticipated that there would be no views of the operational works and aggregate stockpiles on the extension site from Woodside Farm. Views to other sensitive receptors, notably property at the western end of Gotham Lane, the residential care home (Hillside Farm) and the edge of Bunny Old Wood SINC, especially the bridleway along its northern edge, are filtered by existing vegetation, the topography of the land, and the fact that the development is set against the industrial elements of the works. As such, the development accords with WLP Saved Policies W3.3 and W3.4 in terms of visual amenity impacts being substantially mitigated by the existing character of the surrounding landscape and the industrial nature of the site.
144. As stated, WLP Saved Policy W3.4 encourages the use of screening and landscaping around waste developments. Any visual impact associated with the proposals is considered acceptable, and does not require further mitigation given the short term and temporary nature of the proposals. It is considered that no further landscaping is required to the site perimeter. The development is capable of being acceptably visually integrated into its setting in accordance with Saved Policy W3.4 of the WLP.
145. Overall, there is sufficient compliance with Green Belt policy under the NPPF's 'very special circumstances' test, to indicate support for the proposals, subject to there being no unacceptable environmental impacts associated with the development.
146. The other potential environmental impacts associated with the proposed development are now considered.

Dust impact

147. Waste operations have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting

of facilities remote from sensitive receptors, the enclosure of dust generating operations within buildings and enclosed areas, and the use of water to dampen down stockpiles, and processing plant.

148. The proposed operations, involving increased rates of both IBA processing and outdoor stockpiling of reclaimed aggregates on a temporary extension site, have the potential to be a source of dust, particularly under dry and windy conditions, and local concerns have been raised over the potential for fugitive dust leaving the site, from increased operations. This is set against a background of alleged problems with dust from existing IBA recycling operations, to various residential properties within the vicinity and reportedly, at the Bunny Old Wood SINC.
149. Environmental controls are in place covering dust emissions under an existing permitting regime and an approved dust mitigation strategy. Whilst the permit cannot be extended to cover the temporary extension site, the application states that any potential dust nuisance from the temporary storage piles would be controlled in line with an approved dust mitigation scheme, which covers site operations. Planning conditions would seek to ensure that the dust mitigation measures are extended to cover the temporary extension site. There would therefore be adequate measures in place, to ensure that the proposed increase in IBA processing, and aggregate storage, is capable of being suitably controlled, in accordance with WLP Saved Policy W3.10.
150. Within the proposed open storage area there are several potential sources of dust, including vehicles moving in the area, and dust being blown from stockpiles. Effective measures would be taken during drier weather to dampen down the stockpiles, by use of a bowser fitted with a spray nozzle system, which would be in operation, as and when required. This measure is contained within the approved dust mitigation scheme, and it is anticipated that when implemented, it would adequately control any potential dust emissions associated with the extension site. The dust mitigation strategy indicates that all stockpile surfaces are capable of being dampened down by the dust suppression systems, which would significantly reduce the potential for wind-blown dust during adverse weather conditions. It is stated that the Plant Manager or the Authorised Deputy, continually assesses dust blown emissions, and gives out the necessary instruction, to ensure that the storage area is bowed when necessary.
151. Whilst the extension site would take waste operations closer to residential property along Gotham Lane, and Woodside Farm, it would still be relatively distant to these properties, and there is bunding and substantial vegetation, including tree blocks and mature hedgerow and tree lines, which substantially shelter the proposed extension site. This would provide a reasonable attenuation barrier to any fugitive dust emissions from the wider MRF site, including the extension site. It is noted that only processed, reclaimed aggregate would be stored on the extension site, and bowing of stocked material should be sufficient to suppress any fugitive dust emissions in accordance with WLP Saved Policy W3.10.
152. In terms of the proposals to extend working hours, and increase IBA processing, it is noted that processing operations would be contained within a largely enclosed building. The IBA processing building has oscillating rain gun heads

mounted at strategic locations along the front of the building. A series of spray nozzles have also been positioned inside the roof of the IBA processing building to reduce dust emissions. These measures would be employed during extended evening working.

153. The only other potential source of dust emissions would be during loading and unloading operations. Loading operations would be contained within the IBA storage bay, involving one loading shovel moving partially processed IBA. The height and structure of the bay walls provides sheltering of these operations from the wind, effectively reducing wind-blown dust emissions; although it is noted that stocking heights are presently higher than the bay structure, and the containment effect of the bay is somewhat reduced. However, further mitigation is provided by a sealed drainage system, whereby water collected in the IBA storage area drains via an engineered channel into a weir system. This involves water stored within the weir being pumped into a storage tank, and being used to feed two oscillating rain gun heads mounted on the concrete bay walls. This dampening down process would further suppress any dust emissions associated with IBA loading operations. The dust suppression system is manually operated by the Plant Manager or Authorised Deputy, and the spray system would be utilised, as and when required, during loading operations, including evening operations.
154. Investigations into complaints received by the County Council's Monitoring and Enforcement Officers have concluded that there are suitable controls in place, provided that the dust mitigation systems are both adequately used and correctly implemented. In general, the problems with dust would appear to be occasional occurrences, coinciding with the operator failing to switch on the dust suppression systems; although it is acknowledged that there are currently dust impacts associated with the overstock of IBA. The findings would suggest that subject to the appropriate use of the suppression measures, and a reduction in stocking heights, fugitive dust impact can be suitably controlled. It is anticipated that the proposals would deliver benefits in terms of improving the existing situation with regards to dust, as the stockpiled IBA is substantially reduced back down to permitted levels.
155. In terms of dust, the site has various dust suppression measures available and it is considered that operation of these and appropriate management of the site is capable of controlling dust. An appropriate dust suppression system is capable of being implemented throughout all the working areas on site, including on the proposed extension site. This system is used to combat dust emissions from the loading/unloading, transfer of IBA, and its storage, and would be extended to cover the proposals under consideration in this report.
156. In accordance with EA recommendations, controls would be placed over the height of stocked material on the extension site, and in line with this, it is considered reasonable to limit stocking heights to 7m, which is the maximum stocking height permitted elsewhere on the MRF site. The EA also recommends containment within purpose-built storage bays of any materials stored outside the permitted boundary. However, on balance, subject to controls over stocking height, and application of the dust mitigation scheme to the extension site, the open storage is not considered inappropriate, given the

temporary and transient nature of the use; and the fact that appropriate dust attenuation measures are capable of covering the extension operations.

157. It is considered that dust emissions are capable of being suitably controlled by measures contained in the approved dust mitigation strategy. Planning conditions would secure these measures, in relation to the extension site. It is considered that subject to their implementation, adequate controls exist to prevent fugitive dust from becoming a nuisance, in compliance with WLP Saved Policy W3.10. As such, it is considered that the proposals would not cause any cumulative impact.

Noise impact

158. Saved Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
159. Emissions from increased waste processing activities, under consideration in this report, must be free from noise and vibration at levels likely to cause pollution outside the site, and in order to ensure that these conditions are met, the County Council has a specified noise limit for this type of recycling operation, with a criterion of 10dB above background noise level during daytime hours (07:00hrs to 23:00hrs). Planning conditions imposed by the County Council are in place to control noise emissions from existing waste operations, and the EA has further controls in place under its permitting regime.
160. In terms of environmental concerns identified in relation to this proposal, the EA has identified that there is the potential for an increase in noise levels, through increased activity and extended working hours. However, the EA has indicated that any noise impact associated with extended IBA processing, and increased working hours on the Bunny site, is capable of being suitably controlled in line with the regulatory controls established under the environmental permit.
161. The increased activities would be covered by Condition 3.4.1 of the permit, and it is considered that these controls are sufficient to ensure that noise and vibration are acceptably controlled at appropriate levels. Indeed, the provisions set out under this particular condition, seek to ensure that activities are free from noise and vibration at levels likely to cause pollution to the surrounding area and nearest residential properties. Should any pollution nuisance arise, the EA has the capability to require the applicant to implement an approved noise and vibration management plan, to redress the situation. Coupled with this, a number of changes have recently been introduced on site, which has resulted in quieter operations, including using higher specification bearings in plant equipment, and lining the metal chute with plywood.
162. The Pollution Control Authorities have no evidence of recorded complaints relating to noise incidents, and an updated noise assessment report indicates no additional concerns regarding the application, now that the extended working hours have been reduced down from 23:00 hrs to 20:00 hrs. It has identified the

road noise as the dominant noise source in the area, and the fact that the site has already implemented changes to reduce noise.

163. The BS4142 assessment, premised on predictive noise impact from the IBA Processing Plant and associated materials handling, at three selected receptors (Greenwood Lodge Care Home, Hillside Farm Care Home and Woodside Farm), as recalculated by the County Council's Noise Engineer using actual data readings, indicates that provided extended working hours do not extend beyond 20:00 hrs on weekdays (Mondays to Fridays), operations would meet the County Council's criterion of 10dB above background levels, and the likelihood of complaints from evening working would be no higher than of 'marginal significance' (and probably significantly lower). Subjective observations made by the County Council's Monitoring and Enforcement Officers who attended Hillside Farm, during the operation of the site for evening monitoring, confirmed that the noise was barely audible.
164. All the indications point to the fact that the proposed evening IBA recycling operations should not produce an unacceptable noise impact provided hours of working into the evening are not extended beyond 20:00 hrs and no further noise mitigating measures should be required, above and beyond those provisions of the permitting regime. In terms of the extended use of the IBA Processing Plant and associated materials handling, it is predicted that the likelihood of complaints would be no greater than of 'marginal significance' (and probably significantly lower), and would meet the County Council's criterion of 10dB above background levels. As such, it is considered that the proposed evening IBA recycling operations would produce an acceptable noise impact and no further noise attenuation would be required.
165. Nevertheless, it is considered prudent to condition operational hours, control annual throughput and to place a requirement on the applicant to submit a noise survey to the WPA, in the event of noise from the processing of IBA becoming a nuisance to surrounding sensitive receptors, and a justifiable complaint being received by the WPA. A suitably worded planning condition in line with the Noise Engineer's recommendation would ensure that in the event of any verifiable noise nuisance arising, the IBA processing is capable of being suitably controlled. This would accord with WLP Saved Policy W3.9.
166. Operational activity associated with the unloading and storage of reclaimed aggregates on the extension site to the north of the MRF, would increase noise levels. It would also take operations closer to sensitive receptors, in Gotham Lane and Woodside Farm, albeit still relatively distant. However, in mitigation, it is noted that there is a dominant source of road noise in the area, from Loughborough Road (A60) and Gotham Lane, giving relatively high background levels, within the locality. Therefore, given the site's location, in terms of its proximity to the A60, it is not anticipated that the proposed storage use on the extension site would generate any significant noise impact.
167. Whilst the temporary ancillary operations and the extension site are not covered by the environmental permit, appropriate planning conditions would ensure that noise levels are suitably controlled. The results of the noise assessment, indicates that there are no issues associated with the operational development

on the extension site, and the proposals are capable of according with WLP Saved Policy W3.9.

168. The noise levels generated by the activities associated with the outdoor storage of aggregates on the extension site, would be similar to those generated by existing operational activities. The County Council's Noise Engineer is satisfied that the development would not give rise to any unacceptable change to levels of operational noise, to the nearest sensitive residential receptors.

Odour impact

169. WLP Saved Policy W3.7 seeks to minimise odour emissions from waste management facilities by imposing controls over operations, including sheeting of lorries, restrictions on temporary storage of waste, enclosure of waste reception and storage areas, and the use of contingency measures such as odour masking agents, or removal of malodorous material.
170. Emissions from increased waste processing activities, associated with these proposals, must be free from odour at levels which are likely to cause pollution outside the site. Controls are in place through the permitting regime, and under Condition 3.3.1 of that permit, in the event that odour incidents are identified, the EA can require the operator to implement an approved odour management plan, so as to minimise any effect off site. Mitigation measures would seek to prevent, or where that is not practicable, to minimise the odour. There are therefore adequate measures in place, to ensure that the proposed increase in IBA processing, and associated aggregate storage, is capable of being suitably controlled, in accordance with WLP Saved Policy W3.7.
171. It is noted that the site has historically recycled inert construction and demolition waste, which is unlikely to generate odour but since importing IBA, a number of complaints have been received, in which the odour is described as being 'obnoxious' and as an unpleasant 'burnt-cement' like odour.
172. Inspections of the site have been undertaken and it is acknowledged that when stood adjacent to the IBA stockpile there is a detectable odour, although this is not strong, and the smell does not meet the 'obnoxious' description given by complainants. To date, on occasion intermittent odour has been noted off site in Bunny Old Wood SINC, by the County Council's Monitoring and Enforcement Officers. More recently, odour has been detected off site, which is considered to be directly attributable to the volume of unprocessed IBA on the site, and the excessive stockpile heights. Again, a benefit of the proposals under consideration in this report, would be to reduce the potential for odour impact, directly associated with overstocking of material.
173. It is considered to date that any odours associated with IBA processing are not sufficient to cause an odour nuisance. There is, however, the potential to detect odour off site under certain climatic conditions, and investigations continue to be on-going into this matter. Odour is controlled under the site's permitting regime, and should the County Council determine that there is an identifiable problem, any findings will be brought to the EA's attention, with a request that the Agency takes appropriate action.

174. The EA has in place appropriate pollution control measures, which are capable of ensuring that odour is capable of being suitably controlled, in accordance with WLP Saved Policy W3.7. The WPA considers that there is no benefit to be gained from duplicating the controls over odour, which already exist under the EA's waste permit. This complies with PPS 10, which advises against different regulatory authorities duplicating pollution controls.
175. In terms of cumulative impacts, it is considered that the increase in IBA processing could potentially generate odour, when the partially processed material is loaded and moved into the IBA Processing Building. However, this has to be balanced against the fact that the overstocked IBA is in itself associated with odour emissions; and the temporary nature of the relaxation of operations.
176. It is considered that there are sufficiently robust controls in place covering waste operations, put in place by an appropriate pollution control authority. It would appear reasonable to assume that any odour emissions associated with the proposals, would be occasional and intermittent, but in the event that an odour nuisance is detected, there is appropriate mitigation in place to ensure that it can be suitably controlled.
177. With regards to the extended stocking area, it is not anticipated that the reclaimed aggregate, (mixed IBA and construction and demolition waste) would be particularly malodorous, being an inert, relatively stable product. It is likely to be the least odorous element of the operational development.
178. It is noted that the pollution and nuisance control authorities and agencies (Environment Agency and Environmental Health Officer) raise no objections over potential odour emissions. Whilst odour incidents have been reported to the EA, these have not been substantiated, and as such there are no objections to extending the working hours or boundary of the site subject to the permit conditions.

Ecological impact

179. Section 11 'Conserving and enhancing the natural environment' Paragraph 117 of the NPPF indicates that local planning authorities, in terms of determining planning applications, should aim to conserve and enhance biodiversity. It states that planning permission should be refused if significant harm resulting from a development cannot be avoided, adequately mitigated, or, compensated for.
180. It is recognised that the extension site has the potential to support reptiles and other protected species on the eastern part of the site, where to date suitable habitat (grassland, and trees/shrubs) remains in situ. Whilst the majority of the proposed extension site is now in active use for storing material, the one exception to this, is an area of partially vegetated ground on the eastern side of the application area. A review of the application by the nature conservation bodies and organisations determined that any further expansion of the site would need to be premised on an appropriate environmental assessment.

181. The nature conservation bodies and organisations are not fully able to support the proposed development. Whilst the County Council's Nature Conservation Officer is able to support the development NWT continues to object to the development on grounds that the site's current ecological status, and the ecological impact of using the land for storage, together with the wider impacts of dust deposition and noise disturbance on breeding birds and other sensitive fauna, cannot be ascertained, without more rigorous ecological assessment. There are concerns that the habitat may potentially qualify as BAP open mosaic habitat, given that the land was previously one of natural regeneration on previously developed land.
182. Contrary to the view taken by the NWT, the County Council's Nature Conservation Officer, is able to support the application, and considers it reasonable to control any potential environmental impacts through suitable planning conditions. On balance, it is judged acceptable to mitigate any potential impacts on sensitive fauna by way of appropriate conditions, in line with the NPPF.
183. This follows on from the County Council's Monitoring and Enforcement Officers working with the applicant to ensure that the extension site has been accurately pegged out, clearly defining the storage area, and identifying any retained vegetation/undisturbed ground, which could potentially be valuable habitat for sensitive fauna, and require further investigation, in the event that it is to be used for storage. Reviewing the area subject to the planning application, it has been demonstrated that the majority is now in active use, for storing material. The exception to this, is an area of partially vegetated ground on the eastern side of the application area. This area is covered in a mixture of soil and rubble, and supports a sparse covering of vegetation. The applicant advised that the area had been stripped of vegetation in the first half of 2013, and that existing vegetation has regenerated since then. The applicant also confirmed that this area had proven to be too soft to use for storage, and as such would be unlikely to be used, and therefore would be retained in its current form.
184. Planning conditions would ensure that the use of the area detailed above, is prohibited, unless an ecological survey is undertaken and appropriate mitigation provided. It is envisaged that any such condition would require this particular area to be pegged out and maintained for the duration of the development, to ensure that this area is defined and protected.
185. The County Council's Monitoring and Enforcement and Nature Conservation Officers are satisfied that these proposed mitigation measures, would adequately identify and protect any potential habitat, and provide suitable mitigation measures, including any compensatory measures, in accordance with the direction of the NPPF. The County Council's Nature Conservation Officer is able to support the proposals, based on an understanding that planning conditions would prohibit the use of the retained vegetation area, unless an ecological survey has been undertaken, and a scheme of mitigation both prepared and adhered to, where necessary. Accordingly, planning conditions would be attached to any decision notice in line with the NPPF.
186. Whilst the NWT has raised the issue of potential noise disturbance to sensitive ecological receptors, most notably breeding birds, the County Council's Nature

Conservation Officer is satisfied that results provided under the submitted Noise Surveys, demonstrate that any noise impact associated with extending working hours, would be marginal.

187. The indications are that both the modelled and measured noise levels (LA90) do not exceed 55dB, at those nearest residential receptors to the site. In this respect, both Woodside and Hillside Farms are somewhat closer to the site than the closest part of Bunny Old Wood, which is identified as the nearest sensitive ecological receptor. The closest part of Bunny Old Wood is at least a further 100m away from the site than these two properties. This enhanced distance from the site, would give further noise attenuation, in respect of Bunny Old Wood. Furthermore, subjective assessments detailed in the Noise Survey reports indicate that the site is not generally audible above existing background noise levels, which are dominated by the A60.
188. In terms of noise impact, the County Council's Nature Conservation Officer supports using the 55dB threshold, as the level at which noise may adversely effect the breeding behaviour of bird species, which are particularly sensitive to noise, such as the Nightjar and Woodlark. This threshold has been established as being acceptable, in relation to other major proposals, determined by the County Council, and it seems reasonable to use this figure in relation to the proposal under consideration in this report.
189. The County Council's Nature Conservation Officer has confirmed that it is unlikely that the proposals would give rise to any significant ecological impact within Bunny Old Wood, as a result of noise. It is considered that the proposed evening IBA operations have been demonstrated to be acceptable, and it is not anticipated that any further noise mitigation measures would be required. As such, it is considered that the proposals are capable of complying with the NPPF.
190. Contrary to the view taken by the NWT, it is considered reasonable to accept that dust impact is capable of being controlled in line with the existing dust suppression methods. Planning conditions would seek to ensure that where appropriate, the existing dust management measures are extended to cover the temporary extension site. Suitable dust suppression measures are in place on the existing established site, both in terms of existing planning controls, and environmental controls established under the EA's permitting regime.
191. Both the pollution control authorities (Environmental Health and the EA) are satisfied that suitable mitigation measures exist to cover the extended operations, subject to controls over stocking heights on the extension pad. Planning conditions would seek to ensure that existing dust mitigation measures cover the extension site, and the extended working. Any fugitive dust emissions are capable of being suitably controlled.
192. Overall, the proposals to extend working operations, both in terms of evening operations and storage on the extension site, are considered capable of being suitably controlled in terms of environmental impact on the local ecology, in accordance with the NPPF.

IBA Toxicity

193. The toxicity of the IBA waste has been raised as a concern by a number of local residents in relation to this development. The EA has been able to verify that in terms of their classification of the IBA material under their permitting regime, IBA is a non-hazardous waste stream, but not an inert. However, once the IBA material has been processed, the County Council's Monitoring and Enforcement Officers are satisfied that the end product is an inert secondary aggregate (IBA aggregate).

Highways implications

194. WLP Saved Policy W3.14 states that planning permission will not be granted for waste management facilities where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable disturbance to local communities.
195. A key issue raised by local residents relates to potential traffic impacts associated with the proposals. Specifically, there is concern that increasing rates of IBA recycling would inevitably lead to increases in HGV traffic through Bunny Village, given that it is routed through the village along the A60, on its way from Eastcroft Incinerator.
196. These concerns would appear to be unfounded given that the proposal does not include any increases in the annual throughput of waste material, including IBA waste, above that already permitted. As such, the proposals should not give rise to any increases in traffic impact. However, it is considered prudent to control lorry movements in line with the most up to date HGV records, recorded over the past twelve months.
197. It is considered reasonable to control lorry movements in line with the actual recorded figures, which reflect the levels at which the MRF site has historically worked to. This equates to an average of 100 two-way lorry movements per day. Access arrangements onto the A60 would remain unchanged, with access to the extension site being via an internal access route from the existing MRF site.
198. The County Council's Highways Officer is able to support the application on the understanding that total lorry movements are limited to 100 two-way movements per day, across a five day working week. Planning conditions would seek to secure that level of HGV movements.
199. The County Council's Highways Officer has indicated that provided these levels of traffic movements are adhered to, there are no highways implications.
200. The development accords with WLP Saved Policy W3.14, given that there would be no extra lorry movements, above and beyond those already permitted, and that the existing highway network, which serves the site, has sufficient capacity to accommodate traffic associated with operational activities at the MRF.

Health impact

201. There is nothing to indicate that there are any health impacts associated with the IBA treatment. The IBA is dealt with as a non-hazardous waste stream. The

outdoor storage and processing of IBA material is covered by a bespoke waste permit from the EA, which would ensure that pollution controls are firmly in place. The pollution control authorities (Environmental Health Officer and EA) have not raised any concerns relating to impacts on public health.

Surfacing and drainage

202. Saved Policy W3.5 of the WLP states that planning permission should not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water.
203. It is noted that the IBA storage bay has been constructed on impermeable hardstanding, with a sealed drainage system, in which all waste water flows to concrete wedge pits. The first pit captures the surface water which eventually passes over a weir into a second pit to allow settlement. Water from the second pit is then pumped into a holding tank for use in water suppression. Any excess water is tankered off site to an appropriate site. There are no point source discharges to controlled waters. This serves to mitigate any potential impacts, in terms of polluting local ground or surface water, in accordance with WLP Saved Policy W3.5.
204. It is considered that the existing hard surfacing of the extension site is sufficient to contain the Incinerator Bottom Ash Aggregate (IBAA). Given that this is a stable finished aggregate product, it would not be expected to release polluting contaminants at this stage. It is no longer classed as a waste product, having been through the WRAP Protocol, falling outside the permitting regime as a secondary aggregate. As such, it is not anticipated that the IBAA would pose a risk to local ground or surface water sources, and as such accords with WLP Saved Policy W3.5.

Other issues

205. Other general issues have been raised in relation to the development, which are set out in the following paragraphs.

Hours of operation

206. Attention is drawn to the fact that the County Council's Monitoring and Enforcement Officers have the scope to monitor the MRF site during the evenings, and indeed have already carried out such checks at various times during the last twelve months. It is not anticipated that there would be a problem in terms of monitoring IBA processing activities during evening hours of operation, and ensuring that the works are compliant with the suite of conditions attached to any planning permission.
207. On the evidence to date, there is nothing to indicate that IBA processing activities cannot be adequately monitored during extended evening hours. Any complaints would be dealt with under the normal complaints procedures, and the WPA is satisfied that it is capable of monitoring compliance with any suite of conditions, should planning permission be granted.

Lighting

208. Whilst the MRF site is relatively distant to the nearest residential property, it is acknowledged that there is the potential for increases in lighting impact. The proposals would involve extending working hours into the evenings, and the use of external lighting up to 20:00 hrs at night. It is noted that no extra lighting is being proposed as part of the works, nor is any lighting being proposed on the extension site.
209. Whilst no previous complaints have been received by the County Council in relation to lighting nuisance, it is nevertheless considered appropriate to place a requirement on the applicant, that in the event of light becoming a nuisance to surrounding land users and residential property, triggering a complaint to the WPA, then extra measures would be taken to mitigate these impacts. This might involve measures as simple as cowling to the lights or angling them differently. A suitably worded planning condition would ensure that the site's existing lighting is capable of being suitably controlled in the event of light becoming a localised nuisance to users of the surrounding land, including Bunny Old Wood, and the nearest residential development.
210. It is noted that the pollution and nuisance control authorities and agencies (Environment Agency and Environmental Health Officer (EHO)) raise no objections over potential light pollution. The Borough Council's EHO has observed that the site is shielded by bunds and other structures with residential property being some distance from the site. It is confirmed that there is no direct light spill onto residential development, and the EHO would not expect there to be issues with light nuisance. There is no record of any complaints of this nature.

Wheelwash facilities

211. All heavy goods vehicles leaving the site should be using the existing wheelwash facilities. An existing planning condition requires all such vehicles to use the on-site facility, so as to prevent vehicles leaving the site in a condition whereby mud, clay or other deleterious materials are carried onto the highway, in accordance with Saved Policy W3.11 of the WLP. This will continue to be monitored.

Other Options Considered

212. 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

213. 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

214. The existing MRF site benefits from perimeter security fencing to restrict unauthorised access, and the extension site would not be accessed from the public highway, but internally via an access point from the main MRF site. The fact that the extension site is screened from Loughborough Road by bunding, and mature vegetation, offers a degree of protection to the proposed site.

Human Rights Implications

215. 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) and Article 1 of the First Protocol (Protection of Property) may be affected. The proposals have the potential to introduce impacts such as visual amenity, dust, noise and odour impacts upon the nearest residential occupiers, and recreational users of Bunny Old Wood SINC. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as mitigating amenity impacts (dust, odour) that are directly attributable to the overstocking of IBA material on the Bunny MRF; and enhancing the MRF's capability to beneficially treat a commercial and industrial waste through recycling rather than disposal to landfill; coupled with the ability to control amenity impacts by way of suitable planning conditions. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Implications for Sustainability and the Environment

216. The application has been considered against the NPPF, PPS 10 (and the emerging draft), the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable development through recycling operations, which drive waste management up the waste hierarchy addressing waste as a resource and looking to disposal as the last option. In this respect, it would improve the capabilities of an existing MRF to beneficially treat waste, by improving recycling rates of IBA material, diverting it away from landfill, and promoting its re-use as a recycled secondary aggregate. In line with the principle of sustainable development, by re-using IBA waste, it also conserves raw materials and reduces the need for primary aggregates. The proposals accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of enhancing an existing recycling operation.

Other Implications

217. There are no service users, equalities, or safeguarding of children implications.

Conclusions

218. In conclusion, whilst the development is a 'departure' development in the context of RBNSRLP and WLP Green Belt policy, material considerations including the NPPF Green Belt policy, which allows for development that meets the 'very special circumstances' test; the temporary nature of the development; and support provided through PPS10 and WLP saved environmental protection

policies, argue in favour of the development on this extension site for the temporary period sought.

219. Whilst the site is located in the Green Belt, giving rise to an issue regarding the 'appropriateness' of the development in policy terms, on balance it is considered that the benefits of the development in terms of supporting existing recycling operations; the established use of the land (former Bunny Brickworks) for light industrial/general industrial/storage uses; the fact that the temporary use of land for open storage is not out of keeping with the established use on the site; and a lack of harm to the openness and permanence of the Green Belt, serve to provide the 'very special circumstances' which justify the proposal.
220. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the WLP. Subject to the use of appropriate planning conditions, adverse environmental/pollution impacts would not result. In reaching this conclusion, consideration has been given to WLP Saved Policies W3.3 relating to visual impact, W3.7 relating to odour, W3.9 relating to noise, and W3.10 relating to dust.
221. There is overarching policy support for the extension of the Bunny MRF, as an established waste management facility, in terms of Policy WCS8 of the WCS, given that the proposals would give rise to no unacceptable environmental impacts, subject to appropriate planning controls, and would deliver benefits, in terms of enhancing the facility's capacity to process IBA waste, and address the problem of overstocking, in a timely manner. In prioritising facilities higher up the waste hierarchy, the development would be compliant with WCS Policy WCS3, as a recycling operation. Overall, there are deemed to be material considerations sufficient to outweigh the conflict with RBNSRLP Policy EN14 and WLP W3.17. As such, the proposal is considered capable of being supported for the temporary period sought.
222. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Statement of Positive and Proactive Engagement

223. 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

224. 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.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Committee have power to decide the Recommendation.

[SHB.13.02.14.]

Comments of the Service Director - Finance (SEM 13/02/14)

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

Ruddington Councillor Reg Adair

Report Author/Case Officer

Deborah Wragg

0115 9696510

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

offrep.doc – DLGS REFERENCE

PSP.JS/PAB/EP5398.DOCX– COMMITTEE REPORT FOLDER REFERENCE

14 February 2014

RECOMMENDED PLANNING CONDITIONS

SCOPE OF PLANNING PERMISSION

1. The development hereby permitted is for:
 - a. the storage of reclaimed aggregates arising from the processing of Incinerator Bottom Ash (IBA) and inert construction and demolition waste at the Bunny materials recycling facility, for a temporary period expiring on 1 March 2015, as shown in red on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11 received by the Waste Planning Authority (WPA) on 20th June 2013. At the end of this period the use shall cease and the stockpiles of reclaimed aggregates shall be removed from the site and;
 - b. The processing of IBA waste within the processing building on the Bunny materials recycling site, as shown on land edged in blue on Drawing Reference No. MS231-11 received by the WPA on 20th June 2013, between the hours of 08:00 hrs to 20:00 hrs, on weekdays only (Mondays to Fridays, excluding Bank and Public Holidays) for a temporary period expiring on 1 March 2015.

Reason: To define the development hereby approved and in recognition of the applicant's request that the planning permission only be granted for a temporary duration.

2. During the extended evening hours of IBA processing set out in Condition 1b, the materials handling shall only be carried out by one front end loading shovel and one telehandler, and the only static plant to be operated shall be that located in the left 2 bays of the processing building as viewed from the south. At no times during the extended evening hours shall any other plant or machinery be used including the crusher, screener, picking station and dryer. No other operations or works other than IBA processing within the processing building shall be carried out during the extended evening operations.

Reason: For the avoidance of doubt as to the development hereby approved.

3. The WPA shall be notified in writing of the date of the commencement at least 7 days, but not more than 14 days prior to the commencement of the development hereby permitted.

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

4. The development hereby permitted shall only be carried out in accordance with the submitted application, and in the documents and plans identified below, other than where amendments are made in compliance with other conditions of the permission:

- a) Planning application form, Design and Access Statement, and Supporting Statement received by the WPA on 20th June 2013, except for the finish time which has been amended to 20:00 hrs, and the temporary twelve month period for relaxation of working hours, as amended by an email received on 28th January 2014 from MEB Design Solutions; and the height of the stockpiles of the materials stored on the proposed extension site, which shall not exceed 7 metres;
- b) Block Plan No. BUNNY05 received by the WPA on 20th June 2013;
- c) Site Location Plan No. BUNNY06 received by the WPA on 20th June 2013;
- d) Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11 received by the WPA on 20th June 2013;
- e) Plan titled 'Temporary Storage Area Layout' Drawing Reference No. MS231-12 received by the WPA on 20th June 2013;
- f) Noise Assessment Report, by Acute Acoustics Ltd. Reference 1524 Johnsons – Bunny NIA, dated 14th October 2013, received by the WPA on 14th October 2013, and the Appendix to Report by Acute Acoustics Ltd, dated 28th November 2013, received by the WPA on 29th November 2013.

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

- 5. The location of the crushing and screening plant for inert construction and demolition waste shall be maintained in the position shown on Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996.

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

- 6. The reclamation, recycling and transfer of materials from industrial and commercial wastes shall only be carried out on the permitted area edged in red on Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8th July 1996, and on land, as shown in hatched red on Drawing No. MS231-2B received by the WPA on 26th November 2012.

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

- 7. The recycling of inert construction and demolition wastes and soils shall only be carried out on the permitted area edged in red on Drawing No. 3a received by the WPA on 13th May 1994.

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

- 8. The wood shredder shall be located in the position shown on Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996.

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

Hours of operation

- 9. Except in emergencies to maintain safety of the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), or unless the WPA has agreed otherwise in writing, the site shall only operate between the hours of

07:30 hrs to 20:00 hrs on weekdays and 07:30 hrs to 13:00 hrs on Saturdays. There shall be no working on Sundays, Public or Bank Holidays. Within these times, the site shall only be operated in accordance with the time periods specified below:

Operation	Monday to Friday	Saturday	Sundays, Public & Bank Holidays
Operation of crushing and screening plant; and wood shredding operations	08:00 to 17:00	08:30 to 12:30	Not at all
Waste deliveries, including acceptance of IBA waste and export of processed material; operation of any plant or machinery, and operations which involve the movement of materials	07:30 to 18:00	07:30 to 13:00	Not at all
IBA processing involving the internal use of the IBA processing building (excluding use of the dryer), and the use of 1 Front Loading Shovel and 1 Telehandler for IBA materials handling	08:00 to 20:00	07:30 to 13:00	Not at all

Reason: To safeguard the amenities of local residents in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Access and wheelcleaning

10. All heavy goods vehicles leaving the site shall use the existing wheelwash facility. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the highway.

Reason: In the interests of highway safety and to accord with Saved Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

11. All on site vehicular movements shall be carried out in accordance with the approved vehicular routing and turning arrangements as shown on Plan Drawing No. SSW/CS15596/04 Revision A, received by the WPA on 26th June 1997, as approved in a letter from the WPA dated 21st November 1997.

Reason: To ensure the satisfactory working of the site.

12. A visibility splay from the access road along the A60, shall be maintained in accordance with the details approved by the WPA in a letter dated 23rd November 1994. A suitable visibility splay shall be maintained to the satisfaction of the WPA at all times.

Reason: In the interests of highway safety.

Environmental controls

13. All vehicles to be used on site in the processing and movement of materials shall be fitted with effective silencers.

Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).

14. The site shall be kept clean and tidy and steps shall be provided to prevent any litter from the site being deposited on adjacent land.

Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).

Noise

15. Noise levels associated with site operations, when measured at the northern boundary of Hillside Farm, Loughborough Road, shall not exceed 56dB(A) LA eq 1 hour at any time.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

16. In the event that a complaint is received regarding noise from the processing of the IBA on the site, which the WPA considers may be justified, the operator shall, within one month of a written request from the WPA, undertake and submit to the WPA for its written approval, a BS4142:1997 noise survey, to assess whether noise arising from the development exceeds the daytime criterion of 5db(A) above the existing background noise level, after the addition of the 5db(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997 at the nearest residential receptor (if applicable). The submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria. The noise mitigation measures shall thereafter be implemented in accordance with the approved details, and the mitigation measures maintained throughout the operational life of the site.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

17. All mobile plant used on site, including that used on the temporary extension site shown in red on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11 received by the WPA on 20 June 2013, shall be fitted with broadband noise reverse alarms.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Dust

18. The measures detailed in the approved Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by MEB Design Solutions' dated March 2013, received by the WPA on 13th November 2013, as approved in a letter sent by the WPA on 15th November 2013, shall be employed to ensure that dust emissions from the site, which for purposes of clarity consists of the materials recycling facility, which is shown as land edged in blue on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11, received by the WPA on 20th June 2013, and the temporary extension site shown in red on Drawing Reference No. MS231-11, received by the WPA on 20th June 2013, are controlled and fugitive dust prevented from leaving the site. In the event that it is considered necessary and upon the request of the WPA, there shall be a temporary cessation of material importation, screening and crushing operations, and the movement of materials during periods of excessively dry and windy weather.

Reason: To safeguard the amenities of nearby residents and to minimise dust disturbance at the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Drainage

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound 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 avoid pollution of the land and any watercourse.

20. There shall be no discharge of foul or contaminated drainage from the site, into either the groundwater system or any surface waters, whether direct or via soakaways.

Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

21. All foul drainage shall be contained within a sealed and watertight tank, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Operational matters

22. Only materials which are inert, solid, dry, non-oily, non-hazardous and non-putrescible shall be stockpiled on site outside the building.

Reason: To avoid pollution of the land and any watercourse.

23. Within the Materials Recycling Facility site as shown in blue on Drawing Reference No. MS231-11 received by the WPA on 20th June 2013, except for within the IBA storage bay, stockpiles of raw materials shall not exceed 7 metres in height above ground level and stockpiles of recycled materials shall not exceed 6 metres in height above ground level.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

24. Stockpiles of reclaimed aggregates shall not exceed 7 metres in height above ground level on the temporary extension area, as shown in red on Drawing Reference No. MS231-11 received by the WPA on 20th June 2013.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

25. During the times whilst the wood shredder is being used, within the operating hours set out in Condition 9 above, the three middle roller shutter doors on the southern elevation of the building shall be kept closed.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.9 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

26. The internal lining of the Waste Transfer Building in concrete blocks on the northern, eastern and western elevations, shall be maintained in accordance with the details shown on Drawing No. SSW/CS15596/003 Revision B, received by the WPA on 8th July 1996.

Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

27. All external lighting required in connection with the operations hereby permitted shall be angled downwards into the site and suitably shielded so as to minimise light pollution.

Reason: To prevent light pollution and to safeguard the amenities of the area in accordance with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (adopted December 2006).

Boundary Treatment

28. The approved boundary treatment, including the means of materials containment within the site, shall be maintained at all times in accordance with the approved details as shown on Plan Drawing No. SSW/CS15596/04 Rev. A,

received by the WPA on 26th June 1997, as approved in a letter from the WPA dated 21st November 1997.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

29. The existing hedge screen that runs along part of the northern boundary shall be retained and protected from any damage to the satisfaction of the WPA.

Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Traffic movements

30. The number of HGV's entering or leaving the site for the purposes of depositing or collecting waste material/reclaimed aggregates shall not exceed an average of 100 movements per day measured over any week period and subject to a maximum of 550 such vehicle movements in any week. A record of all daily vehicle movements shall be kept at the site, which shall be made available to the WPA in writing within one week of a written request.

Reason: In the interests of highway safety and to protect surrounding residential amenity and to accord with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Ecology

31. Within two weeks of the date of the implementation of this permission as notified under Condition 3, the area of retained vegetation/undisturbed ground, on the eastern part of the extension site, shall be pegged out, to the satisfaction of the WPA. The pegged out area shall be maintained for the duration of the permission and this area shall not be traversed by machinery or used for storage of material. In the event that the approved pegged out area is required for inert aggregate (including IBA) storage, then prior to its use, an ecological survey and a scheme of mitigation shall be submitted to the WPA for its written approval. Prior to the area being brought into use for inert aggregate (including IBA) storage, the approved scheme of mitigation shall be implemented. Thereafter, the mitigation measures shall be retained on site for the duration of the works/operations.

Reason: To ensure that the habitat for a protected species is suitably protected in accordance with the National Planning Policy Framework (March, 2012).

Annual throughput

32. The temporary extension in working hours to permit an increase in IBA processing within the IBA Processing Building, Mondays through to Fridays, (excluding Bank and Public Holidays) and the temporary use of land shown in red on Plan titled 'Temporary Storage Area' Drawing Reference No. MS231-11

received by the WPA on 20th June 2013 for aggregate storage, shall not result in the total throughput of all waste materials (inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA waste) received at the site exceeding 100,000 tonnes per annum. A written record of the tonnages of the waste materials shall be maintained by the developer. Records of the tonnages recorded shall be made available to the WPA in writing within two weeks of a written request from the WPA.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Buildings, fixed plant and machinery

33. No buildings, fixed plant or machinery, other than that approved by this permission and any other relevant planning permissions, shall be erected or placed on the site in association with the outdoor storage and processing of IBA.

Reason: To enable the WPA to control the development and to minimise its impact on the Green Belt and amenity of the local area, in accordance with Saved Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Informatives/Notes to applicant

The applicant's attention is drawn to the comments of the County Council's Nature Conservation Officer, who has advised that in the event that there is any further expansion onto land to the north of the temporary storage area (former Bunny Brickworks), appropriate ecological assessment/surveys for reptiles and potentially other notable and protected species, would need to be carried out, as this land has the potential to support reptiles.