

Planning and Licensing Committee

Tuesday, 18 October 2016 at 10:30

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

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Interests by Members and Officers:- (see note below)
 - (a) Disclosable Pecuniary Interests
 - (b) Private Interests (pecuniary and non-pecuniary)
- 3 Declarations of lobbying
- 4 Prospect Hill Infant and Nursery School Maple Drive Worksop 3 - 20
- 5 Response to DCLG on the Technical Consultation on Improving the use of Planning Conditions 21 - 30
- 6 Bunny Materials Recycling Facility Loughborough Road Bunny 31 - 98
- 7 Development Management Report 99 - 114
- 8 Work Programme 115 - 118

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in

the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

18 October 2016**Agenda Item: 4****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/16/00768/CDM****PROPOSAL: RETROSPECTIVE APPLICATION TO RETAIN A POLE MOUNTED
CCTV CAMERA****LOCATION: PROSPECT HILL INFANT AND NURSERY SCHOOL, MAPLE DRIVE,
WORKSOP****APPLICANT: THE HEAD TEACHERS - PROSPECT HILL INFANT AND NURSERY,
SCHOOL AND PROSPECT HILL JUNIOR SCHOOL****Purpose of Report**

1. To consider a planning application for the retention of a pole-mounted CCTV camera on the driveway shared by Prospect Hill Infant and Nursery School and Prospect Hill Junior School in Worksop. The key issues relate to school security, impact on residential amenity, and privacy concerns. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. Prospect Hill Infant and Nursery School and Prospect Hill Junior School are situated on a shared campus on Maple Drive within a residential estate approximately 2km to the north of Worksop town centre. Prospect Hill Junior School is situated closest to Maple Drive with the separate Infant and Nursery school sited to the rear. A bungalow (14 Maple Drive) is situated directly adjacent to the shared access drive to the west of the school entrance. Residential properties lie opposite the school on the northern side of Maple Drive. (Plan 1)
3. The schools campus boundary with Maple Drive is formed of perimeter green mesh security fencing with mature hedging and trees. The vehicle and pedestrian entrances, secured by entry gates are located at the north-west corner of the frontage adjacent to the neighbouring bungalow. The boundary with the bungalow is formed by a 2.0m high mature hawthorn hedge. Intercom and remote gate control systems are in place. A 3m high pole-mounted fixed direction CCTV camera, the subject of this application is set back approximately 12m inside the gates, and 20m back from the highway, and is sited on the grass verge alongside the access road and adjacent to the bungalow (Plan 2). The CCTV camera looks towards the entrance gates and the public highway on

Maple Drive beyond. It is understood that the camera has been in place for approximately one year.

4. A vehicle driveway to 17 Maple Drive lies directly opposite the school entrance gate. The front garden of number 17 is enclosed by a leylandii hedge which screens ground floor windows from view from the school entrance.

Proposed Development

5. The pole and camera have been erected without the benefit of planning permission. Permission is sought retrospectively to retain the erected 3.0m high fixed-position pole-mounted CCTV camera overlooking the entrance drive. The pole is coloured black.
6. The application is made jointly by both schools who each take a live feed from the camera to permit remote access to the school vehicular and pedestrian entrance gates. The schools' offices are alerted to persons wanting to gain access to the campus by intercom. The camera also provides site security through continuous monitoring and recording of images of the school entrance.
7. The schools have confirmed that the camera is fixed and cannot rotate or elevate unless manually moved. Planning officers have reviewed the CCTV images and the control software at both schools' offices. Using the software it is not possible to move or zoom the camera. It is possible to make the image display as a full-screen on the monitor however this does not alter the extent of the captured image.
8. The captured colour image is of good quality and shows in real time the school driveway, along with the double steel mesh gates and the pedestrian footway into the school. The image also captures the highway and the wheelbase of any parked cars opposite. It does not view the driveways or any other aspects of facing properties or any aspect of the adjacent bungalow at 14 Maple Drive. The camera has no audio capability and cannot capture conversations. Therefore whilst the camera does view elements of the public highway it does not view private property. Passing vehicles or pedestrians along Maple Drive are not readily identifiable as the camera is angled down on the entrance gates, where it can clearly see a vehicle turning in and out of the school site as well as pedestrians using the adjacent pedestrian gate.
9. The schools have confirmed that the camera has been installed and positioned so as to only view the area of the school gates and not any of the houses or driveways opposite. The schools consider the proposed pole and camera to be a proportionate response to their safeguarding needs. The installation has been reviewed since its introduction and the schools are content that the CCTV is used simply to maintain safety of children, staff and visitors.

Consultations

10. **Bassetlaw District Council** - No objection.

11. **NCC (Highways) Bassetlaw** – No objection. *The proposals are not considered to create an adverse impact upon the safe operation of the adjacent highway network.*
12. **Police Force Architectural Liaison Officer**- No response received.

Publicity

13. The application has been advertised by a site notice and by five neighbour notification letters to the closest affected properties in accordance with the County Council's Adopted Statement of Community Involvement Review. A further statement from the school was subsequently shared with the neighbours.
14. Six letters of objection have been received from three neighbours raising the following points:
 - a) A general feeling of private property being watched and consequent loss of privacy and compromising home security.
 - b) The camera monitors private property continually which is contrary to Article 8 Human Rights Act (right of respect for private and family life).
 - c) The camera is contrary to the Data Protection Act - the filming/monitoring of private property is excessive, not proportionate and not relevant to the stated purpose for providing security to school children.
 - d) The camera is contrary to Surveillance Code. CCTV should only capture images up to the school boundary.
 - e) The camera is recording the full range of the lens, whereas the images displayed on the office monitor are being adjusted to fit by the associated software. This means that private property is being recorded.
 - f) It is a simple procedure for the schools to adjust the camera angle meaning there is nothing to stop them from adjusting it as and when they please.
 - g) An image of the CCTV monitor/screen has been provided purporting to show the camera view extending across onto private property.
 - h) The school has not been open and honest about the full extent of the CCTV monitoring and has previously given conflicting information.
 - i) The presence of the camera is resulting in stress and ill-effects to health and wellbeing. The camera is an intrusion into private life.
 - j) Fear over ease of access to the recordings.
 - k) No other Worksop school has CCTV on their gates. It should be sufficient for CCTV on the main school doors, as all other doors open into securely fenced areas.
 - l) Irritating noise of buzzer on the intercom system.

- m) Questions are raised about possible audio recording and whether the camera is able to rotate.
 - n) Unrelated concerns about parking and tree works are raised.
15. Councillor Alan Rhodes has requested the application be considered by Planning and Licencing Committee and that consideration be given to privacy concerns raised by neighbouring residents.
 16. The issues raised are considered in the Observations Section of this report.

Observations

Background

17. CCTV cameras can be installed without the need for planning permission. There are Permitted Development Rights available for cameras fixed to a building (*Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 2 Class F*) subject to limitations on appearance, number and heritage impact. There are limitations on the number of cameras and how they are fixed to a building; a condition requiring cameras to be sited so as to minimise effect on the external appearance of the building; and that the camera is removed as soon as reasonably practicable after it is no longer required. The limitations on permitted development rights concern themselves with the appearance of the camera installation and not what the system is viewing or monitoring. However, permitted development rights do not extend to free-standing or pole mounted CCTV cameras except for Crown rights for the purpose of national security (Part 19, Class S).
18. The proposed camera does not benefit from permitted development rights and requires express planning permission. The application should be determined in consideration of the policies of the Development Plan and having regard to any material considerations. In this case the Development Plan consists of the adopted Bassetlaw Core Strategy & Development Management Policies DPD – 2011 (BCS), with the National Planning Policy Framework (NPPF) being a material consideration. Due regard should be given to effects on general and residential amenity in consideration of BCS Policy DM4 – *Design and Character* and this assessment should consider both the appearance of the installation as well as what is being viewed or monitored.
19. It is understood that the camera was installed on advice offered to the schools by a County Council Educational Improvement Advisor to improve security and safeguarding at the site. The camera allows the schools to see who is requesting entry when the gates are closed during the school day and, together with an associated intercom and gate control mechanism, allow each school office to remotely check the visitor in and out of the site and remotely open and close the gates. The camera records digital images continually which are retained for an appropriate but not indefinite period.

Safeguarding and crime prevention

20. The security of the site and the proper safeguarding of pupils is a material planning consideration. Paragraph 58 of the National Planning Policy Framework (NPPF) states that planning decisions should aim to create safe and accessible environments where crime, and disorder and the fear of crime, do not undermine quality of life or community cohesion. A core planning principle is to help improve health, social and cultural wellbeing for all and deliver sufficient community facilities to meet local needs.
21. The pole and camera are situated at an established school site within the built-up area of Worksop. The supporting statement accompanying the application states that the camera system has greatly improved school security by preventing any unauthorised entry to the site and also by monitoring to ensure that unaccompanied children do not leave the site. The schools add that safeguarding is a national, local and school based priority, and that the camera equipment is an essential item without which the safety of children, staff and visitors could be severely compromised.
22. Security cameras are more frequently installed at school sites and if sited appropriately can achieve safeguarding and site security. The installation at this site allows both schools to vet visitors on entry and remotely control the automatic gates. Such systems are commonplace in commercial and mixed-use settings and may not always require planning permission if erected as permitted development. The principle of a security camera at the school entrance is considered to accord with the aims of NPPF Paragraph 58 by providing a safe school environment, and came about following safeguarding advice.

Design and amenity

23. Objections to the retention of the pole mounted camera have been received from three nearby residents citing privacy and amenity concerns. BCS Policy DM4 – *Design and Character* (in part) states that:

New development should support stimulating and safe streets and public spaces, with active frontages at ground level to public spaces; have appropriate landscaping and boundary treatments (retaining historic walls and hedgerows); integrate crime prevention measures where this will not compromise the other principles of good design; and provide useable and functional open space.

New development should ensure that it does not have a detrimental effect on the residential amenity of nearby residents; provides a decent standard of private amenity space; ...and is not to the detriment of highway safety.
24. The appearance of the camera is considered to be acceptable. Whilst it is noted that the objectors see the pole and camera, in some cases from their property, it is not prominent in the street-scene and is set well back within the school driveway behind the entrance gates. The height of the pole is substantially lower than a street lighting column, for example, and the black painted finish does not make it visually prominent and is considered to be appropriate.
25. The issue in contention relates to the extent (or perceived extent) to which the camera is viewing property, other than school property, and the consequent loss of private amenity and privacy for nearby residents. The school entrance drive is

situated opposite 9, 17, 19 and 21 Maple Drive and is adjacent to the bungalow at 14 Maple Drive all of which have been notified of the application.

26. At its limits the camera is able to capture the wheelbase/lower half of a vehicle turning into or out of the driveway of 17 Maple Drive. However this is a limited glimpse and would be in addition to the passage of other traffic along the road. It is reasonable to expect the camera to capture the traffic within the road as it needs to deal with vehicles entering and leaving the school site. The camera is angled down such that only the lower part of vehicles continuing along Maple Drive are captured and this would include a vehicle accessing the property directly opposite.
27. As the highway is part of the public realm, members of the public generally expect and are acceptable of security surveillance, although privacy expectations do vary. Non-domestic operators of CCTV systems in such arenas, including schools, need to abide by a framework of other legislative and regulatory provisions. These include:
 - The Data Protection Act 1998
 - Freedom of Information Act
 - Protection of Freedoms Act 2012
 - Surveillance Camera Code of Practice (and Surveillance Camera Commissioner)
 - Human Rights Act
28. The Surveillance Camera Code of Practice includes 12 guiding principles for the use of CCTV systems. The school states that due regard has been given to the surveillance camera code and it is noted that they are registered with the Information Commissioners Office. They state that the camera installation is regularly reviewed to ensure it is still required. If correctly operated the system would be used as intended to control access and egress to the site and in the interests of children safeguarding and site security. To use it in a different way to survey the comings and goings of vehicles not associated with accessing the school would be contrary to the surveillance camera code and would be an issue beyond that with which the planning system should concern itself. Members should note that the CCTV industry and CCTV installations are covered under these other provisions and it is for the schools and the Governing body to oversee this and operate the camera in a compliant manner.
29. It is the stated view of an objector that the camera is more flexible than the evidence shows. In particular it is believed that the monitors are not showing the full extent of the camera recording and that a wider view is being captured on the recordings. In response the schools state that this is simply not the case and that the image is the total image that is being recorded. There is no reason to doubt this is the case. Planning officers have viewed the playback of various recordings captured by the system and the extent of the view is no different to that provided in the still images (Plan 3).

30. Evidence provided by an objector in the form of a black and white 'screen shot' from one of the school's monitors claiming to show a wider angle/view of the camera has been reviewed by planning officers. This dates from an earlier time and it shows a slightly wider camera image to that viewed by officers. It is also claimed that this image shows a driveway opposite as well as the associated garage door. The image is of poor quality although it is possible to make out the base of a parked car, along with the opposite footway and the threshold onto the private driveway. This is at the extreme corner of the camera image. This image has clearly contributed to the perception of the camera recording private property. An incident involving damage to the adjacent intercom unit, has also be cited as a concern that the camera is capable of recording a wider angle.
31. The discrepancy between this screen shot and current images provided by the school and viewed by planning officers can be explained in that the camera angle has previously been lowered by the school at the request of an objector and secondly it is also understood that a repair had to be undertaken due to excessive moisture build-up clouding the lens. This screen shot image submitted by the objector is not the image currently being captured.
32. Whilst there is clearly a perception of an impact on privacy and of being watched, there is no evidence that the camera, as installed, is recording private property and does not result in a detrimental effect on the residential amenity of the nearest residents, nor result in an unacceptable loss of privacy.
33. Although the retention of the camera would not satisfy the local objectors, in order to provide some satisfaction to them that the camera is incapable of monitoring private property planning conditions are recommended to specify that approval is given to the camera and lens currently installed and to require this not be altered, replaced or adjusted without the approval of the County Planning Authority. Consideration has been given to whether use of the camera outside of school hours should be restricted by planning condition, but to do so would remove the general site security benefit which the camera provides.
34. Members of the public have a right at any time to request a copy of the image from the school under the Data Protection Act and/or the Freedom of Information Act should they wish to satisfy themselves that the camera is being correctly operated thereafter. Such requests are subject to any exemption to that right which might apply under the relevant legislation and can be subject to a small administrative fee. Any complaints subsequently received by this authority alleging non-compliance with the terms of a planning permission would be investigated in the usual way.

Oher Issues

35. The Highways Authority is satisfied the camera does not pose a risk to the safe use of the highway. The gateway is set back from the road allowing waiting vehicles to pull clear of the highway.
36. A question has been raised by a resident regarding a 'buzzer' noise on the gate intercom system. It is understood this cannot be disabled and is outside of the scope of this application, being separate to the proposed camera installation.

Conclusion

37. The application is adjudged to accord with BCS Policy DM4 – *Design and Character* in terms of the acceptable form and scale of the CCTV camera installation, and that it is installed so as not to adversely impact on local amenity and neighbour privacy. The CCTV contributes to ensuring a safe and secure environment and supports the functioning of these local community schools in accordance with the aims of NPPF Paragraph 58.

Other Options Considered

38. 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

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

Implications for Service Users

40. The continued provision of the CCTV camera meets the requirements of the school for security and safeguarding purposes. The school is responsible for its proper operation under the Surveillance Camera Code of Practice and related legislation.

Crime and Disorder Implications

41. The development concerns a security camera installation which serves to secure the site and control access and egress to the schools.

Human Rights Implications

42. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the direction and range of view of the CCTV camera. The proposals have the potential to give rise to unacceptable loss of privacy to neighbouring occupiers through incorrect installation, adjustment or operation. However, this potential impact needs to be balanced against the wider benefits the proposal would provide in providing security to the school while safeguarding the privacy of neighbouring

occupiers through the imposition of planning conditions to limit and control the scope and operation of the CCTV camera. Members need to consider whether the benefits outweigh the potential impact and reference should be made to the Observations section above in this consideration.

Safeguarding of Children Implications

- 43. The camera installation serves a direct safeguarding purpose at the school site and was originally recommended by County Council Educational Improvement Advisor.
- 44. There are no Financial, Human Resource or Equalities implications and there are no Implications for Sustainability or the Environment.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

- 46. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

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

[RHC 03/10/2016]

Comments of the Service Director - Finance

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

[SES 27/09/16]

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Worksop North East and Carlton – Councillor Alan Rhodes

Report Author/Case Officer

Joel Marshall

0115 9932578

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

RECOMMENDED PLANNING CONDITIONS

1. Planning permission is granted for the retention of the installed pole-mounted CCTV camera which shall not be replaced, moved, reconfigured, tilted or adapted without the prior written approval of the County Planning Authority (CPA).

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

2. Planning permission is granted for the retention of the installed pole-mounted CCTV camera in accordance with the approved application details and the following documents:

- a) Planning application form and certificates received by the CPA on 18 May 2016;
- b) Location plan, supporting statement and photographs received by the CPA on 13 May 2016;
- c) Email statement from the Head Teacher Prospect Hill Infant and Nursery School received by the CPA on 6 September 2016; and
- d) Email from the Head Teacher Prospect Hill Infant and Nursery School received by the CPA on 15 September confirming installation height at 3m; and
- e) Camera make/model and lens specification [to be confirmed].

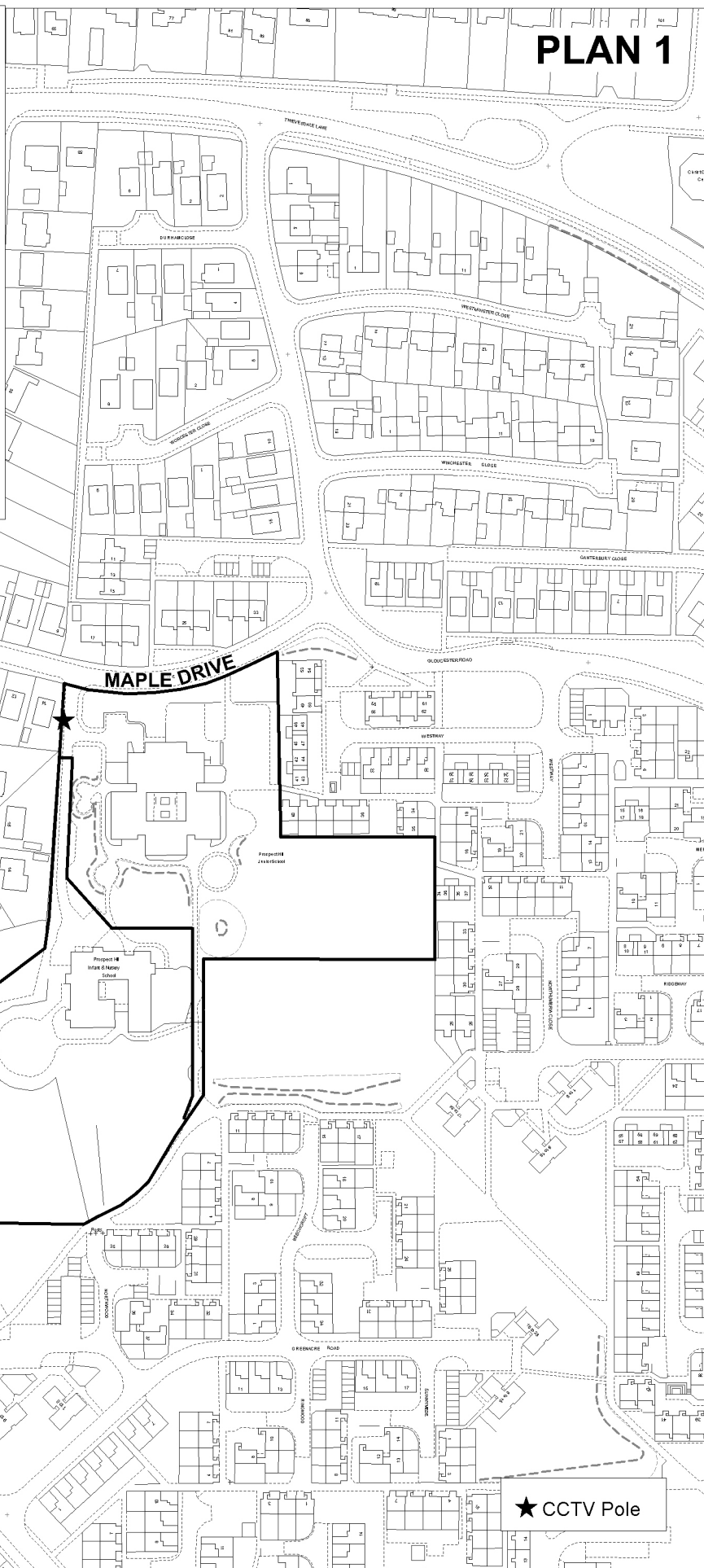
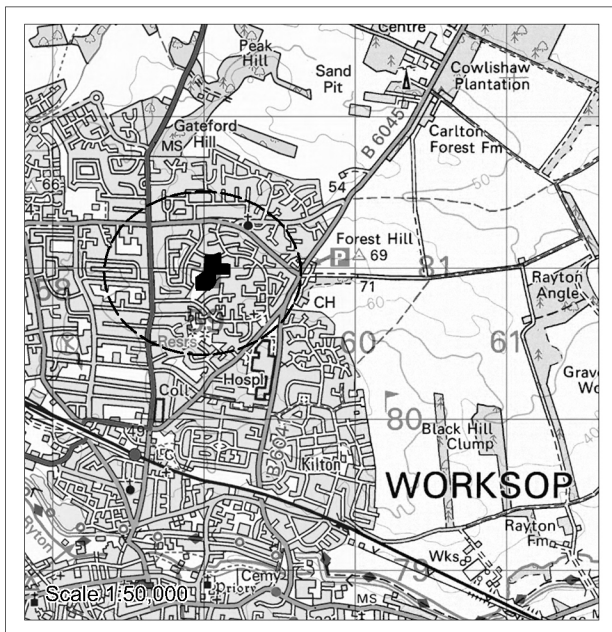
Reason: For the avoidance of doubt as to the development permitted.

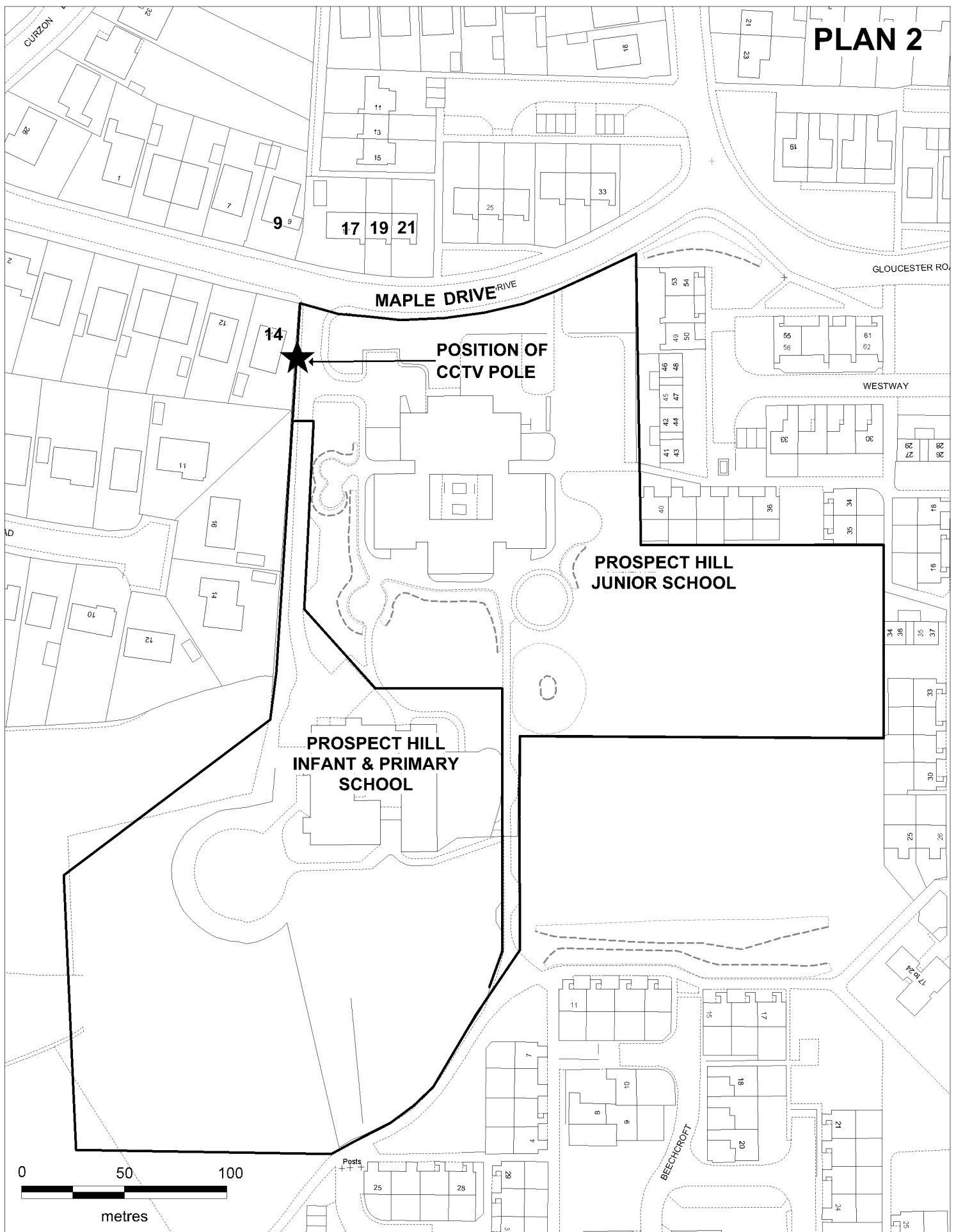
3. Notwithstanding the position of the CCTV pole shown on the approved location plan, the approved location of the pole and CCTV camera is the position shown on photographs in the supporting statement received by the CPA on 13 May 2016.

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

4. The approved camera installation shall not at any time provide surveillance of and private property and shall only view school land and the adjacent public highway.

Reason: In the interests of preserving residential amenity in accordance with Policy DM4 of the Bassetlaw Core Strategy and Development Management Policies DPD.





2016/09/21 WED PM 06:30:00 SRD-840 GATE

PLAN 3



2016/09/19 MON AM 07:20:00 SRD-840 GATE



**Nottinghamshire
County Council**

Retrospective application to erect a pole mounted CCTV camera
Prospect Hill Infant and Nursery School, Maple Drive, Worksop,
Nottinghamshire.
Page 19 of 19
Planning Application No. 1/16/00768/CDM

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Not to Scale
Produced by: JW
Date: OCT 2016

18 October 2016**Agenda Item: 5****REPORT OF CORPORATE DIRECTOR – PLACE****RESPONSE TO DCLG ON THE TECHNICAL CONSULTATION ON IMPROVING THE USE OF
PLANNING CONDITIONS****Purpose of Report**

1. To seek Members approval of the County Council's proposed response to the Department for Communities and Local Government (DCLG) on the consultation paper entitled "Improving the use of planning conditions".

Information and Advice

2. On 7 September 2016 the Government published the Neighbourhood Planning Bill (first announced in the Queen's speech in May) which introduced a number of new measures to support house building and provide communities with greater input into the Neighbourhood Planning process. As part of this Bill a reform of the use of planning conditions is proposed.
3. The Government has issued a public consultation paper entitled "Improving the use of planning conditions" seeking views on the Government's proposals to improve the use of planning conditions. The consultation paper outlines two measures that the Government is seeking views on:
 - The proposed process to prohibit pre-commencement conditions from being imposed unless the local authority has the written agreement of the applicant; and
 - The potential wider application of primary legislation to prohibit conditions in targeted circumstances.
4. The Government has identified two issues; firstly it is concerned that too many unnecessary, or otherwise unacceptable, conditions are being attached to planning permissions. This can present considerable burdens for applicants as well as local planning authorities. Conditions must meet the six tests set out in the National Planning Policy Framework (necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable) and should be the subject of discussions between the authority and the applicant to establish how a condition will impact on the planned delivery of the development.

5. The second issue identified by the Government is the use of pre-commencement conditions that must be formally discharged by the local planning authority before development can start on site. This can cause unnecessary delays in the delivery of the development and drive up costs.
6. In order to tackle these issues the Government has two proposals; these are the subject of this consultation document;
 - The process of prohibiting pre-commencement conditions from being imposed without the prior written agreement of the applicant; and
 - The wider application of primary legislation to prohibit certain conditions in defined circumstances where they do not meet the tests in the NPPF.
7. The proposed measures will not change the way conditions can be used to maintain existing protection for matters such as heritage, the natural environment, green spaces and the mitigation of flooding.
8. The Council's proposed response to the consultation forms Appendix 1 to this report. However, in summary, the planning decisions issued by this Authority are defended with the following evidence;
 - Proposed conditions are assessed against the six tests set out in the NPPF.
 - Conditions, where appropriate, are agreed with the applicant.
 - Relevant conditions are drafted in consultation with specialist officers such as conservation, heritage or noise experts.
 - Where necessary, conditions are drafted following the involvement of the Monitoring and Enforcement Team who are responsible for the subsequent monitoring of the planning permission including the attached conditions.
 - The County Council has a rigorous and transparent signing off procedure involving the case officer and either one or two managers depending on the case.
 - Conditions attached to the planning decisions made by this authority have not been the subject of an appeal or challenge.
9. In order to help formulate the response to DCLG, officers have asked the Planning Inspectorate (PINS) for some national statistics relating to number of appeals they have received specifically relating to conditions. They have provided the following information:

Fiscal Year	Conditions	Other	Total	% of total appeals	
2012-2013	324	10233	10557	3.1%	
2013-2014	274	9711	9985	2.7%	
2014-2015	287	10420	10707	2.7%	
2015-2016	593	11183	11776	5.0%	
2016-2017	303	5054	5357	5.7%	up to 19/09/16

10. As can be seen by the figures above the number of appeals against conditions is very low as a percent of total appeals which suggests that there is not a major issue relating to the conditions that local authorities attach to planning permissions. PINS further confirmed that although the success rate of appeals against conditions was fairly high (compared to other appeals) they only form an average of 1.5% of appeals allowed as a percentage of all appeals received.
11. In terms of the response to the proposal relating to pre-commencement conditions it is worth noting that the Council currently allows applicants to view and comment on proposed conditions, where appropriate. As such there would be no objection in principle for a requirement for local authorities to secure confirmation in writing that the applicant was satisfied with proposed pre-commencement conditions so long that this did not delay the decision making process.
12. The proposal to legislate against those conditions which do not meet the six tests set out in the NPPF is considered to be completely unnecessary. The full response is set out in the Appendix.

The Next Stage

13. DCLG's consultation period ends on 2 November 2016. The consultation is designed to help support the development and implementation of policy and will inform debate during the Bill's passage through Parliament. Members will be kept informed of any significant changes to the County Council planning processes as a consequence of the Bill.

Other Options Considered

14. No alternative options have been considered.

Statutory and Policy Implications

15. 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.

Implications for Service Users

16. Depending on the outcome of the consultation, if the proposals for changes to the use of planning conditions are taken forward there may be implications some of the County Council's planning processes and for those applicants who submit applications to the County Council for determination.

Human Rights Implications

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

RECOMMENDATIONS

18. It is RECOMMENDED that Members approve the County Council's response to be sent to DCLG, as set out in Appendix 1 to this report, on the technical consultation on "Improving the use of planning conditions".

TIM GREGORY

Corporate Director – Place

Constitutional Comments

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

[RHC/03/10/2016]

Comments of the Service Director - Finance

There are no financial implications arising directly from this report.

[RWK 29/09/2016]

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

All

Report Author/Case Officer

Jane Marsden-Dale

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

Nottinghamshire County Council's response to the "Technical consultation on improving the use of planning conditions"

Questions

Question 1 – Do you have any comments about the proposed process for prohibiting pre-commencement conditions from being imposed where the local authority do not have the written agreement of the applicant?

The objective behind this proposal, which seems to be promoting greater dialogue between local planning authorities, applicants and any relevant consultees to achieve pre-commencement conditions which are acceptable to all parties, is welcomed. This Authority already gives applicants sight of proposed conditions where appropriate to do so, with an opportunity to comment. As such, there is no objection to this proposal to require pre-commencement conditions to be agreed in writing. However, any proposal which leads to any unnecessary delays in the decision making process and the Authority's ability to meet its statutory determination targets is not supported.

The view of the County Council in its role as a Statutory Consultee is that Planning Authorities are already well versed in planning legislation and guidance and have existing procedures in place to ensure transparency in their determination of matters which means that they will only apply pre-commencement conditions where they are already satisfied that they are both required and necessary to protect the interests of the public and environment. The Highway Authority and Local Lead Flood Authority will also only wish to have such conditions where they are genuinely required and can be defended. The existing relative certainty (subject to the agreement of the LPA) of reasonable and genuinely required pre-commencement conditions do also allow Statutory Consultees such as the Highway Authority and Local Lead Flood Authority to provide the ability to provide positive observations. It is the belief of the HA and LLFA that the Government's proposals on pre-commencement conditions will not assist in ensuring that applicants in all instances deliver improvements and facilities prior to developing their sites leading to additional difficulties for those Authorities involved and potentially leaving the public bemused at the processes behind planning.

Question 2 – Do you think it would be necessary to set out a default period, after which an applicant's agreement would be deemed to be given? If so, what do you think the default period should be?

In connection with the answer given to Question 1 above relating to determination times, it is considered necessary to set a default period after which the applicant's agreement is deemed to have been given. A maximum period of 14 days should be allowed for the applicant to respond. The Government should also consider whether it would be appropriate to put in place the necessary legislation to "stop the clock" once the local planning authority has made a formal request to the applicant.

Question 3 – Do you consider that any of the conditions referred to in Table 1 (p.11) should be expressly prohibited in legislation? Please specify which type of conditions you are referring to and give reasons for your views.

This proposal to make conditions set out in Table 1 expressly prohibited in legislation is considered to be completely unnecessary. If conditions fail to meet the six tests set out in the NPPF they should not be being used. If this was a problem nationally there would be a significant number of appeals against unnecessary conditions being made and the Planning Inspectorate overturning planning decisions.

In order to help formulate Nottinghamshire County Council's response officers contacted the Planning Inspectorate who confirmed the following details:

Statistics on planning appeals relating to conditions

Fiscal Year	Conditions	Other	Total	% of total appeals	
2012-2013	324	10233	10557	3.1%	
2013-2014	274	9711	9985	2.7%	
2014-2015	287	10420	10707	2.7%	
2015-2016	593	11183	11776	5.0%	
2016-2017	303	5054	5357	5.7%	up to 19/09/16

These figures show that nationally the number of planning appeals relating to conditions is very low. PINS further confirmed that although the success rate of appeals against conditions was fairly high (compared to other appeals) they only form an average of 1.5% of appeals allowed as a percentage of all appeals received. Therefore this is clearly not considered to be a significant problem for applicants and as such the proposal to make certain conditions unlawful is not felt to be necessary. The requirements for conditions to meet the six tests set out in the NPPF should be retained and rigorously adhered to.

Question 4 – Are there other types of conditions, beyond those listed in Table 1 that should be prohibited? Please provide reasons for your views.

No, see answer to Question 3 above

Question 5 – (i) Do you have any views about the impact of our proposed changes on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

It is not anticipated that the proposed changes will have any impact on people with protected characteristics

(ii) What evidence do you have on this matter?

No comments

(iii) If any such impact is negative, is there anything that could be done to mitigate it?

No comments

Question 6 – (i) Do you have any views about the impact of our proposed changes on businesses or local planning authorities?

As referred to in Question 1, the impact of the proposed changes will be to potentially cause unreasonable delays to the decision making process and to have an adverse impact on the Local Authority's ability to meet its statutory determination periods which would be unacceptable.

(ii) What evidence do you have on this matter?

No comments

(iii) If any such impact is negative, is there anything that could be done to mitigate it?

Set realistic default timeframes whereby the LPA can make a decision when there is no response from the applicant within the prescribed time.

Table 1 – Referenced in Questions 3 and 4 of Appendix 1

Table 1: Summary of the current list of planning conditions that should not be used (as per planning practice guidance)

	Conditions	NPPF test this condition would fail
1	Conditions which unreasonably impact on the deliverability of a development – e.g. disproportionate financial burden	Test of reasonableness
2	Conditions which reserve outline application details	Test of reasonableness Test of relevance to the development to be permitted
3	Conditions which require the development to be carried out in its entirety	Test of necessity Test of enforcement
4	Conditions which duplicate a requirement for compliance with other regulatory requirements – e.g. Building Regulations	Test of necessity Test of relevance to planning
5	Conditions requiring land to be given up	Test of reasonableness Test of enforcement
6	Positively worded conditions requiring payment of money or other consideration	Test of necessity Test of reasonableness

18 October 2016**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR – PLACE****RUSHCLIFFE DISTRICT REF. NO.: 8/16/00059/CMA**

PROPOSAL: SECTION 73 PLANNING APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 8/12/01028/CMA, CONDITION 7 OF PLANNING PERMISSION 8/96/79/CMA AND CONDITION 9 OF PLANNING PERMISSION 8/94/00164/CMA TO EXTEND THE PERMITTED OPERATIONAL HOURS FROM 0730 HOURS TO 0600 HOURS MONDAYS TO SATURDAYS TO ALLOW 10 OUTBOUND PRE-LOADED HGV MOVEMENTS FROM THE SITE.

LOCATION: BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY

APPLICANT: MR STEVE JOHNSON

Purpose of Report

1. To consider a planning application to extend permitted operational hours and bring forward the site's opening time to 6am Mondays to Saturdays (from an approved start time of 07:30am) so as to permit up to ten pre-loaded outbound heavy goods vehicles (HGVs) to leave the Bunny Materials Recycling Facility (MRF), Loughborough Road, Bunny, Monday to Saturday.
2. This planning application was originally considered at Committee on the 28th June 2016 and the attention of Members is drawn to the original report to that Committee, attached as Appendix 1, which provides background details of the proposed development.
3. This report updates Members on the outcome of the applicant's response to various concerns raised at the 28th June 2016 meeting and informs Members of further objections the Waste Planning Authority (WPA) has received from Bunny and Bradmore Parish Councils, two local residents and a petition with 268 signatures. The key issues raised in these representations relate to early morning traffic impacts and associated health and amenity impacts from traffic noise on local residents along the length of the A60 route from Bunny through Bradmore and Ruddington.
4. The site lies within the Green Belt. Accordingly the application has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to the conditions in Appendix 2 and the operator entering into a Section 106 legal agreement to control lorry routeing and prohibit

HGVs associated with the business travelling along Gotham Lane between 6am – 7:30am.

Summary of Development Proposals

5. Planning permission is sought to vary operational hours on extant planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA, to allow loaded HGVs to leave the Bunny MRF site from 6am Mondays to Saturdays. The current planning controls prohibit vehicle movements into and out of the site before 7:30am.
6. Since Members considered the planning application in June the applicant has amended the requested maximum number of HGVs permitted to leave the site during this early morning period, reducing the maximum number to 10 (planning permission was originally sought for 12).
7. The early morning HGVs would not be in addition to existing permitted HGV numbers which are capped at 100 movements per day and 550 movements per week; nor would there be any increase in annual throughput of waste materials, with 100,000 tonnes being handled per year.
8. The applicant is prepared to enter into a legal agreement to ensure that none of the 10 HGVs leaving the site between 6am and 7:30am travel along Gotham Lane.

Planning background

9. At the 28th June 2016 meeting of the Planning and Licensing Committee, Members considered the above planning application. After debate Members resolved to defer a decision on the planning application to enable the applicant to be formally requested to amend the requested operating times to 7am Mondays to Saturdays rather than 6am, as proposed. In addition, further background information concerning the MRF's business activities and operational practices relevant to the proposals was sought by Members, as referenced in the following paragraphs.
 - (a) Verification was sought as to the measures the operator could put in place to ensure that the 12 HGVs leaving the site before 7:30 am do not do so in convoy.
 - (b) Clarification was sought as to whether HGVs are permitted to remain parked with engines running. If it is necessary to leave HGVs with their engines running confirmation was sought from the operator as to the length of time prior to leaving the site this was necessary and whether this would vary depending on the time of year, the weather and type of vehicle.
 - (c) Evidence was sought as to the quantifiable economic benefits that an earlier start time could bring to the business including any contracts the company could identify where early morning delivery times were a condition of that contract.
 - (d) It was further requested that the economic impact on the business of not being able to make deliveries to customers before 7:30am be quantified

including any evidence in the form of contracts that had been lost due to an inability to meet earlier delivery times because of existing restrictions.

- (e) Whether the applicant would be willing to accept a compromise of a 7am start as opposed to 6am. In support of this, it was noted that the majority of waste operators in the county have similar restrictions on hours of operation, with typical starting times of 7am or 07:30am.
- (f) A break-down of the number of HGV anticipated to head north and south along the A60 between 6am and 7:30am.
- (g) Assurances from the applicant that any planning conditions attached to any new planning consent would be adhered to; and whether there were any additional measures the applicant would be prepared to introduce to ensure compliance. From the debate at June's Planning and Licensing Committee, it was apparent that the operational record of the applicant was causing a great deal of concern to Members, highlighted by the fact that the planning application under consideration in this report is again retrospective (as has been the case with previous planning applications 8/12/01028/CMA, 8/13/01494/CMA and 8/15/00050/CMA) and was only submitted after it was observed that Johnson Aggregates were running HGVs out of the site outside permitted operating hours including the morning of 24th June 2016 when three HGVs were observed leaving the site before 6am.
- (h) Clarification regarding the current situation with Incinerator Bottom Ash (IBA) waste, given that on previous occasions (Plg. Refs. 8/12/01028/CMA, 8/13/01494/CMA and 8/15/00050/CMA) County Council Planning Officers and Members had been led to understand that the commencement of operations at the applicant's Stanton facility would lead to a reduction in activities at the Bunny MRF including ceasing to handle IBA there.

Response of Applicant (Supplementary Planning Statement)

- 10. The applicant has reviewed the planning submission since the June Committee. This review has not resulted in any change to the requested operating hours with the applicant continuing to seek planning permission for vehicle movements from 6am, but the applicant has reduced the requested number of HGVs that would be permitted to leave the site between 06:00am and 07:30am Mondays to Saturdays, reducing the numbers down from 12 as originally requested to 10 lorries.
- 11. The applicants response to the questions raised by Members is summarised below:

Operational practices

- 12. The applicant considers adequate measures are in place to ensure HGVs leaving the site before 7:30am do not do so in convoy. A Transport and Logistics Policy is issued to all drivers which details a general procedural policy which must be adhered to at all times whether driving on the public highway or on private property. Criteria 14 of this policy states that drivers must never

travel in convoy or wait for another vehicle unless authorised to do so by the Transport Manager.

13. The aims and objectives of the Transport and Logistics Policy is to ensure that all staff and suppliers are made aware of their responsibilities, enabling the company to conduct its transport and logistics in a safe and efficient manner with minimal impact on others. The policy sets out both the company's responsibilities and the responsibilities of those working for Johnsons Aggregates. It is stressed that non-compliance with this policy is taken seriously and dealt with appropriately, with the company taking whatever action is required to ensure compliance, including termination of contracts or employment. All drivers receive training and are adequately instructed of this policy.
14. The County Council is informed that all drivers leaving the site before 7:30am are given a specific time at which to leave the site, at a minimum of five minute intervals between vehicles and it is a disciplinary offence to miss the designated slot. In practice, the applicant has drawn attention to the fact that it is a rare occurrence for all 10 HGVs to be dispatched from site before 7:30am and that often no lorries leave at this time.
15. It is confirmed that all the applicant's HGVs are modern, efficient vehicles that do not require a period of idling to warm up. All drivers are provided with defrosting equipment so that on cold mornings they can defrost the windscreens without needing to use the heat from the engines.

Business/economic implications

16. In terms of economic implications arising from existing controls which limit deliveries to after 7:30am, the company state they have lost one significant contract with a major mineral operator within the last six months due to the company's inability to supply HGVs into one of its quarries for 7am. It has also impacted on some 15 smaller contracts.
17. Whilst formal feedback from prospective clients has not been received, the applicant nevertheless considers the company's inability to service industrial and development sites for 7am when the building trade tends to start work is significantly affecting the business and its 50 plus employees. Reference is made to the fact that the industry tends to require materials and HGVs for when the workforce start work at 7am and not 30 to 60 minutes later. Therefore the ability of the company to send out up to 10 pre-loaded HGVs from 6am would enhance the company's ability to tender for contracts.
18. The applicant has confirmed that there is no intention at the current time to permanently cease IBA importation into the Bunny MRF when the Stanton facility becomes operational at the end of this year. The applicant states that whilst the new facility may well reduce or periodically stop the flow of IBA into the Bunny site the company needs to maintain flexibility with regards to its business.

19. On previous experience the applicant has stated that whilst the split between HGVs heading north towards Nottingham or heading south varies on a daily basis, the average represents a 60/40 split favouring the south.
20. The applicant states that compliance with planning and permitting conditions is a matter of priority for the business. This is reflected by the recent appointment of a director within the company with specific responsibility for ensuring procedures are in place to minimise the risk of non-compliance. An internal audit has placed a requirement on all drivers to sign up to a pledge that they both understand and will adhere to the company's new Transport and Logistics Policy. The relevant director has direct responsibility for ensuring compliance with this policy and assurances are given that the policy will be kept under review, as and when necessary.
21. With regards to the operator accepting a 7am start as opposed to a preferred 6am start by way of a compromise, the following reasons have been given by the applicant as to why this is not acceptable.
 - a) Whilst accepting that the majority of waste operators within the county are restricted in terms of operating hours, the company's main competitors are not restricted to Nottinghamshire. Examples given by the applicant are namely Ballast Phoenix, a company which apparently has no controls over operational hours at its Castle Bromwich IBA recycling facility and similarly FCC at its Lincoln IBA recycling site.
 - b) It is considered that the noise assessment is clear in its conclusion that there would not be unacceptable impacts upon local residents as a result of undertaking deliveries from 6am. The applicant states that the A60 is an extremely busy route for HGVs well before 7:30am and the proposed additional HGVs which are now proposed to be 10 rather than 12 would introduce only a marginal increase in terms of vehicle numbers and associated impacts.
 - c) Since the June Committee the applicant has reappraised the Company's transport needs and has revised the proposed number of HGVs seeking to leave the site between 06:00am and 07:30am Mondays to Saturdays down from 12 as originally requested to 10 lorries.
 - d) The applicant would be amenable to a temporary permission to afford the WPA the opportunity to assess fully the impacts of the change in operational hours and early hour lorry movements. It is requested that planning conditions be used to control both HGV numbers and the duration of the proposed development.
 - e) The applicant therefore does not favour a 7am start, but the company acknowledge that this could nevertheless be imposed by way of a planning condition.

Consultations

22. No further rounds of consultation have been undertaken with regards to the supplementary information received from the applicant on the basis that this information has been provided to address Members concerns arising out of the

June 2016 Committee. Notwithstanding this, four further representations have been received from Bunny and Bradmore Parish Councils and two local residents since the June Committee. These representations raise the following observations.

23. **Bunny Parish Council** *Object to the planning application. The Parish have forwarded a petition from local residents signed by 268 local residents, objecting to the planning application stating that the dispatch of 12 pre-loaded vehicles between the hours of 6:00am and 7:00am would create unreasonable noise and disruption for residents at an unsuitable hour of the day, to reinforce the earlier objections to the application. During the process of compiling the petition, the Parish Council state that many residents expressed concern and anger at the activities of the applicant in relation to the operation of the site, particularly with regards to breaches of the existing planning and regulatory requirements in relation to working hours, noise, dust and odour. Residents have no faith in the Company observing current requirements and are sceptical that the Company would abide by any conditions in the event that the application is approved. It is noted that this reinforces the views expressed by several Councillors at the earlier planning meeting.*
24. *Turning to the response from the applicant to the additional information requested by Planning Committee the following observation are made.*
25. *The measures proposed by the applicant in relation to the control of activities between 6am and 7:30am and the reduction in the number of vehicle movements do not overcome the fundamental objection to any earlier start in activities at the site. In addition, given the applicant's previous record in relation to ensuring that the existing planning conditions and regulatory requirements are implemented, there is no confidence that the proposed conditions would be adhered to.*
26. *The responses to the request for further information in relation to lost contracts due to the later start and the division of north/south movements are interesting however the prime responsibility of the Parish Council is the well-being of the residents and not the commercial interests of an individual or company.*
27. *Confirmation that the processing of IBA at the Bunny site would continue should the proposed new facility at Stanton become operational whilst not surprising is unwelcome. As indicated by the petition and the views received during its compilation, residents would like to see an end to processing at the Bunny site. As long as it continues and under whatever planning conditions and regulations apply, it will continue to attract complaints and adversely affect the lives of Bunny residents.*
28. **Bradmore Parish Council** *have requested that the concerns of Bradmore residents be recorded and taken into consideration when a decision is finally made. Local residents presented their concerns to the Parish Council, considering that to allow HGV vehicles to leave the site as early as 6am in the morning would cause disruption to residents living along the A60 at Bradmore. It is noted that Councillor Adair reported to a Parish Council meeting on 29th June 2016, the outcome of the 28th June Planning & Licensing Meeting and the*

decision to defer a decision to a subsequent Committee. It was also reported that the Company would reconsider a start time of 7am as opposed to 6am.

Local Residents

29. The two letters received from households in Gotham Lane and Moor Lane raise objections on the following grounds:
- (a) Whilst the County Council states that the noisy part of the loading HGVs would be completed the day before during the normal working day, this is a misnomer as the additional noise comes from road noise particularly on Gotham Lane where Johnsons vehicles have been recorded at noise levels ranging between 90 and 100 decibels, which is similar to having the noise of a live rock concert in your front garden;
 - (b) Johnsons are no friends of the local residents and some of their behaviours are disgraceful and actually illegal;
 - (c) Heavy use of the road by commuters begins quite early and if this is preceded by heavy plant often exceeding the speed limit from before dawn in the winter, this would have a detrimental effect on householders;
 - (d) A poor road surface means traffic noise is not just heard by those immediately next to the road, but is audible some distance away, and is particularly disturbing when occurring at relatively peaceful times of the day;
 - (e) The needs of residents and their right to enjoy a quieter environment should outweigh the commercial aspects on this occasion;
 - (f) How long before the lorries start out a few minutes early or an extra load is added;
 - (g) It appears this is likely to be a long-term arrangement even if some of the business moves to Stanton, so any new permission could have a long-term effect;
 - (h) The residents situation should be at the top of consideration
30. The issues raised are considered in the Observations Section of this report.

Observations

31. The application has been submitted by Johnsons Aggregates, to both regularise unauthorised lorry movements, and to improve operational practices with regards to the supply and delivery of secondary aggregates to customers both to the north and south of Bunny site.
32. The observations set out in the previous report (attached as appendix 1) still stand, and are relevant in determining this application, but with regard to the issues raised by Members at the previous Committee meeting and further

representations received since then from the applicant, the local community, and the Parish Councils the following observations are made.

33. The applicant has previously cited the difficulties involved in transporting recycled materials to customers when HGVs cannot leave the Bunny site until 7:30am which means they get caught up in the morning peak hour traffic. Further supporting information from the applicant indicates that the company's inability to service industrial and development sites for 7am is significantly affecting the business and its workforce of over 50 employees. It is pointed out that the construction industry tends to require materials by 7am for when the workforce actually start work and not 30 to 60 minutes later. Therefore the ability of the company to send out up to 10 pre-loaded HGVs from 6am would enhance the company's ability to tender for contracts.
34. The applicant has put forward further justification in terms of a business and economic need for the earlier start time and the dispatch of HGV deliveries from 6am. However, this needs to be weighed up against residential amenity impacts that could potentially be generated by extending operational hours to allow a 6am start. Whilst this would be restricted to pre-loaded outbound lorry movements only, it would still involve running HGVs out of the site in the early hours of the morning, outside the working hours which have historically operated at the Bunny MRF.
35. The WPA takes very seriously the alleged breaches of conditions on existing extant planning permissions pertaining to the Bunny site and also to the retrospective nature of the previous four planning applications that have been brought before Committee over recent years. This is evidenced by the fact that planning enforcement action has been taken against the operator on previous occasions. Furthermore, the background to this planning application is that it has arisen in response to a complaint received by the WPA regarding unauthorised out-of-hours lorry movements, which was duly investigated and substantiated by the County Council's Planning Enforcement Team.
36. It is also acknowledged that operating in this manner has undermined relations between Johnsons Aggregates and the local community, this is reflected in the representations received from local residents, the Parish Council and the Local Member. In particular the concerns are that the operator would not comply with planning conditions on any planning permission granted by the County Council.
37. The applicant's response to address these concerns is to appoint a member of staff to oversee procedural matters including the implementation of a transport and logistics policy to which all HGV drivers must sign up to. This indicates that the company are taking a more pro-active approach towards ensuring compliance with extant planning consents and conditions; and this is to be welcomed.
38. The new information received from the applicant does not change the previous conclusions reached by Officers (which were informed by technical consultation responses) insofar that the movement of pre-loaded HGVs off the Bunny MRF site between 6:00am and 7:30am would not create any significantly harmful environmental impacts, although the reduction in the number of HGVs departing the site during this period to 10 is welcomed.

39. The recent representations, including a 268 signatory petition from the residents of Bunny, highlight the overwhelming concern of the local community both within Bunny and along the route of the A60 notably in the villages of Bradmore and Ruddington to the perceived noise and disruption that the additional lorry movements could potentially cause in the early hours of the morning when residents consider they have a right to enjoy a quieter environment. Bradmore Parish Council, who had not previously made any representations also request that the concerns of residents living along the A60 in Bradmore are taken into consideration.
40. Paragraph 006 of the Planning Practice Guidance on Noise (PPG) (published on-line in March 2014 and periodically updated) recognises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected; with this being dependent on various factors combining in a particular situation. This might include the source and absolute level of noise together with time of day when this occurs. It is recognised that some types and level of noise would cause a greater adverse effect at night than if it occurred during the day, given that people tend to be more sensitive to noise at night when trying to sleep. Any adverse effect can also be greater simply because there is less background noise at night.
41. In line with this, it is recognised that the potential for disturbance to local residents from noise impact along the length of the A60 route from Bunny through Bradmore and Ruddington is potentially more subjective; and the subjective nature of that noise means that there is no simple or straightforward way of quantifying the relationship between noise levels and any impact on those affected. However the evidence from the noise assessment submitted in support of the planning application is clear that any change in noise level attributable to the extra early morning HGV movements along the A60 is negligible. The County Council's Noise Engineer and Rushcliffe Borough Council's Environmental Health Officer (EHO) have considered the noise assessment and are satisfied that the proposed lorry movements would not result in any appreciable noise and vibration impacts on the nearest residential properties at these earlier times of the day.
42. If this is then considered in the context of the direction contained in the PPG, it seems reasonable to suggest that there would be negligible impact on the quality of life of those living along the A60. Paragraph 005 of the PPG states that 'quality of life is diminished due to a change in the acoustic character of the area'. It seems reasonable to assume that in the case of traffic related environmental noise, a change in the quality of life is intrinsically linked to a change in the acoustic character of the area. In this respect, as a principal trunk road into Nottingham city centre, linking Loughborough to Nottingham, traffic levels are already relatively high between 6am and 7:30am; and it is a relatively busy route for HGVs at this time of the morning. This is reflected in the official traffic counts provided by the County Council's Highways Authority between the months of September to October 2013, and broadly reflected in a recent count undertaken during a planning monitoring inspection undertaken by officers of the WPA.
43. Notwithstanding the fact that HGV noise is more distinctive than that of normal traffic flow, the relatively high volume of traffic on the A60 between 6:00am and

7:30am which includes existing HGV movements ensures that the impacts of the additional HGVs on the acoustic character of the A60 and surrounding residential areas would be barely discernible.

44. The applicant has reduced the number of early morning lorry movements down from 12 to 10 meaning that any residual noise and vibration impacts associated with the lorry movements would be further reduced. The reduction in the number of proposed HGV movements represents an overall reduction of approximately 17 per cent less vehicles associated with the development travelling along the A60 in the early hours of the morning.
45. As such, the proposals would accord with Waste Core Strategy Policy WCS13 and the PPG, given that it has been demonstrated that there would be no unacceptable impact on environmental quality or the quality of life of those living both within the vicinity of the MRF site and along the route of the A60, nor would there be any unacceptable cumulative impact arising from a material change in site operations permitting increased early morning HGV movements along the primary road network.
46. The June Committee report stated that the 12 HGVs would head along the A60 towards Nottingham City Centre and then on to the north of the county. The supplementary information from the applicant however has confirmed that recent evidence indicates that 60 per cent of early morning HGVs in fact head southwards along the A60, with only 4 HGVs anticipated to routinely travel north. Whilst it is recognised that this is dependent upon contracts that are being serviced at any one time, it nevertheless demonstrates that there is a split in north-south lorry routeing along the A60 and assists in minimising any impacts further.
47. Both the Noise Policy Statement for England (NPSE) (March 2010) and the NPPF (which reflects the Noise Policy Statement), expect noise to be considered in conjunction with the economic, social and other environmental dimensions of a proposed development and not in isolation. Paragraph 2.7 of the NPSE cautions against giving inadequate weight to the wider benefits of a particular development or activity when assessing the noise implications, whilst NPSE paragraph 2.23 states that significant adverse effect on health and quality of life should be avoided whilst also taking into account the guiding principles of sustainable development.
48. Sustainable development is a core principle of national planning policy and this means giving due consideration to economic, social and environmental factors (Paragraph 9 of the NPPF). As considered in the appended report, there is a presumption towards supporting sustainable economic growth (Paragraph 19 of the NPPF). In this respect, the applicant has sought to provide supplementary evidence as to the business need for the earlier lorry movements being sought, and it would appear that if Johnsons Aggregates is to gain contracts for the supply of its recycled secondary aggregates then one of the requirements of this is to be able to carry out early morning deliveries in a timely manner. It is also understood that other IBA waste operators outside of the county have no restrictions over operational hours, and to provide the Bunny MRF with sufficient flexibility to be able to tender for similar contracts a degree of relaxation in operating hours is being sought.

49. On balance, and in accordance with the NPSE and the NPPF, it is considered that the beneficial gains in terms of supporting a secondary aggregate business which is promoting the use of recycled materials on balance outweighs any perceived amenity impacts arising from the proposals given that any environmental impacts and most pertinently traffic noise and vibration are capable of being suitably controlled by planning conditions and a lorry routing agreement. It is clear from the representations received from the County Council's Noise Engineer and the Borough Council's EHO that the noise assessment is sufficiently robust and has assessed the magnitude of traffic noise effects on the nearest sensitive receptors as being low to negligible. Both are satisfied that subject to appropriate planning conditions any noise level attributable to the proposed increase in early morning lorry movements is capable of being maintained within acceptable levels.
50. In line with the County Council's Noise Engineer's recommendation planning conditions would control operational hours (Condition 10), and ensure that HGVs departing the site from 6am are pre-loaded the day before, and are sheeted and parked in a position which enables them to drive in a forwards motion out of the yard without the need to reverse (Condition 19). Condition 10 would also ensure that inbound HGVs do not enter the site until after 7:30am. All existing conditions covering noise and all other relevant environmental controls would be carried forward from the existing extant planning consents. In terms of the supplementary statement, the applicant has confirmed that adequate measures are now in place by way of a transport and logistics policy to ensure that the early morning fleet does not travel out in convoy and that all drivers sign up to a strict procedural code of practice which authorises drivers to head out at their allotted slot (five minutes apart), and not in convoy. It is also confirmed that Johnson's fleet comprise modern, efficient vehicles that do not require a period of idling with engines on, to warm up.
51. It is considered that the suite of attenuation measures would build in sufficient protection to ensure that operational noise and vibration associated with early morning lorry movements would not be significant. As such, the proposed development subject to conditions would accord with the Waste Local Plan Saved Policy W3 .9 and Waste Core Strategy Policy WCS13.

Legal Agreement

52. In order to secure the routing of the 10 HGVs leaving the site to ensure that they travel along the A60 Loughborough Road and not along Gotham Lane, a legal agreement under Section 106 of the Town and Country Planning Act 1990 would need to be secured before any planning permission is issued. The applicant would cover all reasonable legal cost incurred by the County Council in the drafting of this agreement.

Other Options Considered

53. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

54. The applicant has considered other options in view of the outcome of the June Committee and subsequently amended the proposals with regards to the number of lorries proposed to leave the site daily between 6am and 7:30am Mondays to Saturdays, down from 12 HGVs to 10 HGVs. It is this amended proposal that is under consideration in this report.

Statutory and Policy Implications

55. 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

56. The existing MRF site including the designated lorry parking area benefits from perimeter security fencing to restrict unauthorised access. Furthermore, existing bunding and mature vegetation offers a degree of protection to the MRF site, effectively screening the site from the A60 Loughborough Road.

Human Rights Implications

57. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have the potential to introduce impacts such as traffic noise impact, dust, light and vibration impacts arising from vehicle movements in the early hours of the morning upon the residential amenity of the nearest residential occupiers; and to residential occupiers along the length of the A60 Loughborough Road, particularly in Bunny, Bradmore and Ruddington.
58. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of the recyclable waste operations at the Bunny MRF by enabling the operator to make deliveries (recycled aggregates) in a timely manner. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above and in the appended report in this consideration.

Implications for Sustainability and the Environment

59. The application has been considered against the NPPF, the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable development by indirectly supporting sustainable waste management

operations by transporting the recycled waste materials (secondary aggregates, including IBA) more efficiently to customers.

60. By avoiding early morning peak traffic, the proposals would support a more efficient use of the public highway network, and promote a reduction in overall fuel consumption arising from more rapid and efficient transit of lorries. Whilst road transport may not in itself be an identified sustainable mode of transport, the development would in itself deliver benefits by supporting more efficient use of fuel and a reduction in carbon emissions.
61. The proposals broadly accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of supporting an existing waste materials recycling operation.
62. There are no service user, equalities, financial, human resource or safeguarding of children implications.

Statement of Positive and Proactive Engagement

63. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

64. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the routing of those HGVs leaving the site between 6am and 7.30am so that they only travel along the A60 Loughborough Road and not along Gotham Lane.
65. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 18 January 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 of this report. In the event that the legal agreement is not signed by the 18 January 2017, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

Any comments received will be reported orally to Committee.

Comments of the Service Director - Finance

Any comments received will be reported orally to Committee.

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Councillor Reg Adair Ruddington

Report Author/Case Officer

Deborah Wragg

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

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v/3395

28 June 2016

Agenda Item:

REPORT OF CORPORATE DIRECTOR – PLACE

RUSHCLIFFE DISTRICT REF. NO.: 8/16/00059/CMA

PROPOSAL: SECTION 73 PLANNING APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 8/12/01028/CMA, CONDITION 7 OF PLANNING PERMISSION 8/96/79/CMA AND CONDITION 9 OF PLANNING PERMISSION 8/94/00164/CMA TO EXTEND PERMITTED OPERATIONAL HOURS FROM 0730 HOURS TO 0600 HOURS MONDAYS TO SATURDAYS TO ALLOW FOR 12 OUTBOUND PRE-LOADED HGV MOVEMENTS FROM THE SITE

LOCATION: BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY

APPLICANT: MR STEVE JOHNSON

Purpose of Report

1. To consider a planning application to extend permitted operational hours and bring forward the site's opening time to 6am Mondays to Saturdays (from an approved start time of 07:30am) to allow for twelve pre-loaded outbound heavy goods vehicles (HGVs) to leave the Bunny Materials Recycling Facility (MRF), Loughborough Road, Bunny, daily. The key issues relate to the capacity of the local highway network to accommodate associated vehicular movements, and traffic impacts and associated health and amenity impacts (air pollution and dust, light and noise) on local residents and two nearby care homes (Greenwood Lodge and Hillside Farm).
2. The site lies within the Green Belt. Accordingly the application has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to the conditions in Appendix 1.

The Site and Surroundings

3. The MRF site lies on the southern side of Nottingham approximately 10.2km from the city centre, and approximately 11.5km to the north-east of Loughborough. It is located 0.75km 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.

4. The nearest residential properties to the site are Woodside Farm, which is situated approximately 120m to the east of the MRF, 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 beyond the former Bunny Brickworks, is residential development within Gotham Lane including 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 on Main Street, approximately 750m to the north of the site.
5. 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. To the north lies the former Bunny Brickworks beyond which a wood and field separate the industrial works from residential development on Gotham Lane.
6. The 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 incinerator bottom ash (IBA) material.
7. There is bunding to the south-eastern boundary of the site, providing screening along Bunny Hill. The MRF site is accessed off the A60 Loughborough Road.
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. The IBA storage bays occupy the most southerly sector of this part of the site and have an overall footprint of 2,300sq.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 with mobile plant including a crusher, loading shovels, hydraulic grab, and stockpile conveyors. The MRF site also contains site offices, vehicle parking, wheel-wash facilities and a weighbridge.
11. The site is substantially 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 Local Wildlife Site (LWS) to the north of the site, and Bunny Old Wood LWS and

Nature Reserve which lies approximately 400m to the south-east on the opposite (eastern) side of the A60 (Loughborough Road).

Relevant site history and background

13. The application relates to an established MRF which operates under a number of planning permissions granted by the County Council as Waste Planning Authority over the years. A planning permission (Plg. Ref.8/15/00050/CMA) covering the temporary storage of reclaimed aggregates on part of the former Bunny Brickworks has now ceased, and the MRF has reverted back to extant planning permissions 8/12/01028/CMA, 8/96/79/CMA and 8/94/00164/CMA.
14. Planning permission (Plg. Ref. 8/94/00164/CMA) was originally granted in September 1994 to 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. An annual operational throughput of 100,000 tonnes of inert waste material was established under this planning permission.
15. In December 1996, a further planning permission (Plg. Ref. 8/96/79/CMA) was granted for a change of use on 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. Operational hours which are still in force today were set at 7.30am – 6pm Mondays to Fridays, and 7.30am to 1pm on Saturdays and within these times crushing and screening operations were only permitted between 8am and 5pm on weekdays and 8am to 12.30pm on Saturdays with no permitted working on Sundays, Bank or Public holidays.
16. 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 permission.
17. 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 storage of skips and wood associated with the recycling operations.
18. 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 storage bays in an existing waste transfer building to support IBA processing inside the building.
19. March 2013 saw retrospective planning permission (Plg. Ref. 8/12/01028/CMA) being granted for the erection of outdoor IBA storage bays, and a change of use on land to extend the commercial and industrial waste transfer/processing area to accommodate IBA storage.
20. Finally, two temporary planning permissions were granted in March 2014 (Plg. Ref. 8/13/01494/CMA) and June 2015 (Plg. Ref. 8/15/00050/CMA) to use land to the immediate north of the MRF site for reclaimed aggregate storage, initially for twelve months and then for a further 6 month (time limiting the permission until 31st August 2015). The March 2014 permission also permitted a temporary

relaxation of working hours to allow IBA to be processed until 8pm on weekdays only, with this expiring on 31st August 2015. A variation to conditions 7 and 9 of planning permissions 8/96/79/CMA and 8/94/00164/CMA respectively, allowed for these extended working hours.

21. With regards to existing operations, and following on from the temporary permissions expiring, planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA are the three main planning permissions that the MRF operates under, and which the applicant seeks to vary by way of the current planning application to allow HGVs to leave the site from 06:00am onwards. These applications collectively 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.
22. With regards to the current planning application it seeks to regularise intermittent early morning lorry movements, with this activity initially having been brought to the WPA's attention through a complaint from a member of the public in early 2015.
23. In this respect, a complaint was received in February 2015 regarding noise from HGV movements travelling outside permitted hours, specifically relating to the use of the A60 and singling out Johnson's HGVs. Initial investigations revealed that HGV movements were largely unrelated to the site, however a number of out of hours movements from Johnson's lorry fleet were observed involving up to 10 HGVs. The County Council's Monitoring and Enforcement Senior Practitioner observed vehicles leaving the Bunny site on the mornings of the 5th and 19th of March 2015, on both occasions from as early as 5.45am. Whilst 100 HGVs were observed in an hour, only 8-10 were Johnson's HGVs, with 90 per cent not connected to the site at all, but largely related to the nearby gypsum works. On both occasions HGVs were also seen entering the site before the permitted start time.
24. The applicant was instructed to cease these out of hours operations or risk enforcement action being initiated without further notice. Further discussions were then pursued between the County Council and the applicant resulting in the current planning application.
25. The existing MRF site operates under an Environmental Permit issued by the Environment Agency for waste management purposes.
26. The site continues to be subject to regular monitoring inspections by the WPA.

Current operations

IBA operations

27. IBA recycling operations have now been carried out for approximately four 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.

28. 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.
29. 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.
30. 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).
31. The IBA passes through the various processes within the building before exiting via conveyors into product bays. A front end loader moves the final graded product to reclaimed aggregate stockpiles.
32. 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. Processed material leaves the MRF, generally on rigid wheel tipper trucks, (having been loaded by front end loaders) outbound to customers across the county.

Aggregate and soil recycling operations

33. 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 graded soils.

Proposed Development

34. Planning permission is sought to vary operational hours on extant planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA, to extend permitted operational hours from 7.30am to 6pm Mondays to Saturdays to allow twelve pre-loaded HGVs to leave the site before the early morning peak hour. It is anticipated that the majority of these lorry movements would occur between the hours of 6am and 7am and an updated noise report (addendum October 2015) in support of the planning application has been based on this assumption.
35. The planning application originally sought to bring forward operating times on the IBA waste transfer area from 7.30am to 7am Mondays to Fridays, as well as the variation set out in the above paragraph. However, the development proposal has subsequently been amended to dispense with this particular element of the proposals.

36. The proposals involve varying the following planning conditions to reflect an amended start time of 6am:
37. Condition 3 of planning permission 8/12/01028/CMA states:
38. *'Except in emergencies where life, limb and property are in danger, which shall be notified to the WPA within 48 hours of their occurrence, the IBA waste transfer area, shall only be operated in accordance with the time periods of 0730hrs to 1800hrs Mondays to Fridays and 0730hrs to 1300hrs on Saturdays. Within these times crushing, and screening operations shall only take place between the hours of 0800hrs and 1700hrs Mondays to Fridays and 0830hrs to 1230hrs on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery, including HGV movement onto and off the site, shall be carried out on Sundays, Bank or Public Holidays'.*
39. Condition 7 of planning permission 8/96/79/CMA states:
40. *'Unless in emergency, or as otherwise previously agreed in writing by the County Planning Authority, the site shall only operate between the hours of 7.30am to 6.00pm on weekdays and 7.30am to 1.00pm on Saturdays. Within these times crushing, screening and wood shredding operations shall only take place between the hours of 8.00am and 5.00pm on weekdays and 8.30am to 12.30pm on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery shall be carried out on Sundays, Public or Bank Holidays'.*
41. Condition 9 of planning permission 8/94/00164/CMA states:
42. *'Unless in emergency or as otherwise previously agreed in writing by the CPA, the site shall only operate between the hours of 7.30am to 5.30pm on weekdays and 7.30am to 12.30pm on Saturdays. Within these times crushing and screening operations shall only take place between the hours of 8.00am and 5.00pm on weekdays and 8.30am and 12.30pm on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery shall be carried out on Sundays or Bank Holidays'.*
43. It is proposed to have a designated parking bay within the existing waste transfer compound for the fleet of early-start lorries. This dedicated area would make use of existing surfacing (compacted hard-core) within the yard area, where HGVs would be parked overnight in a forward gear ready to drive off site the following morning with minimal noise and disturbance to the nearest sensitive residential receptors. Vehicles would be pre-loaded and pre-wheel-washed during operational hours on the previous day.
44. No other operations, except for the movement of up to twelve pre-loaded HGVs outbound from the site would take place during the extended morning hours, and all other permitted waste operations (screening and crushing operations and the acceptance of waste including IBA material into the site) would remain unchanged.
45. No vehicles would enter the site during the extended early morning hours.

46. The proposed development would not result in any increase in annual throughput of waste materials (100,000 tonnes per annum), and similarly there would be no change to existing traffic movements in terms of actual daily vehicle numbers (100 movements per day, 550 movements over the working week). The proposals would simply involve a relaxation in the start time of the site to allow flexibility to dispatch existing HGVs earlier than currently permitted.
47. An addendum noise survey (dated October 2015) has been submitted in support of the planning application.

Consultations

48. **Rushcliffe Borough Council (RBC)** *No objection.*
49. *The Borough Council has had sight of the draft planning conditions and has no objection subject to their imposition.*
50. **RBC Environmental Health Officer (EHO)** *No objection.*
51. *The applicant is seeking to have existing conditions amended to allow a limited number of early morning HGV movements from the site that are prepared the previous day and would not have any reversing or other movements associated with them. These would access the A60, a main road used by traffic (HGV and cars) throughout the day and night periods, directly from the site. There is limited concern in relation to the noise from this aspect of the proposals due to the road being a major traffic route and with the 'Design Manual for Roads and Bridges' (DMRB) 2011 noise assessments indicating negligible noise impacts.*
52. *It is noted that the County Council's Noise Officer has recommended certain planning conditions to ensure mitigation and controls are in place. These would cover aspects such as the pre-loading and sheeting of early morning HGVs the day before; and the parking of vehicles in a position whereby they can be driven in a forwards motion out of the yard without the need for reversing. Aside from these lorry movements, no HGVs would be permitted to enter the site until after 07:00hrs; and no other plant would be operated between 06:00hrs-07:00hrs.*
53. *These recommendations are supported and provided they are implemented there would be no objection to the proposal on environmental health grounds.*
54. **Bunny Parish Council** *Objection on the following grounds:*
55. *The WPA is aware of the concerns local residents have regarding the existing arrangements for the site and to allow an extension of the operating times would only add to the noise and disturbance problems affecting residents.*
56. **The Environment Agency (EA)** *No objection.*
57. *Johnsons Aggregates and Recycling Ltd hold an environmental permit which they must comply with. The operator is required to control the on-site activities through an Environmental Management System (EMS) which takes account of the environmental risks posed by the activities on site, including those brought*

to the attention of the operator through complaints. This would include any noise complaints.

- 58. **NCC (Landscape)** *No objection.*
- 59. *There are no comments to make on this planning application.*
- 60. **NCC (Nature Conservation)** *No objection.*
- 61. *The proposed variation of conditions is unlikely to give rise to a significant ecological impact.*
- 62. **NCC (Planning Policy)** *No objection.*
- 63. *There are no specific planning policy comments to make on the proposal, but comment on the environment and amenity impact of the proposed changes to site operations (particularly in relation to noise impact) should be sought from relevant teams within the County Council and other statutory bodies. In relation to this, attention is drawn to Policies WCS13 and 15 of the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS) and the more detailed policies and development management considerations set out in the saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP).*
- 64. **NCC (Highways) Rushcliffe** *No objection.*
- 65. *It is noted that whilst the proposal would result in an overall increase in traffic from the site in the morning, this traffic would be accessing the highway network at a time when background traffic flows are relatively low. Therefore its impact in terms of capacity and safety should be no greater than the existing peak hour flows associated with the site.*
- 66. **NCC (Noise Engineer)** *No objection subject to planning conditions regarding controls over other plant not operating between 06:00 hours-07:00 hours; and controls over HGVs departing the site between these hours to ensure that vehicles are pre-loaded the day before, sheeted and parked in a position which enables them to drive in a forwards motion out of the yard without the need for reversing. Furthermore, no HGVs would be permitted to enter the site until after 07:00 hours.*
- 67. *All other noise conditions shall be carried forward from the extant permissions covering site operations, and existing noise conditions shall be varied to allow up to 12 preloaded HGVs to depart the site between 06:00 hours and 07:00 hours.*
- 68. *It is noted that the impact from 12 preloaded HGVs leaving the site has been assessed using BS4142, a standard not considered appropriate for assessing noise from HGV movements particularly in a noise climate already dominated by road traffic. A subsequent assessment was therefore made using the impact methodology for change in road traffic noise contained in the DMRB. This compares the road traffic noise levels before and after change in traffic composition and determines the impact from the change in noise level.*

69. *The A60 is a principal road into Nottingham City Centre so traffic levels are already relatively high between 06:00 hours and 07:30 hours and therefore the change in noise level attributed to the additional 12 HGVs is negligible.*
70. *It is important that there is no loading of HGVs and that HGVs avoid any reversing manoeuvres in the yard before 07:00 hours. In addition, there should be no permitting HGVs to enter the site until after 07:00 hours.*
71. *The above controls are recommended in addition to the proposed variation in condition, in order to minimise any potential noise impact.*
72. **Nottinghamshire Wildlife Trust** has made no response. Any comments received will be reported orally to Committee.

Publicity

73. The application has been publicised as a departure application by means of site notices, and a press notice. Twenty-six neighbour notification letters have been sent to the nearest occupiers on Gotham Lane, Bunny Hill, Bunny Hill Top, Main Street and Loughborough Road, Bunny; Fleming Gardens, Clifton; and Burton Walk and De Ferrers Close, East Leake; including Hillside Farm Care Home and Greenwood Lodge Care Home, in accordance with the County Council's adopted Statement of Community Involvement Review.
74. Nine letters of representation objecting to the proposed development have been received from nine separate households, including six on Gotham Lane, Bunny, and single households on Fleming Gardens, Clifton, Loughborough Road, Bradmore, and Bunny Hill Top, Costock.
75. The grounds of objection can be summarised as follows:

Noise impact

- a) Noise impact from transport to and from the site is already considerable and infringes on residential life, the noise being clearly audible outdoors and even indoors when windows are open;
- b) the hours of operation are already in excess of a 'normal' working day and to extend them further would mean the noise being audible whilst residents are still in bed;
- c) A 7.30am start is early enough in the morning for residents especially on Saturdays;
- d) on the busiest weekdays, the normal traffic noise does not become noticeable until after 7.30am but the proposals would change this;
- e) lorries covering this site are already a noise nuisance to those living on the A60, and an earlier start would mean the noise nuisance starting earlier;

- f) lorries branded with the site name already travel to access the site from 5.30am along the A60, even if they cannot actually access the site upon arrival;
- g) a 6am start involving movement of HGVs is unreasonable because of the noise of the vehicles, and a 7am start would be much more reasonable;
- h) as Gotham Lane has numerous residents parking along it, this results in stopping and starting of vehicles when travelling up and down the lane, and braking/accelerating further adds to the noise pollution;
- i) to extend the hours when residents suffer from extreme noise pollution from HGVs is not something residents would ever agree to. In fact, if anything, residents of Gotham Lane would like to reduce the hours to prevent babies and young children being woken up by HGV traffic;

Residential amenity impacts

- j) there are numerous children living within residential property along Gotham Lane, and the disturbance the site can cause to their sleep (despite double glazing) is yet another reason not to allow earlier operational hours;
- k) Young families will be sleeping during the new proposed hours and the HGVs create a lot of noise as they are loaded, unloaded and travel by residential property in Gotham Lane;
- l) lorries will be coming past residential properties when children as young as one and three years old are sleeping, in properties that are not particularly well insulated, and do not prevent much of the road noise, let alone lorries, and 12 additional lorries will considerably add to the problem;

Odour impacts

- m) living so close to the site (Gotham Lane) residents are already acutely aware of odour coming from the operations;

Traffic impacts and access

- n) Gotham Lane is not meant for heavy traffic and the residents suffer enough already;
- o) there has been a noticeable increase in road traffic to and from this site, since it originally opened much of which speeds past the front of houses along Gotham Lane;
- p) Gotham Lane is a restricted road with street lamps less than 200m apart and therefore subject to reduced noise between 11:30pm and 07:00am. Moving operational hours to 6am is clearly outside of this. Furthermore, the use of horns is prohibited on restricted roads during these hours, and a horn or

ability to flash lights is important to negotiate with oncoming traffic given the on-street parking;

- q) overall considering Gotham Lane is a rural road, the WPA is urged to consider the appropriateness of this proposal and the impact it would have on all residents;
- r) this particular lane already experiences a large volume of lorries not only from Johnson Aggregates but also from the British Gypsum plant at East Leake and from general haulage through the village, which run at all hours of the day;
- s) the volume of lorries is exacerbated by their speed, with vehicles travelling down Bunny Hill on Loughborough Road (A60) at speeds of at least 50 mph, and speed limits are rarely observed by the aggregate lorries which seem to travel faster than the articulated lorries. Speed cameras which are already in use at the Victoria and Albert Road end of the village should be installed at the Gotham Lane end, where the problems seem worse;
- t) it is suggested that Johnson Aggregates connect their access road to the works, which would provide a long-term solution to this problem;
- u) extending the HGV operating hours at the Bunny Recycling Facility from 6am Mondays to Saturdays is clearly unacceptable and inconsiderate;

Cumulative impacts

- v) these continuous applications are leading by stealth to 24/7 operations, which should not be allowed;
- w) concerns over the need to increase hours of working because the site is already working to full capacity;
- x) local residents are already suffering from an increase in noise, odours and traffic levels;
- y) some sort of balance needs to be maintained between site operations and the residents of Bunny and the growing child population;

Health issues

- z) there are already concerns over the health implications that the dust from the site operations may cause and the increase in traffic volume due to the extra hours only adds to resident worries;
- aa) noise, air and dust pollution from the lorries will have a huge detrimental effect on families and their general health and well-being;

Light pollution

bb)lorries and heavy vehicles cause significant and impacting light pollution as they drive along Gotham Lane;

Air and dust pollution

cc) air and dust pollution from the lorries will have a huge detrimental effect on family life and general health and well-being;

Safety issues

dd)in a number of places (sections of Loughborough Road between Gotham Lane and the petrol station) the pavements are unsafe and barely wide enough to safely walk in one direction. The pavement is not up to current DDA standards for wheelchair users and added to this there are other vulnerable residents at Greenwood Lodge, all of which would not be helped by increased traffic and road noise throughout the evening, night and early morning;

Other considerations

ee)operations would seem better and more sustainably located within an inner urban industrial area;

ff) why encourage the 'carting' of incinerator waste material out to a village;

gg)these operations have unsettled communities in Ruddington, Bradmore and Bunny.

76. Bunny Parish Council and the nine objectors referenced above were subsequently informed by letter of the amendment to the proposals which removed the proposal to operate the IBA waste transfer area from 7am.
77. Councillor Reg Adair has been notified of the application.
78. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

79. The application has been submitted by the current operators, Johnsons Aggregates, a leading recycler of IBA material in the East Midlands, to both regularise unauthorised lorry movements, and to improve operational practices with regards to the supply and deliveries of secondary aggregates to customers in the north of the county.
80. As well as seeking to regularise early morning lorry movements (as notified and required by the County Council's Monitoring and Enforcement Senior

Practitioner), the need for the application and reasoning behind the proposal is to overcome current time restrictions on early-morning lorry movements, which limits the ability of the company to make timely deliveries to its more distant customers in the north of the county. This has business and economic implications for the applicant, in terms of lengthier journey times for those early morning deliveries. Due to the early morning peak hour traffic, between 1-1½ hours can be added onto the journey time as delivery vehicles navigate around or directly through Nottingham City Centre, to travel onto the north of the county.

81. The extra time it takes vehicles to travel through the central Nottingham city area impacts on the efficiency of Johnson's business operations given that the first deliveries of the day of outgoing materials with destinations to the north of Nottinghamshire cannot be made on time. An earlier morning start would allow Johnson's HGVs to avoid early-morning peak hour traffic, thereby enabling its first deliveries of the day to be made on time.
82. There is therefore a reasoned justification in business and economic terms, however this needs to be balanced against the environmental and residential amenity impacts that could potentially be generated by extending operational hours to allow a 6am start. Whilst this would be restricted to pre-loaded outbound lorry movements only, it would still involve running HGVs out of the site in the early hours of the morning, outside the permitted working hours which have historically operated at the Bunny MRF over the years, controlling site operations including lorry movements to a start-time of 7:30am.
83. Reference is now made to those material considerations relevant to the determination of this planning application.

Planning policy considerations

84. In national planning policy terms, the proposed development is given due consideration in light of the National Planning Policy Framework (NPPF) (March 2012), the Planning Practice Guidance (PPG) (published on-line in March 2014 and periodically updated), and the National Planning Policy for Waste (NPPW). Relevant policies and direction as set out in these documents are material considerations to the determination of the application.
85. The NPPF sets out the national policy approach towards development, and whilst it does not specifically make reference to waste, which is covered by the NPPW, it does set out guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
86. Planning applications should be determined with regard to the development plan as far as material to the application and any other material considerations and decided in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, and in line with Paragraph 215 of the NPPF, the proposal has been assessed against any key strategic policies in the Waste Core Strategy (WCS) and relevant saved

policies in the Waste Local Plan (WLP) and the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006 (RLP).

87. Overarching policy direction is set out in the NPPW with the presumption in favour of sustainable development and resource efficiency (including supporting local employment opportunities and wider climate change benefits), and supporting activities which drive waste up the waste hierarchy.
88. Of particular relevance is Section 1 of the NPPF '*Building a strong, competitive economy*' Paragraph 19, which directs that the planning system does everything it can to support sustainable economic growth. In this respect, planning should operate to encourage and not act as an impediment to sustainable growth, with significant weight being placed on the need to support economic growth through the planning system. To help achieve economic growth Paragraph 20 directs that local planning authorities should support the development needs of business. This policy offers weight to the proposals under consideration in this planning application.

Consideration of environmental and amenity impacts

89. Of relevance is WCS Policy WCS13 which supports extended waste treatment facilities where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in unacceptable environmental impacts.
90. NPPW Appendix B (locational criteria) sets out the potential environmental considerations that could arise from waste developments and their associated activities. Of particular relevance in the context of this application are matters relating to traffic impact and any associated noise, air emissions including dust, vibration and light impacts.
91. The potential environmental impacts associated with the proposed change to site operations (particularly in relation to noise impact) are material considerations in determining the acceptability of this application; and the more detailed policies and development management considerations set out in the saved policies of the WLP are particularly relevant.

Green Belt Policy considerations

92. Central Government guidance on National Green Belt policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF. In terms of the local development plan the RLP remains a material consideration when determining planning applications, with due consideration continuing to be given to Policy EN14 which sets out local Green Belt policy.
93. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; with the essential characteristics of Green Belt being their openness and permanence. The NPPF

sets out what would constitute appropriate development in the Green Belt (Paragraphs 89 and 90).

94. There is a general presumption against inappropriate development within the Green Belt and in this respect 'very special circumstances' would need to be demonstrated to justify the granting of planning permission.
95. Under the criteria based listings as set out in both the NPPF (Paragraphs 89 and 90) and RLP Policy EN14, Green Belt policy is silent on operational development such as that contained in the current planning application. The proposals are not identified as being appropriate development in the Green Belt, however various aspects of the development suggest there is a case to be made under the 'very special circumstances' test. In this respect, the proposed development needs to be considered in a proportionate manner given the nature of what is being proposed. The proposals relate to operational development which is ancillary to an established waste management facility, and which it is considered would have a neutral impact in terms of implications for the Green Belt.
96. In terms of definition, the development would simply involve a change to site operations, involving the parking up of a fleet of up to twelve HGVs (pre-loaded and pre-washed) in a designated part of the site overnight for an early morning start the following day. These vehicles would ordinarily already be parked up within the MRF site and there are no additional lorries being added to the existing fleet. The parking bay would be contained within an established waste recycling site, and whilst it would involve the block parking of a fleet of up to twelve HGVs within a permanently designated area, which is not insignificant in terms of visual impact, it is considered that the HGVs would be substantially screened from the surrounding area by a combination of attenuation bunding and mature perimeter vegetation, and the topography of the land. This would mitigate impact on the Green Belt.
97. The planning application originally involved extending waste operations on the IBA processing area, as well as seeking to regularise early morning outbound lorry movements. As such, the application was advertised as a departure application in the Green Belt. However, with the removal of that part of the proposals relating to the IBA processing area, it is considered that the early morning lorry movements including their parking up on-site overnight in a designated parking bay would have extremely limited implications in terms of the appropriateness of the development in the Green Belt. In this respect, the proposals would involve no fixed plant or structures and propose nothing other than allocating a limited amount of space within the yard area to vehicle parking; there is no built development associated with the proposals. It is not proposed to hard-surface the parking area, and there would be no alterations to the existing surfacing (compacted hard-core). The proposals would involve no physical alterations to the existing waste materials recycling site.
98. Given that there would be no physical change either in terms of the appearance of the site or how the compound is used other than running an existing fleet of up to twelve lorries out of the MRF site in the early hours of the morning, it is considered that there are extremely limited implications in terms of Green Belt

policy. Whilst the proposals relate to a waste facility in an area of washed over Green Belt, the proposals would not affect either the openness or character of the Green Belt, and would not conflict with the purposes of including land in the Green Belt, namely:

- *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.*

99. Whilst the proposals may not technically be listed as appropriate development in the Green Belt under either RLP Policy EN14 or the NPPF, the proposals are ancillary to an existing waste operation, and as detailed above would have a neutral impact on the Green Belt. The aspects of the proposed development set out in paragraphs 90 to 93 of this report could provide the 'very special circumstances' which would justify allowing what is technically inappropriate development in the Green Belt. As such, it is considered that the proposed operational development would not be unacceptable for the purposes of Green Belt policy as set out in the NPPF.

Visual impact

100. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities and associated activities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. 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 landscaping to minimise visual impacts, including earth mounding, fences, and/or tree and shrub planting.
101. 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 parked up fleet of lorries from Woodside Farm, the nearest residential property. 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 LWS, especially the bridleway along its northern edge, are filtered by existing vegetation, the topography of the land, and the fact that the lorries would be parked up set against the industrial elements of the MRF 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, the industrial nature of the site and substantial screening of the site from existing mature vegetation and bunding. It is noted that the County Council's Landscape Officer has no comments to make regarding the proposals.

102. The other potential environmental and amenity impacts associated with the proposed development are now considered.

Traffic considerations

103. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or where such movements would cause unacceptable disturbance to local communities. This is the key policy against which to assess the traffic impact of the development. The NPPF (paragraph 32) states that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts arising from the proposals are severe.
104. The MRF site benefits from its strategic location in terms of the local highway network being situated with direct access on to the A60 which serves as the main trunk road from Loughborough to Nottingham.
105. It is noted that the proposals would not involve increasing the overall number of HGVs accessing the MRF site for purposes of depositing waste material and collecting/delivering recycled aggregates, but are simply seeking a better flow of lorry movements in the morning avoiding where ever possible peak traffic flows. This is a material consideration in terms of assessing the potential traffic impact on the local highway network associated with the proposals. An existing planning condition would continue to ensure that lorry movements do not exceed 100 movements per day, subject to a maximum of 550 HGV movements in any single week (Mondays to Saturdays).
106. The proposals seek the daily movement of 12 outbound HGVs off site between 6am and 7am and a review of the surrounding strategic road network in terms of its capacity to accommodate the proposed traffic levels at this time of the day indicates that whilst the proposal would result in an increase in traffic flow along the A60 during this hour, this would be at a time when background traffic flows are relatively low compared to other times of the day. Consequently the County Council's Highways Officer is satisfied that the impact of these early morning lorry movements in terms of capacity and safety along the local highway would be relatively insignificant and readily accommodated. The level of proposed traffic along the A60 would be no greater than the existing peak hour traffic flows associated with the MRF site, but these lorry movements would be added to the local road network when it has enhanced capacity due to the time of the day. Indeed, up to 72 HGVs could exit the site over a five and a half day working week (Mondays through to Saturday mornings) from 06:00hrs-07:00hrs, potentially taking up to nearly a quarter of permitted lorry movements from the MRF site off the local highway network during the morning peak times. This in itself would bring about a net benefit in terms of highway capacity at peak times in the morning.
107. Overall, the material impact of the proposals in terms of highway capacity is neutral to beneficial and as such would accord with WLP Saved Policy W3.14 and the NPPF.

108. It is considered that the comparatively low levels of traffic that would be added to existing flows as a result of the proposed development would have no significant impact in terms of road safety; and the A60 would continue to operate within its design capacity. The Highways Authority underlines the acceptability of the proposals.
109. Whilst it is acknowledged that residents living along Gotham Lane are concerned about a further increase in heavy goods lorries along their road, particularly in the early hours of the morning, attention is drawn to the fact that the proposals relate to lorry movements along the A60 travelling directly into Nottingham City Centre and then onwards to the north of the county. There is nothing to indicate in the supporting information that vehicles carrying out early morning deliveries would need to travel along Gotham Lane, which would in fact take lorries in a completely different direction to that being proposed. However, in order to ensure that these 12 HGVs do in fact travel along the A60 and not Gotham Lane, the applicant has agreed to enter into a legal agreement to control the routing of these HGVs. This would ensure that residential amenity along Gotham Lane would be protected and would ensure compliance with WLP Saved Policy W3.14. With this agreement in place, it is considered that the proposed early morning lorry movements would have no direct impact on the residential amenity of occupiers on Gotham Lane.
110. Overall, it is considered that the proposals would have no unacceptable or significant amenity impacts on residential development along the A60 route through Bunny and on towards Nottingham, given the capacity of the trunk road and the relatively low flows of traffic in the early hours of the morning along what is a main access route from Loughborough to Nottingham. As such, the proposed operational development is considered to accord with WCS Policy WCS13, WLP Saved Policy W3.14 and the NPPF.
111. It is considered that issues relating to the speed of HGVs and more generally speed restrictions along the local highway network are outside the scope of this planning application.

Noise

112. Saved Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over aspects such as operating hours, which is particularly relevant in the case of this application; sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
113. A Noise Assessment (NA) undertaken in support of the planning application has calculated the noise impact from varying the operational hours at the MRF site to allow twelve pre-loaded HGVs to exit the site between 06:00hrs-07:00hrs Mondays through to Saturdays, in line with technical guidance contained in the DMRB. This has involved assessing the potential noise impact from the proposed HGV movements in a situation where the background noise level is already dominated by road traffic through the application of an impact methodology for change in road traffic noise. Essentially, this has compared

road traffic noise levels before and after a change in traffic composition, which in this case means adding a further twelve outbound HGV movements to the A60 trunk road (travelling towards Nottingham).

114. This involved recording background noise measurements at the nearest sensitive receptors to the MRF site, namely Woodside Farm, Hillside Farm Care Home, and Greenwood Lodge Care Home. In respect of proximity to the A60, Woodside Farm is at a distance of 24m from the kerbside edge of the A60, which according to the 'Calculation of Road Traffic Noise' (CRTN) equates to 27.5m from the source line of road traffic noise travelling along the A60 at its closest point. Likewise, Hillside Farm is 45m distant to the kerbside edge of the A60, the equivalent of 48.5m from the source line of road traffic noise travelling along the A60 when at its closest point. Altogether more distant to the A60 is Greenwood Lodge at a distance of 83m from the kerbside edge of the A60 or 86.5m from the source line of road traffic noise travelling along the A60 at its closest point.
115. Calculations were then carried out to determine the highest likely noise contribution from twelve additional outbound HGVs travelling along the A60 towards Nottingham City Centre between the hours of 6am and 7am Mondays to Saturdays at the nearest façade or elevation to the identified sensitive properties.
116. Using the DMRB methodology, the comparative figures for the current and predicted LAeq,1hr noise levels arising from the proposed twelve HGV movements indicates a 0db noise change at Woodside Farm. Therefore, there would be no associated change in the magnitude of noise impact between 6am and 7am either over the short or long term. Similarly, for both Hillside Farm and Greenwood Lodge Care Homes the calculated noise change of 0.4db and 0.3db respectively, again indicates insignificant noise impacts associated with the proposed lorry movements. In both cases, the magnitude of impact at this time of the morning would be negligible over both the short and long term.
117. Overall the indications are that the change in noise level attributable to the additional twelve HGVs would be negligible and there would be no appreciable noise impact on the nearest sensitive residential receptors at the earlier time of 6am to 7am. This is largely due to the fact that the A60 is a principal trunk road into Nottingham City Centre and traffic levels are already relatively high between 6am and 7am (albeit low compared to the core day-time flow of traffic).
118. The additional HGV movements associated with the proposals would not result in any significant impact in terms of noise and vibration, in accordance with the advice contained in the DMRB. The noise impact of additional HGV traffic along the existing route pre-early morning peak hour would be neutral to negligible over the short to longer term.
119. With regards to ancillary operations such as the loading of vehicles which have the potential to generate associated noise impacts, such noise levels would be managed by ensuring that vehicles are pre-loaded the day before during normal working hours. Other measures being proposed by the applicant would include parking vehicles in a forward gear so that there is no reversing or manoeuvring

required to move lorries off site; observing the site speed limit of 15mph, and the regular spacing out of lorry movements throughout the hour.

120. The County Council's Noise Engineer has stressed the importance of tightly controlling procedures, with an emphasis on no loading of HGVs or reversing manoeuvres in the yard before 7am. It is also recommended that no HGVs are permitted to enter the site until after this time. Planning conditions as advised by the Noise Engineer and supported by the Borough Council's EHO would ensure that these measures are implemented to minimise any potential noise impact arising from the proposals. All other noise conditions on existing permissions would be carried forward. It is also noted that the applicant has taken on board concerns raised by the Borough Council for the provision of a designated parking area on the MRF site. The scheme has been amended and allocated parking has now been provided within the existing yard area to enable HGVs to be suitably parked up in a forward gear for ease of transit off-site the following morning.
121. It is considered that these attenuation measures would build in sufficient protection to ensure that operational noise associated with early morning lorry movements would not be significant. As such, the proposed development subject to conditions would accord with WCS Policy WCS13 and WLP Saved Policy W3.9. It is considered that any noise impact is capable of being suitably controlled so that it would not increase significantly to unacceptable levels.
122. Overall, the indications are that HGVs exiting the MRF site at the earlier start time of 6am to 7am would not give rise to unacceptable noise impacts to the nearest residential receptors to the site including householders along Gotham Lane. Any HGVs leaving the site at this time of the morning would be fully loaded and sheeted, with this proposed to take place at some point during the previous working day. Therefore, there would be no other plant or equipment (and associated noise) used during this time. The loading of the lorries would in itself mitigate noise impact, given that a full load has a dampening effect, with HGVs generating most noise when empty (due to the body bumping on the chassis).
123. The supporting statement submitted as part of the planning application has also confirmed that all drivers would be given special training relating to early morning HGV movements; and that the HGV fleet is regularly checked and serviced to ensure that all silencers and noise attenuating equipment is maintained in full working order.
124. It is noted that it is not proposed to run lorries along Gotham Lane at this time of the morning, but along the A60 Loughborough to Nottingham trunk road towards Nottingham City Centre and then on to the north of the county. This matter would be secured by a legal agreement to control the routeing of HGVs. The noise assessment has indicated that, subject to planning conditions, any noise impacts associated with the proposed early morning lorry movements would be at most negligible. On balance, there is nothing to indicate that the proposals would impact on the residential amenity of those living along Gotham Lane and it seems reasonable to conclude that there would be no detrimental health

impacts to local residents, including children, from lorry movements and any noise arising.

125. Regarding the noise impact of HGVs on residents living on Loughborough Road, both the County Council's Noise Engineer and the Borough Council's EHO are satisfied that, subject to the recommended supplementary noise conditions, sufficient mitigation and controls would be in place to control noise to acceptable levels. There is support for the findings and conclusions of the noise addendum (October 2015) and the use of the DMRB methodology to assess changes in road traffic noise impact along the A60 Loughborough Road arising from the extra 12 lorry movements outbound from the MRF site from 6am onwards. Both the EHO and the Noise Engineer concur with the DMRB noise assessments which indicate negligible noise impacts to sensitive residential receptors to the A60 within the vicinity of the MRF site. Overall, it is concluded that any noise impact along the A60 is limited by the fact that this is a main road used by traffic throughout the day and night periods, with comparatively high levels of traffic already flowing between 6am and 7am meaning that a change in noise level attributable to the addition of twelve HGVs would be negligible. The proposal, subject to a suite of planning conditions covering noise, is in accordance with WCS Policy WCS13 and WLP Saved Policy W3.9.

Air quality and dust

126. The NPPF paragraph 30 encourages solutions which support reductions in greenhouse gas emissions and reduce congestion. Paragraph 005 of the PPG makes reference to a number of considerations which need to be taken into account when deciding whether or not air quality is relevant in determining a planning application. In particular, and of relevance to this proposal, it states that consideration should be given to the implications of the development in terms of whether it would significantly affect traffic in the immediate vicinity of the proposed development site or indeed further afield, by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or by significantly altering the traffic composition on local roads. These are material considerations which need to be given due diligence with regards to the determination of the current application.
127. In respect of these proposals, it is considered that the low volume of outbound traffic proposed to leave the site in a single hour between 6am to 7am would not significantly affect existing traffic levels within the immediate vicinity of the MRF site at this time of the morning. It is understood that there are relatively high levels of traffic associated with the nearby gypsum works at this time of the day, and that the additional traffic associated with the MRF site would be insignificant when set against such baseline traffic movements. Indeed, transporting HGVs offsite before the early morning peak hour would ensure that these vehicles do not add to peak hour traffic movements, thereby avoiding the higher levels of carbon emissions (and fuel consumption) associated with potential traffic congestion at peak times of the day.
128. It is therefore considered that the low level of outbound HGVs leaving the site would not significantly affect the amenity of local residents, in terms of air quality impacts. Between 6am and 7am in the morning, this level of vehicle

movements would neither generate nor increase traffic congestion, nor would it significantly impact on overall traffic volumes or traffic composition on the local road network. As such, the movement of up to twelve outward bound HGVs from the site between 6am and 7am would accord with the policy considerations set out under PPG Paragraph 005, and the NPPF.

129. Overall, the proposals would ensure a more effective use of the local road network, potentially avoiding peak traffic congestion, cutting the journey time for deliveries of recycled aggregate to the north of the county, and correspondingly, cutting fuel consumption and vehicle emissions. The proposals would not involve increasing the overall number of HGVs operating from the MRF site, but would simply involve a more strategic use of the highway network by outward bound vehicles.
130. As such, the proposals would accord with WCS Policy WCS14 (Managing Climate Change), given that it would deliver improved operational practices that would lead to HGVs being operated in a manner that would reduce potential impacts on climate change.
131. Waste operations including associated HGV movements have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. In this respect and in line with existing practices, all outward bound vehicles would be sheeted to ensure potential fugitive dust emissions are contained.
132. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway. In line with this policy, all HGVs leaving the MRF site are required to use existing wheel-wash facilities and this procedure would continue to be followed, with the early morning vehicles being wheel-washed the day before. This would minimise the potential for HGVs to transport mud and debris onto the surrounding road network, which could be a source of potential fugitive dust emissions. Existing planning conditions would continue to secure the appropriate use of on-site wheel-wash facilities by drivers exiting the MRF site from 6am in the morning.
133. It is therefore considered that the potential for mud and detritus to be transported onto the public highway from these early morning lorry movements would be appropriately controlled. As such, the proposals fully accord with WLP Saved Policies W3.10 and W3.11.
134. Further policy direction is provided under Appendix B (Locational Criteria) of the NPPW where it states that the extent to which adverse air emissions, including dust, is capable of being controlled through the use of appropriate and well-maintained and managed vehicles, is a material consideration. It is considered that subject to planning conditions covering dust mitigation measures, such as the sheeting of HGVs and the use of wheel-wash facilities, adverse dust emissions from the proposed HGV movements are capable of being suitably controlled in line with the NPPW. These measures together with the more efficient use of the heavy goods fleet arising from the proposed changes to

operational practices, would ensure that any adverse air emissions are minimised.

135. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated.
136. Whilst it is acknowledged that there is a concern amongst local residents that there would be a detrimental effect on health and well-being from air and dust pollution associated with the proposed early morning lorry movements, it is considered that the relatively low volume of traffic involved together with suitable mitigation measures referenced above would ensure that there are no significant or unacceptable air quality impacts to the nearest sensitive receptors. The pollution control authorities (Environmental Health and the EA) have not raised any concerns relating to environmental impacts such as dust and air quality that could potentially affect public health.

Odour

137. WLP Saved Policy W3.7 seeks to reduce the amenity impact of odour associated with waste management activities. It encourages the use of controls to reduce the potential for odour impacts from waste management facilities, and identifies a series of mitigation measures. Such measures could include: the sheeting of HGVs, 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.
138. With regards to the early morning deliveries being sought under these proposals, it is noted that attenuating measures are already in place to address the potential for fugitive odour releases during the transportation of secondary aggregate products. It is standard practice to employ the sheeting of all HGVs entering or leaving the MRF site, and the proposed outbound HGVs would be pre-loaded and sheeted in readiness for next day deliveries. This should be adequate to contain any odour emissions within the moving vehicles.
139. Overall, it is concluded that fugitive odours from the transportation of materials (including recycled IBA) would not be significant and subject to existing planning controls remaining in place the delivery of materials would not cause nuisance to the nearest residential receptors (or indeed those along the route) thus satisfying the requirements of WLP Saved Policy W3.7.

Lighting

140. The potential for light pollution is a material consideration. The NPPW makes reference to the potential for light pollution at Appendix B (locational criteria) and the need for this aspect to be considered along with the proximity of sensitive receptors. In respect of these proposals, any light associated with HGV traffic using the local highway network would be intermittent, transient and directional towards the highway so that light spillage towards any nearby residential development would not be unacceptable. As such, this element of the proposals would accord with the NPPW, as there would be no significant risk of

light pollution from the early morning lorry movements to the nearest sensitive receptors.

141. The proposals would involve extending operational hours into the early hours of the morning, and during the winter months the MRF's existing lighting could potentially be switched on from 6am in the morning, although it is anticipated that this would relate to that part of the site designated for parking and not the entire site. However in mitigation the MRF site is relatively distant to the nearest residential property and the site is well screened by attenuation bunding along the site perimeter and supplemental mature boundary vegetation. No additional lighting is being proposed. A planning condition controlling existing lights would be carried forward to ensure that all external lighting continues to be suitably shielded and angled downwards into the site to minimise any attendant light spillage. As such, the proposals would accord with the NPPW.
142. It is noted that the pollution and nuisance control authorities and agencies (Environmental Health and the EA) raise no objections over potential light pollution. The Borough Council's EHO has previously confirmed that there is no direct light spillage onto residential development, given the relative distance of the nearest sensitive receptors to the MRF site and shielding of the site by bunds and mature vegetation. No complaints have been received in relation to lighting nuisance by either the EHO or the County Council.

Economic implications

143. Paragraphs 19 and 20 of the NPPF direct that socio-economic impacts should be given due consideration, particularly with regards to planning decisions which seek to proactively drive and support sustainable economic development, as well as assisting businesses to expand. The NPPF places significant weight on the need to support economic growth through the planning system.
144. Johnsons Aggregates is one of the largest suppliers of recycled aggregate in the East Midlands, being an established supplier and primary provider of quarried and recycled aggregates (including IBA) for the construction and engineering industries.
145. Overall, the MRF site whilst not supporting a large number of jobs does nevertheless provide reasonable levels of local employment within what is a semi-rural location and has beneficial impacts on the local economy through the supply of secondary recycled aggregates to the construction and engineering industries across the county.
146. The proposals would beneficially support the economic viability of the MRF site by improving delivery times for customers in the north of the county. This would enhance the company's ability to meet its aims and objectives including the supply of quality sustainable products (secondary aggregates) to its customers, and contribute towards the economic sustainability objectives of the NPPF and the NPPW.
147. The relaxation of operational hours, allowing up to twelve outbound HGVs to operate outside core operating times would ensure that Johnson Aggregates

has the capability to provide an effective service and maintain flexibility in terms of service delivery. The improved operational practices would better support a sustainable waste management facility which has driven waste up the waste hierarchy, including the beneficial treatment of IBA waste to a recycled aggregate. As such, the proposals are in accordance with the NPPF and the NPPW.

Cumulative impact

148. WLP Saved Policy W3.29 indicates that waste management development will not be supported where it would result cumulatively in a significant adverse impact including on the amenity of nearby settlements.
149. A number of applications to extend operations have been approved by the County Council over the years, as referenced in the Planning History section of this report, and it is acknowledged that a stage may be reached when it is the cumulative rather than the individual impact of a proposal that makes it unacceptable. With respect to the proposals under consideration in this report, whilst it would involve a relaxation in early morning operating hours and an earlier start time for outbound HGVs exiting the MRF site, there would no overall increase in vehicle numbers with lorry movements continuing to be controlled at 100 movements per day (550 over the working week of Mondays to Saturdays).
150. Whilst local residents have raised concerns over the proposals representing a move towards a 24 hour operation, the proposed variation in operating times would be limited to a marginal increase in the working day, extending morning hours only with no evening or night-time operations being proposed. It is noted that a temporary relaxation of hours into the evening (permitted under planning permissions 8/13/01494/CMA and 8/15/00050/CMA) which allowed IBA processing until 8pm at night (Mondays through to Fridays) ceased at the end of August 2015, so there is no cumulative impact in this respect from the current planning application. There are currently no extended operational hours in place.
151. Furthermore, operations would be strictly controlled, allowing only pre-loaded outbound lorries to exit the MRF with no other ancillary activities permitted including either loading of vehicles or use of on-site wheel-wash facilities, between the hours of 6am and 7:30am. Subject to planning conditions controlling what is permitted during the extended operating time, the proposals would not result in any cumulative, and by definition, unacceptable amenity impacts on the nearest sensitive receptors. As such, the proposals would accord with WLP Saved Policy W3.29.

Other issues

152. It is not considered that the proposed early morning lorry movements would impact on the safety of pedestrians using the pavements alongside the A60.

153. The principle of the acceptability of the processing of IBA waste at the Bunny MRF has been established under a previous planning permission (Plg.Ref. 8/12/01028/CMA).
154. Aside from the above controls, environmental and operational factors (including noise, dust, and odour impacts) associated with the MRF site are dealt with under an environmental permit authorised by the Environment Agency.
155. The issue of sustainability is covered in the Statutory and Policy Implications section of the report.

Legal Agreement

156. In order to secure the routing of the 12 HGVs leaving the site to ensure that they travel along the A60 Loughborough Road and not along Gotham Lane, a legal agreement under Section 106 of the Town and Country Planning Act 1990 would need to be secured before any planning permission is issued. The applicant would cover all reasonable legal cost incurred by the County Council in the drafting of this agreement.

Other Options Considered

157. 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

158. 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

159. The existing MRF site including the new designated lorry parking area benefits from perimeter security fencing to restrict unauthorised access. Furthermore, existing bunding and mature vegetation offers a degree of protection to the MRF site, effectively screening the site from the A60 Loughborough Road.

Human Rights Implications

160. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have

the potential to introduce impacts such as traffic noise impact, dust, light and vibration impacts arising from vehicle movements in the early hours of the morning upon the residential amenity of the nearest residential occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of the recyclable waste operations at the Bunny MRF by enabling the operator to make deliveries (recycled aggregates) to the northern part of the county in a timely manner. 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

161. The application has been considered against the NPPF, the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable development by indirectly supporting sustainable waste management operations by transporting the recycled waste materials (secondary aggregates, including IBA) more efficiently to customers in the north of the county.
162. By avoiding early morning peak traffic, the proposals would support a more efficient use of the public highway network, and promote a reduction in overall fuel consumption arising from more rapid and efficient transit of lorries. Whilst road transport may not in itself be an identified sustainable mode of transport, the development would in itself deliver benefits by supporting more efficient use of fuel and a reduction in carbon emissions.
163. The proposals broadly accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of supporting an existing waste materials recycling operation.
164. There are no service user, equalities, financial, human resource or safeguarding of children implications.

Statement of Positive and Proactive Engagement

165. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

166. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act

1990 to secure the routing of those HGVs leaving the site between 6am and 7.30am so that they only travel along the A60 Loughborough Road and not along Gotham Lane.

167. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 28 September 2016 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 28 September 2016, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 17/06/2016]

Comments of the Service Director - Finance

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

[SES 17/06/16]

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Councillor Reg Adair Ruddington

Report Author/Case Officer

Deborah Wragg

0115 9932575

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

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RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. The development hereby permitted is for the retention of existing Incinerator Bottom Ash, aggregate and soil recycling operations and changes to operating hours to permit a start time of 06:00 hours Mondays to Saturdays to allow 12 pre-loaded, sheeted and pre-wheel washed outbound heavy goods vehicles (HGVs) to leave the site daily between the hours of 06:00 hours to 07:30 hours. For purposes of clarity, the pre-loaded, sheeted and pre-wheel washed outbound HGVs would be parked overnight in a designated parking area shown marked in orange on Plan titled 'IBA Processing and Early Start HGV Parking Areas' received by the Waste Planning Authority (WPA) on 9th March 2016.

Reason: To define the development hereby approved and for the avoidance of doubt.

2. The operator shall notify the WPA in writing of the date of commencement of this permission within 7 days of its occurrence.

Reason: For the avoidance of doubt.

3. 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) Plan titled 'Site detail plan of proposed recycling unit' Drawing No. 3a received by the WPA on 13th May 1994;
- (b) Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7th February 1994;
- (c) Plan B 'Site Plan' 8/94/00164/CMA dated July 1994;
- (d) Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8th July 1996;
- (e) Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996;
- (f) Plan Drawing No. SSW/CS15596/04 Revision A received by the WPA on 26th June 1997;
- (g) Planning application form, Design and Access Statement and Planning Supporting Statement received by the WPA on 21st May 2012;
- (h) Site Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012;

- (i) Plan titled 'IBA Storage' Drawing No. MS231-2B received by the WPA on 26th November 2012;
- (j) Drawing titled 'Water Collection Channel for IBA Storage Bays' Drawing No. MS231-9 received by the WPA on 26th November 2012;
- (k) Drawing titled 'Water Collection System' Drawing No. MS231-8A received by the WPA on 26th November 2012;
- (l) Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012;
- (m) Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13th November 2013;
- (n) IBA Storage Bay Drainage Scheme titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the WPA on 3rd September 2013,
- (o) Addendum to Noise Assessment Report, by Acute Acoustics Ltd. Reference 1524 Johnsons – Bunny NIA, dated 7th October 2015 [Rev C] and the original report by Acute Acoustics Ltd, dated 14th October 2013, received by the WPA on 5th November 2015;
- (p) Planning Application Supporting Statement received by the WPA on 5th November 2015;
- (q) Planning application form with new description as amended 13/11/2015 received by the WPA on 13th November 2015;
- (r) Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9th March 2016, which is referenced only for the purposes of defining the parking area for 12 outbound pre-loaded, sheeted and pre-wheel washed early start HGVs, as shown marked up in orange on the plan. Plan MS231-32 shall not be used for any other purposes other than that described here;
- (s) New description as amended: 22/4/2016 received by the WPA on 25th April 2016.

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

4. 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/CS15596/01 Revision B received by the WPA on 8th July 1996.

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

5. 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.

6. 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, and for purposes of clarity the area shown in block red on Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7th February 1994, and the area edged in black on Plan B 'Site Plan' 8/94/00164/CMA dated July 1994.

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

7. 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.

8. The storage and processing of Incinerator Bottom Ash (IBA) shall only be carried out in a storage bay situated in the south-eastern part of the Materials Recycling Facility (MRF) on part of the waste transfer area permitted to accommodate the storage bay and its associated operations, 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.

9. No toxic or difficult wastes shall be received or processed on the site; and only materials which are inert, solid, dry, non-oily, non-hazardous and non-putrescible shall be processed and stored on the site; and stockpiled on site outside the building.

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

Hours of operation

10. Except in emergencies to maintain safety of the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), the site shall only operate between the following hours:

Operation	Monday to Friday (hours)	Saturday (hours)	Sundays, Public & Bank Holidays (hours)
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	07:30 to 18:00	07:30 to 13:00	Not at all

material; operation of any plant or machinery, and operations which involve the movement of materials			
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 17:00	08:30 to 12:30	Not at all
12 pre-loaded, sheeted and pre-wheel washed HGV movements outbound from the site (for purposes of clarification there shall be no loading, sheeting or wheel-washing of vehicles between 06:00 hours to 07:30 hours)	06:00 to 07:30	06:00 to 07:30	Not at all

For the avoidance of doubt, no other HGVs shall enter or leave the site except within the permitted hours detailed above.

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

11. 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. In the case of the 12 pre-loaded outbound HGVs anticipated to leave the site between 06:00 hours and 07:30 hours Monday to Saturdays these vehicles shall be pre-wheel-washed the day before and at no time shall any vehicles be wheel-washed between the hours of 06:00 hours and 07:30 hours.

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).

12. All on-site vehicular movements shall be carried out in accordance with the approved vehicular routeing 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 writing by the WPA on 21st November 1997.

Reason: To ensure the satisfactory working of the site.

13. A visibility splay from the access road along the A60, shall be maintained in accordance with the details approved in writing by the WPA on 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

14. 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).

15. 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

16. 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).

17. In the event that a complaint is received regarding noise associated with the operations on 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

18. All mobile plant used on site 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).

19. HGVs which depart the site between 06:00hrs-07:30hrs Mondays to Saturdays shall be preloaded, sheeted and pre-wheel-washed the day before, and parked overnight in the parking area shown on Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9th March 2016, in a position which enables them to drive in a forwards motion out of the yard without the need for reversing or manoeuvring.

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

Dust

20. Dust emissions from all waste operations shall be kept to a minimum and contained within the site. The operator shall take the following actions to ensure that dust emissions are minimised:

- (a) the use as appropriate of a dust suppression system throughout all working areas, particularly during periods of unloading/loading, crushing, storage and transfer of waste products. A suitable and sufficient water supply shall be provided to the operations at all times to enable the suppression of dust by water spray as required;
- (b) the use as appropriate of water bowzers and/or spray systems to dampen stockpiles, the site area, access roads, haul road, vehicle circulation and manoeuvring areas;
- (c) regular cleaning of all hard surfaced areas of the site area, haul road and access onto the A60 Loughborough Road;
- (d) the temporary cessation of operations (waste importation, recycling operations and loading of recycled materials for export) in dry, windy conditions.

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).

21. The measures detailed in the approved Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13th November 2013, as

approved in a letter sent by the WPA on 20th November 2013, shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. The mitigation scheme shall thereafter be maintained throughout the operational life of the waste operations. Notwithstanding this, 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 including the containment of IBA emissions within the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Drainage

22. 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.

23. 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).

24. 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).

25. Drainage for the IBA Storage Bay shall be maintained in accordance with the approved drainage details titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the

WPA on 3rd September 2013, and approved by the WPA in writing on 20th November 2013

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Operational matters

26. Within the Materials Recycling Facility site, except for within the IBA storage bay as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012, 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).

27. The maximum storage height of IBA (un-processed and processed) stored in the storage bay shall be 4.5m. At no time shall stockpile heights exceed the height of the storage bay, as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012.

Reason: In the interests of visual amenity and to control dust to ensure compliance with Saved Policies W3.3 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

28. During the times whilst the wood shredder is being used, within the operating hours set out in Condition 10 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).

29. 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).

30. 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

31. 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 writing by the WPA on 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).

32. 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

33. The number of HGVs 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).

Annual throughput

34. The variation and change of use of land in the south-eastern part of the site to allow for the outdoor storage and processing of IBA, shown on Drawing No. MS231-2B received by the WPA on 26th November 2012 shall not result in the total throughput of all waste (inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA waste) materials into 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

35. 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 waste.

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

1. Notwithstanding the fact that land is outside the control of the operator Johnsons Aggregates, it is advised that the applicant investigates the opportunity to undertake planting within the open land between the bund and the A60 Loughborough Road, as shown on the Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012.

RECOMMENDED PLANNING CONDITIONS

Scope of Planning Permission

1. The development hereby permitted is for the retention of existing Incinerator Bottom Ash, aggregate and soil recycling operations and changes to operating hours to permit a start time of 06:00 hours Mondays to Saturdays to allow 10 pre-loaded, sheeted and pre-wheel washed outbound heavy goods vehicles (HGVs) to leave the site daily between the hours of 06:00 hours to 07:30 hours. For purposes of clarity, the pre-loaded, sheeted and pre-wheel washed outbound HGVs would be parked overnight in a designated parking area shown marked in orange on Plan titled 'IBA Processing and Early Start HGV Parking Areas' received by the Waste Planning Authority (WPA) on 9th March 2016.

Reason: To define the development hereby approved and for the avoidance of doubt.

2. The operator shall notify the WPA in writing of the date of commencement of this permission within 7 days of its occurrence.

Reason: For the avoidance of doubt.

3. 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) Plan titled 'Site detail plan of proposed recycling unit' Drawing No. 3a received by the WPA on 13th May 1994;
- (b) Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7th February 1994;
- (c) Plan B 'Site Plan' 8/94/00164/CMA dated July 1994;
- (d) Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8th July 1996;
- (e) Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8th July 1996;
- (f) Plan Drawing No. SSW/CS15596/04 Revision A received by the WPA on 26th June 1997;
- (g) Planning application form, Design and Access Statement and Planning Supporting Statement received by the WPA on 21st May 2012;

- (h) Site Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012;
- (i) Plan titled 'IBA Storage' Drawing No. MS231-2B received by the WPA on 26th November 2012;
- (j) Drawing titled 'Water Collection Channel for IBA Storage Bays' Drawing No. MS231-9 received by the WPA on 26th November 2012;
- (k) Drawing titled 'Water Collection System' Drawing No. MS231-8A received by the WPA on 26th November 2012;
- (l) Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012;
- (m) Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13th November 2013;
- (n) IBA Storage Bay Drainage Scheme titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the WPA on 3rd September 2013,
- (o) Addendum to Noise Assessment Report, by Acute Acoustics Ltd. Reference 1524 Johnsons – Bunny NIA, dated 7th October 2015 [Rev C] and the original report by Acute Acoustics Ltd, dated 14th October 2013, received by the WPA on 5th November 2015;
- (p) Planning Application Supporting Statement received by the WPA on 5th November 2015;
- (q) Planning application form with new description as amended 13/11/2015 received by the WPA on 13th November 2015;
- (r) Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9th March 2016, which is referenced only for the purposes of defining the parking area for 12 outbound pre-loaded, sheeted and pre-wheel washed early start HGVs, as shown marked up in orange on the plan. Plan MS231-32 shall not be used for any other purposes other than that described here;
- (s) New description as amended: 22/4/2016 received by the WPA on 25th April 2016.
- (t) Letter dated 26th August 2016 from Bond Planning Consultancy received by the WPA on 26th August 2016.
- (u) Document titled 'HR200 v0.1 Transport and Logistics Policy' by Johnsons Aggregates and Recycling Limited received by the WPA on 26th August 2016.

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

4. 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/CS15596/01 Revision B received by the WPA on 8th July 1996.

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

5. 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.

6. 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, and for purposes of clarity the area shown in block red on Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7th February 1994, and the area edged in black on Plan B 'Site Plan' 8/94/00164/CMA dated July 1994.

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

7. 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.

8. The storage and processing of Incinerator Bottom Ash (IBA) shall only be carried out in a storage bay situated in the south-eastern part of the Materials Recycling Facility (MRF) on part of the waste transfer area permitted to accommodate the storage bay and its associated operations, 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.

9. No toxic or difficult wastes shall be received or processed on the site; and only materials which are inert, solid, dry, non-oily, non-hazardous and non-putrescible shall be processed and stored on the site; and stockpiled on site outside the building.

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

Hours of operation

10. Except in emergencies to maintain safety of the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), the site shall only operate between the following hours:

Operation	Monday to Friday (hours)	Saturday (hours)	Sundays, Public & Bank
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			Holidays (hours)
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 17:00	08:30 to 12:30	Not at all
A maximum of 10 pre-loaded, sheeted and pre-wheel washed HGV movements outbound from the site (for purposes of clarification there shall be no loading, sheeting or wheel-washing of vehicles between 06:00 hours to 07:30 hours)	06:00 to 07:30	06:00 to 07:30	Not at all

For the avoidance of doubt, no other HGVs shall enter or leave the site except within the permitted hours detailed above.

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

11. 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. In the case of the 10 pre-loaded outbound HGVs anticipated to leave the site between 06:00 hours and 07:30 hours Monday to Saturdays these vehicles shall be pre-wheel-washed the day before and at no time shall any vehicles be wheel-washed between the hours of 06:00 hours and 07:30 hours.

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).

12. 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 writing by the WPA on 21st November 1997.

Reason: To ensure the satisfactory working of the site.

13. A visibility splay from the access road along the A60, shall be maintained in accordance with the details approved in writing by the WPA on 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

14. 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).

15. 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

16. 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).

17. In the event that a complaint is received regarding noise associated with the operations on 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).

18. All mobile plant used on site 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).

19. HGVs which depart the site between 06:00hrs-07:30hrs Mondays to Saturdays shall be preloaded, sheeted and pre- wheel-washed the day before, and parked overnight in the parking area shown on Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9th March 2016, in a position which enables them to drive in a forwards motion out of the yard without the need for reversing or manoeuvring.

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

Dust

20. Dust emissions from all waste operations shall be kept to a minimum and contained within the site. The operator shall take the following actions to ensure that dust emissions are minimised:

- (v) the use as appropriate of a dust suppression system throughout all working areas, particularly during periods of unloading/loading, crushing, storage and transfer of waste products. A suitable and sufficient water supply shall be provided to the operations at all times to enable the suppression of dust by water spray as required;
- (w) the use as appropriate of water bowzers and/or spray systems to dampen stockpiles, the site area, access roads, haul road, vehicle circulation and manoeuvring areas;
- (x) regular cleaning of all hard surfaced areas of the site area, haul road and access onto the A60 Loughborough Road;
- (y) the temporary cessation of operations (waste importation, recycling operations and loading of recycled materials for export) in dry, windy conditions.

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).

21. The measures detailed in the approved Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13th November 2013, as approved in a letter sent by the WPA on 20th November 2013, shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. The mitigation scheme shall thereafter be maintained throughout the operational life of the waste operations. Notwithstanding this, 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 including the containment of IBA emissions within the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Drainage

22. 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.

23. 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).

24. 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).

25. Drainage for the IBA Storage Bay shall be maintained in accordance with the approved drainage details titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the WPA on 3rd September 2013, and approved by the WPA in writing on 20th November 2013

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

Operational matters

26. Within the Materials Recycling Facility site, except for within the IBA storage bay as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012, 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).

27. The maximum storage height of IBA (un-processed and processed) stored in the storage bay shall be 4.5m. At no time shall stockpile heights exceed the height of the storage bay, as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26th November 2012.

Reason: In the interests of visual amenity and to control dust to ensure compliance with Saved Policies W3.3 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).

28. During the times whilst the wood shredder is being used, within the operating hours set out in Condition 10 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).

29. 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).

30. 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

31. 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 writing by the WPA on 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).

32. 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

33. The number of HGVs 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).

Annual throughput

34. The variation and change of use of land in the south-eastern part of the site to allow for the outdoor storage and processing of IBA, shown on Drawing No. MS231-2B received by the WPA on 26th November 2012 shall not result in the total throughput of all waste (inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA waste) materials into 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).

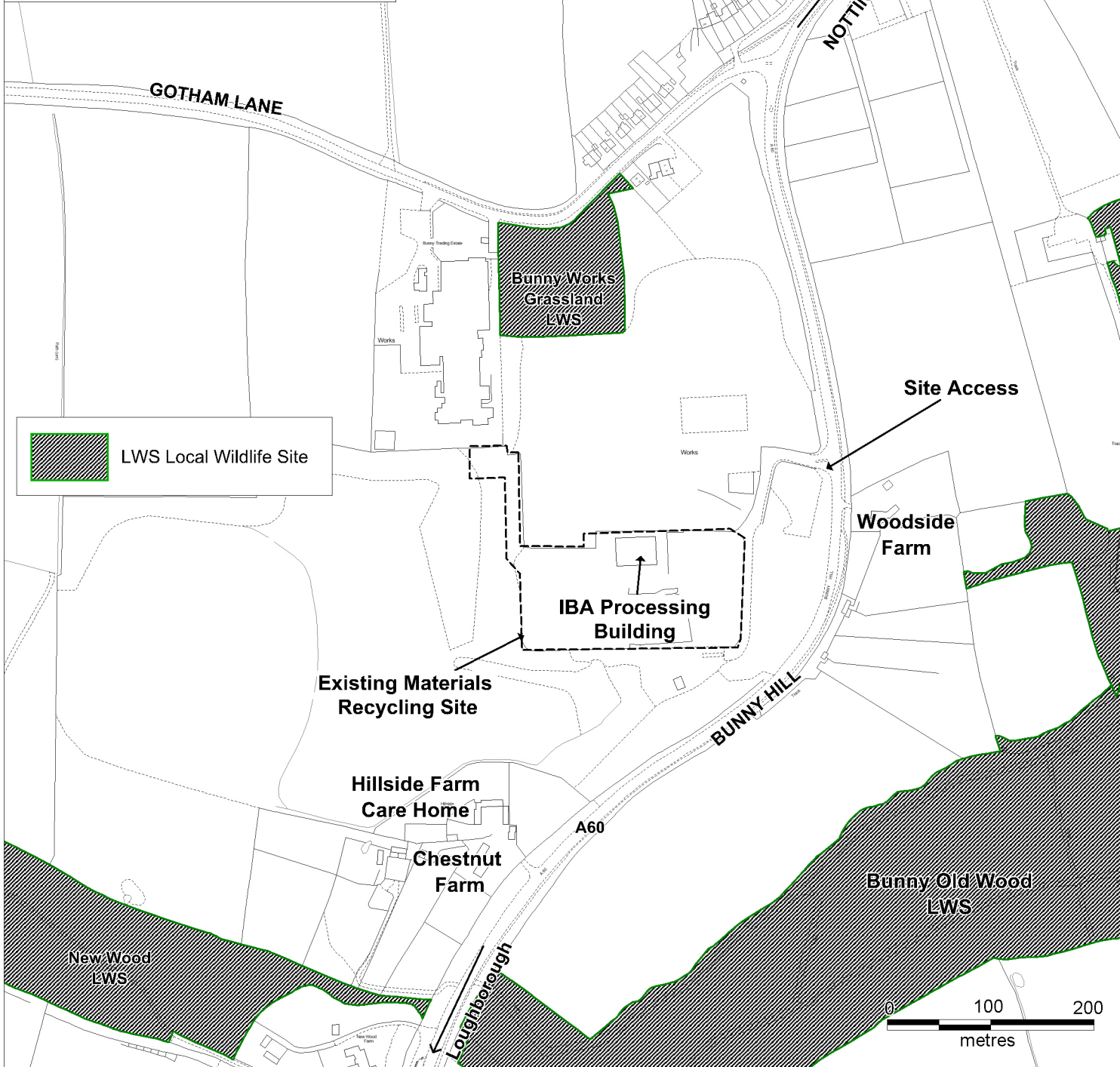
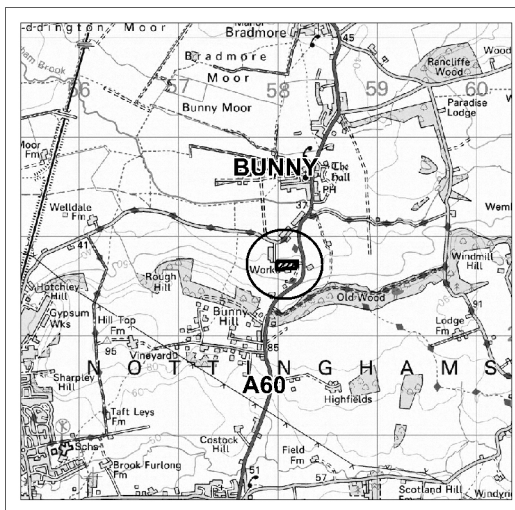
Buildings, fixed plant and machinery

35. 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 waste.

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

2. Notwithstanding the fact that land is outside the control of the operator Johnsons Aggregates, it is advised that the applicant investigates the opportunity to undertake planting within the open land between the bund and the A60 Loughborough Road, as shown on the Location Plan Drawing No. BUNNY03A received by the WPA on 26th November 2012.



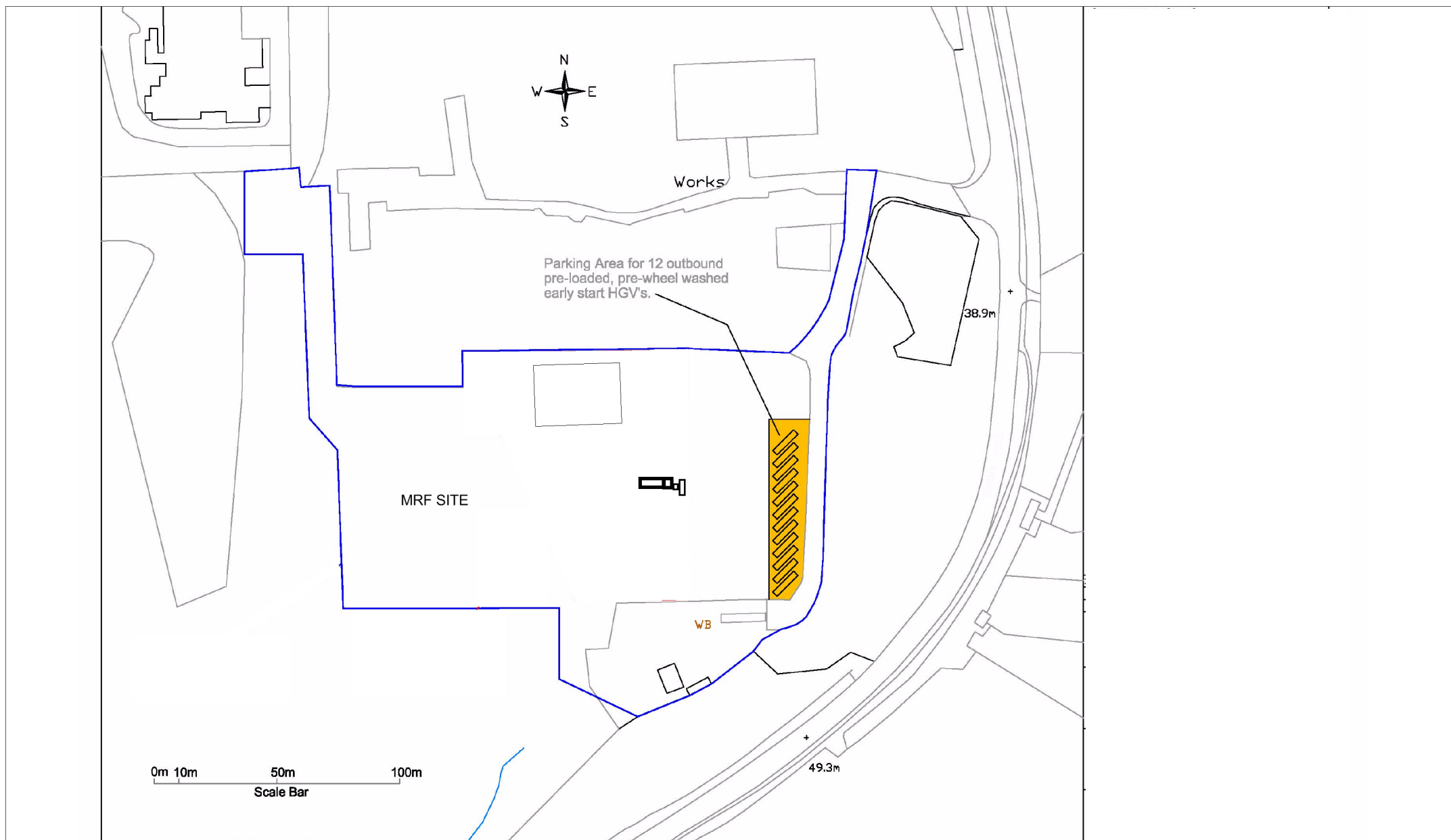
**Nottinghamshire
County Council**

Section 73 Planning Application to vary Condition 3 of Planning Permission 8/12/01028/CMA, Condition 7 of Planning Permission 8/96/79/CMA and Condition 9 of Planning Permission 8/94/00164/CMA to extend permitted operational hours from 07:30 hours to 06:00 hours. Mondays to Saturdays. Allow for 200 pre-loaded HGV movements from the site. Loughborough Road, Bunny.
 Page 03 of 18
 Planning Application No. 8/16/00059/CMA

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**Nottinghamshire
County Council**

Section 73 Planning Application to vary Condition 3 of Planning Permission 8/12/01028/CMA, Condition 7 of Planning Permission 8/96/79/CMA and Condition 9 of Planning Permission 8/94/00164/CMA to extend permitted operational hours from 07:30 hours to 06:00 hours. Mondays to Saturdays to allow for 12 outbound pre-loaded HGV movements from the site.

Loughborough Road, Bunny.
Planning Application No. 8/16/00059/CMA

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Date: JUNE 2016

PLAN 2

18 October 2016**Agenda Item: 7****REPORT OF CORPORATE DIRECTOR - PLACE****DEVELOPMENT MANAGEMENT PROGRESS REPORT**

1. To report on planning applications received by the Development Management Team between 1 September to 30 September 2016, and to confirm the decisions made on planning applications since the last report to Members on 20 September 2016.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C shows the Government's annual statistics for year ending 2015/2016 with Nottinghamshire's performance against other county council's in England. Nottinghamshire came second in the country for receiving and determining county matter applications during the 2015/2016 year.

Statutory and Policy Implications

3. 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.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

5. It is RECOMMENDED that the report and accompanying appendices be noted.

TIM GREGORY

Constitutional Comments

The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report.

[HD – 07/10/2016]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications.

[SES– 07/10/2016]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9932584

Planning Applications Received and Determined
From 1st September to 30 September 2016

Division	Member	Received	Determined
BASSETLAW			
Blyth & Harworth	Cllr Sheila Place	To vary condition 2 and remove conditions,5,7,8 and 12 of planning permission 1/15/00207/CDM. Bircotes Pre School Nursery, Plumtree Park, Thoresby Close, Bircotes. Received 12/09/2016	
Tuxford	Cllr John Ogle	Use of ash processing plant equipment. West Burton Power Station, North Road, West Burton. Received 21/09/2016	
MANSFIELD - None			
NEWARK & SHERWOOD			
Rufford	Cllr John Peck	Erection of a porch, King Edwin Primary and Nursery School, Fourth Avenue, Edwinstowe. Received 05/09/2016	
Southwell & Caunton	Cllr Bruce Laughton		Retention of temporary classroom, Kneesall Primary School, School Lane, Kneesall. Granted 07/09/2016

Division	Member	Received	Determined
Rufford Farndon & Lowdham	Cllr John Peck Cllr Roger Jackson		Construction of a digestate storage lagoon for an Anaerobic Digestion Plant. Stud Farm, Rufford. Granted 21/09/2016 (Committee)
Rufford	Cllr John Peck		Installation of Combined Heat and Power (CHP) Plant. Land at Sherwood Forest Center Parcs. Granted 21/09/2016 (Committee)
Collingham Farndon & Muskham	Cllr Maureen Dobson Cllr Mrs Sue Saddington	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access. Land at Langford Quarry, Newark Road, Near Collingham. Received 16/09/2016	
Farnsfield & Lowdham	Cllr Roger Jackson		Retention of temporary classroom, Bleasby C of E Primary School, Station Road, Bleasby. Granted 26/09/2016

ASHFIELD			
Sutton in Ashfield East	Cllr Steve Carroll	Variation of Condition 13 on existing planning consent relating to HGV movements to and from the site. Two Oaks Quarry, Derby Road, Mansfield. Received 30/09/2016	
BROXTOWE			
Eastwood	Cllr Keith Longdon	Erection of a two storey replacement 210 place primary and 26 full time equivalent place nursery school, additional car parking, lighting and CCTV, sports pitch provision and landscaping. Widening of existing vehicular access from Walker Street, reuse of existing pedestrian access points, and provision of new pedestrian access to eastern boundary from Eastwood Public Footpath No. 27. New 2.4m high weldmesh fencing to enclose site in conjunction with retained existing boundary fencing to Walker Street. 3.5m high timber fencing to enclose sprinkler tank / pump house, 2.4m high to foul / surface drainage pumps and bin store. Resurfacing of existing hard court area and enclosure with 3m high weldmesh fencing. Land north of Walker Street, Walker Street, Eastwood. Received 13/09/2016	

GEDLING			
Calverton	Cllr Boyd Elliott		Improvements to Springwater Golf Club including the conversion of the practice range into a 6 hole Par 3 course; relocation and raising of 10th Tee and widening and lengthening of the 17th fairway using site derived and imported soils. Springwater Golf Club, Moor Lane, Calverton. Granted 12/09/2016 (Committee)
RUSHCLIFFE - None			

Applications outstanding over 17 weeks at 30 September 2016

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Misterton	Cllr Liz Yates	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration. Land off Springs Road, Misson	49	To be presented to committee on 05/10/2016

Division	Member	Description	Weeks Out Standing	Comments
Tuxford	Cllr John Ogle	Vary conditions 1,9,10,11,23,24,25,and 27 of planning permission 1/15/00018/CDM to facilitate approval of a revised restoration scheme for the Rampton Quarry (Area R1). Rampton Quarry, Torksey Ferry Road, Rampton	43	Delegated report being repaired
Tuxford	Cllr John Ogle	To vary conditions 1,2,3,7, and 15 of planning permission 1/15/00019/CDM tp facilitate approval of a revised restoration scheme for the Rampton Quarry (Area R2). Rampton Quarry, Torksey Ferry Road, Rampton	43	Delegated report being prepared
Worksop North East & Carlton	Cllr Alan Rhodes	Retrospective application to erect a pole mounted CCTV camera. Prospect Hill Infant and Nursery School, Maple Drive, Worksop	20	Can be found elsewhere on the agenda.

Division	Member	Description	Weeks Out Standing	Comments
Misterton	Cllr Liz Yates	The exploratory well would be a vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period.	19	Committee report to be completed
MANSFIELD - None				

NEWARK & SHERWOOD				
Collingham	Cllr Maureen Dobson	To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham	96	Resolved to grant permission upon the agreeing and signing of S106 Legal Agreement
Farndon & Muskham	Cllr Mrs Sue Saddington	To vary condition 46 of planning permission 3/14/91/1237, revision to approved restoration scheme. Staple Landfill, Grange Lane, Cotham	24	Presented to Committee 20/09/2016 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement
Southwell & Caunton	Cllr Bruce Laughton	Installation of automatic vehicular gate to main entrance. Minster View, Normanton Road, Upton.	37	Meeting held to discuss new design options, and awaiting revised design plans.
ASHFIELD				

Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	216	No change- Still awaiting traffic impact assessment from the applicant
Sutton in Ashfield East	Cllr Steve Carroll	Installation of a 5MW Solar PV Array with associated access track and temporary construction compound. Two Oaks Quarry, Derby Road, Mansfield.	55	Seed mix received, now awaiting amended plans to remove the construction compound and create new access.
BROXTOWE				
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	194	Further information concerning asbestos and ecology received, awaiting landscape
GEDLING - None				
RUSHCLIFFE				
Soar Valley	Cllr Andrew Brown	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	Not counting	Revised restoration scheme received and consulted upon, which has raised landscaping and bird strikes issues, which need to be resolved. Held in abeyance by the applicant to run with the Extension application

Soar Valley	Cllr Andrew Brown	Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake	110	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement. The applicant has asked for an extension of time until 31 st October 2016 to complete the S106 agreement.
Ruddington	Cllr Reg Adair	Section 73 planning application to vary condition 3 of planning permission 8/12/01028/CMA, condition 7 of planning permission 8/96/79/CMA and condition 9 of planning permission 8/94/00164/CMA to extend the permitted operational hours from 0730 hours to 0600 hours Mondays to Saturdays to allow 12 outbound pre-loaded HGV movements from the site and to bring forward the operating time on the IBA waste transfer area from 0730 hours to 0700 hours Mondays to Saturdays. Bunny Materials Recycling Facility, Loughborough Road, Bunny	46	Can be found elsewhere on the agenda

Keyworth	Cllr John Cottee	Placement of a 950KW Pytec biomass boiler within the existing building "C" incorporating a 10m high flue. Construction of a new enclosure to the south side of the existing building to cover two Fliegi dryers. And change of use of the existing building to a dry pellet store. John Brooke Sawmills Limited, The Sawmill, Fosseyway, Widmerpool	34	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement.
Keyworth Rudding ton Soar Valley	Cllr John Cottee Cllr Reg Adair Cllr Andrew Brown	Periodic review of mineral permissions pursuant to Section 96 of Environment Act 1995. Marblaegis Mine, Gotham Road, East Leake	22	A matter has arisen relating to proposed conditions to bring mineral from Barrow on Soar Mine, Leicestershire, which requires further consideration.
Keyworth Rudding ton Soar Valley	Cllr John Cottee Cllr Reg Adair Cllr Andrew Brown	To vary condition 4 of planning permission 8/11/01544/CMA to extend the operation of the mine until 22/02/2042. Marblaegis Mine, Gotham Road, East Leake	22	Application related to the ROMP, therefore decision made at the same time.
Keyworth Rudding ton Soar Valley	Cllr John Cottee Cllr Reg Adair Cllr Andrew Brown	To vary condition 2 of planning permission 8/00/01321/CMA to extend the operation of the mine until 22 February 2042. Marblaegis Mine, Gotham Road, East Leake	22	Application related to the ROMP, therefore decision made at the same time.

Table P144: 'County matters' planning authorities - planning applications received, decided and granted, speed of decisions and Regulation 3 and 4 decisions, by local planning authority

England, Year ending June 2016 ^P

Number/per cent													
Planning authority	ONS code	Applications			Decisions ¹				Decisions made ²		issued		
		Received	Decided	Granted	Within 13 weeks		Within 16 weeks		Regulation 3	Regulation 4			
					ne	Number	%	l time				Number	%
England	E92000001	1,287	1,173	1,109	1,058	90	1,081	92	1,158	14	24		
County councils		943	849	809	765	90	783	92	1,133	9	15		
Buckinghamshire	E10000002	19	9	5	8	89	8	89	7	9	-		
Cambridgeshire	E10000003	16	16	16	16	100	16	100	23	-	-		
Cumbria	E10000006	45	37	37	34	92	35	95	25	-	-		
Derbyshire	E10000007	32	29	29	21	72	22	76	89	-	1		
Devon	E10000008	48	39	37	38	97	39	100	21	-	-		
Dorset	E10000009	17	17	17	9	53	11	65	24	-	-		
East Sussex	E10000011	14	16	14	15	94	15	94	48	-	-		
Essex	E10000012	36	33	31	30	91	31	94	47	-	-		
Gloucestershire	E10000013	30	22	22	20	91	21	95	28	-	-		
Hampshire	E10000014	56	50	50	49	98	49	98	65	-	-		
Hertfordshire	E10000015	28	24	14	24	100	24	100	27	-	-		
Kent	E10000016	29	39	39	38	97	38	97	97	-	-		
Lancashire	E10000017	39	31	26	31	100	31	100	49	-	2		
Leicestershire	E10000018	37	32	31	30	94	31	97	27	-	-		
Lincolnshire	E10000019	51	44	42	36	82	39	89	51	-	3		
Norfolk	E10000020	86	72	70	67	93	68	94	64	-	-		
North Yorkshire	E10000023	19	20	20	18	90	18	90	76	-	3		
Northamptonshire	E10000021	29	29	29	27	93	27	93	40	-	-		
Nottinghamshire	E10000024	58	55	52	47	85	49	89	51	-	1		

Oxfordshire	E10000025	37	45	45	37	82	38	84	16	-	1
Somerset	E10000027	25	24	22	21	88	22	92	37	-	1
Staffordshire	E10000028	50	36	34	35	97	35	97	12	-	2
Suffolk	E10000029	55	37	37	34	92	34	92	91	-	1
Surrey	E10000030	33	38	38	31	82	32	84	51	-	-
Warwickshire	E10000031	25	20	20	17	85	18	90	15	-	-
West Sussex	E10000032	21	24	23	22	92	22	92	38	-	-
Worcestershire	E10000034	8	11	9	10	91	10	91	14	-	-

18 October 2016**Agenda Item: 8****REPORT OF CORPORATE DIRECTOR, RESOURCES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2016/17.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

6. 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.

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward
Corporate Director, Resources

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

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

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
15 th November 2016	FR3/3576	Land north of Walker Street, Walker Street, Eastwood	Erection of a two storey replacement 210 place primary and 26 full time equivalent place nursery school, additional car parking, lighting and CCTV, sports pitch provision and landscaping. Widening of existing vehicular access from Walker Street, reuse of existing pedestrian access points, and provision of new pedestrian access to eastern boundary from Eastwood Public Footpath No. 27. New 2.4m high weldmesh fencing to enclose site in conjunction with retained existing boundary fencing to Walker Street. 3.5m high timber fencing to enclose sprinkler tank / pump house, 2.4m high to foul / surface drainage pumps and bin store. Resurfacing of existing hard court area and enclosure with 3m high weldmesh fencing.
15 th November 2016	1/15/01498/CDI	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases: Phase 1 - Wellsite construction; Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal); Phase 3 - Suspension of wells and assessment of drilling results; Phase 4 - Site decommissioning, well abandonment and restoration.
20 th December 2016	1/16/00773/CDM	Land off A634, Between Blyth and Barnby Moor, Near Retford	Vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period.

20 th December 2016	8/16/01432/CMA	Marblaegis Mine, Gotham Road, East Leake	To vary condition 2 of planning permission 8/00/01321/CMA to extend the operation of the mine until 22 February 2042
20 th December 2016	8/16/01433/CMA	Marblaegis Mine, Gotham Road, East Leake	To vary condition 4 of planning permission 8/11/01544/CMA to extend the operation of the mine until 22/02/2042
20 th December 2016	8/16/01430/CMA	Marblaegis Mine, Gotham Road, East Leake	Periodic review of mineral permissions pursuant to Section 96 of Environment Act 1995

Planning Applications currently being considered by NCC which currently have not been timetabled to a committee meeting.

Planning App: 5/13/00070/CM
Location: Shilo Park, Shilo Way, Cossall
Development: Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings.

Planning App: V/3557
Location: East Leake Quarry, Rempstone Road, East Leake
Proposal: Variation of conditions 4 and 5 of planning permission 8/11/00157 to extend the duration of extraction until 31/12/2016 and restoration until 31/12/2017 and amend the phasing details

Planning App: 3/16/01341/CMM
Location: Girton Quarry, Gainsborough Road, Girton, Near Newark
Proposal: Vary conditions 8 and 9 of planning consent 3/98/0800 to allow an extension to the duration of quarry workings until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. The submission also incorporates an interim restoration scheme relating to land to the south of the plant site.

Planning App: ES/3579
Location: Land at Langford Quarry, Newark Road, Near Collingham
Proposal: Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access.