CHAPTER 3

ENVIRONMENTAL PROTECTION

Constructing tipping cells and laying impermeable synthetic liners at a non-inert Landfill Site. Such measures both prevent harmful leachates from escaping into any adjacent ground or surface water resources and allow any leachates to be monitored and periodically removed as required.

INTRODUCTION

3.1 Waste management, particularly disposal and incineration, frequently raises major concerns in relation to environmental pollution. For example, without proper controls, disposal of non-inert waste could seriously pollute ground waters. Other concerns include noise, dust and odour, visual impact, and traffic generation. Despite these problems, waste disposal can have environmental benefits; for example it may represent the only means to reclaim mineral workings back to an acceptable after-use.

3.2 The Nottinghamshire Structure Plan Review sets out the strategic land use policies which seek to protect the environment from the harmful effects of all types of development. In particular, Policy 12/1 provides a strategic framework to manage waste in an environmentally acceptable and sustainable manner. Other Policies relevant to waste management which give strategic guidance on environmental protection include Structure Plan Review Policies 3/1, 3/22, 10/2, 10/3, 11/1, 11/2, 11/4 and 12/3 and Policies ENV 1 to ENV 16 of the Nottingham Local Plan..

3.3 This chapter addresses the main environmental issues associated with waste proposals, with the exception of reclamation, which is considered separately in Chapter 4.

INFORMATION IN SUPPORT OF PLANNING APPLICATIONS

3.4 Developers are advised to discuss their proposals with the County or City Councils prior to the submission of an application. Such pre-application discussions help identify potential constraints and are encouraged in Government planning guidance[1].

3.5 Applications for waste management facilities should provide sufficient information to allow a balanced assessment to be made between the need for and possible advantages of the proposed development and the environmental disruption which may arise. A detailed list of the information required is set out in Policy W3.1, below:

POLICY W3.1

PLANNING PERMISSION FOR WASTE MANAGEMENT FACILITIES WILL NOT BE GRANTED UNLESS SUFFICIENT INFORMATION IS PROVIDED TO ENABLE A BALANCED ASSESSMENT OF ALL RELEVANT FACTORS. WHERE RELEVANT, SUCH INFORMATION SHOULD INCLUDE DETAILS OF:

(a) NEED FOR THE FACILITY;

(b) AN ASSESSMENT OF LANDSCAPE AND ECOLOGICAL IMPORTANCE;

(c) PRESENT USE OF THE SITE;

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1 *Planning Policy Guidance Note No. 1 - General Policy and Principles, February 1997*

(d) SURFACE DRAINAGE AND HYDRO-GEOLOGY;

(e) GEOLOGY;

(f) ESTIMATED LIFE OF OPERATIONS AND RATE OF IMPORTATION;

(g) TYPES OF WASTE MATERIAL;

(h) OPERATIONAL DETAILS;

(i) LAYOUT AND DESIGN OF BUILDINGS AND OPERATIONAL AREAS, INCLUDING HAUL ROADS;

(j) SOIL SURVEY AND SOIL CONSERVATION MEASURES;

(k) TRANSPORTATION ARRANGEMENTS, INCLUDING ACCESS, TRAFFIC GENERATION AND ROUTEING;

(l) HOURS OF OPERATION;

(m) EMPLOYMENT IMPLICATIONS;

(n) MEASURES TO MINIMISE POLLUTION AND ENVIRONMENTAL DISTURBANCE;

(o) IMPACT ON EXISTING AND ADJACENT LAND USES;

(p) AN ASSESSMENT OF ARCHAEOLOGICAL REMAINS AND HISTORIC FEATURES AND MEASURES FOR THEIR PRESERVATION AND RECORDING;

(q) IMPACT UPON PUBLIC RIGHTS OF WAY;

(r) PROPOSED LANDSCAPING MEASURES AND BOUNDARY TREATMENT OF THE SITE AND THEIR LONG TERM MANAGEMENT;

(s) INTEGRATED OPERATIONAL AND RECLAMATION SCHEME;

(t) AFTERCARE;

(u) AFTER-USE;

(v) LONG-TERM MANAGEMENT PROVISIONS.

3.6 The main environmental issues noted in Policy W3.1 are considered in more detail in the remainder of this Chapter, or, in the case of reclamation issues, in Chapter 4. Issues relating to different waste management options and types of waste, including 'need', are considered in Chapters 5-10 of the Plan.

Environmental Impact Assessment

3.7 Where proposals are likely to have a significant environmental impact, the WPA can require an "Environmental Impact Assessment" (EIA) in accordance with Government Regulations[2] and Guidance[3].

3.8 These regulations set out the criteria for determining the scope and need for an EIA. Proposals for the treatment and disposal of special waste require an EIA. Proposals for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 tonnes per day will also require an EIA. For other wastes, this would be at the discretion of the WPA, but only where there is the potential for significant environmental impact. In practice, most major waste management proposals are likely to require one. The main circumstances justifying an EIA are set out in Structure Plan Review Policy 3/I and Explanatory Memorandum paragraphs 3.81 – 3.84.

3.9 Pre-application discussions with the WPA are advised to establish whether an Environmental Statement is needed and, if so, which issues are most important.

PLANNING CONDITIONS AND OBLIGATIONS

3.10 When planning permission is granted, a comprehensive set of conditions is normally attached to ensure the satisfactory operation and reclamation of the site. The information required under Policy W3.1 forms an important basis for considering what detailed conditions and other legal controls are required. Further guidance is provided in the text and policies of this Plan.

Planning Conditions

3.11 Planning conditions are used to control how a development takes place, and normally most matters can be adequately covered. Broadly, conditions can only relate to the use of land and are imposed in order to allow development where it would otherwise be refused. General guidance on the use of conditions is contained within Circular 11/95[4], and PPG1. The WPA has powers to enforce compliance with planning conditions and to control unauthorised development, where appropriate.

3.12 The dividing line between planning and pollution controls is not always clear cut, as explained in PPG 23 and PPG 10. In essence, the advice suggests that the potential for pollution is a "material consideration". Where it appears that a serious pollution risk cannot be ameliorated this might be a reason for refusal. However, if permission is granted, having taken pollution into account, the advice indicates that planning controls should not be used to address the causes of pollution risks where other controls (such as waste

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2 *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*

3 *Environmental Impact Assessment - DETR Circular 02/99.*

4 *The Use of Conditions in Planning Permissions - DoE Circular 1/95.*

management licences) exist. It is important, therefore, that care is taken to ensure that the pollution issues are addressed by the appropriate legislation and at the appropriate time.

Planning Obligations

3.13 The WPA may also wish to control certain matters which lie beyond the legal scope of planning conditions. Such matters would normally be covered by planning obligations[5]. These comprise either legal agreements between the WPA, the applicant and any relevant third party, or unilateral undertakings made by the applicant. Circumstances where planning obligations may be sought include:

(a) the provision of off-site works such as highway improvements, landscape treatment and planting;

(b) where funding is required such as to facilitate archaeological works;

(c) where third parties are involved, such as in long-term management provisions;

(d) where there is a risk of damage to a designated site of nature conservation interest[6] or a protected species;

(e) where financial guarantees are exceptionally[7] required.

(f) to secure the delivery of Local Biodiversity Action Plan targets where relevant to the site.

~~POLICY W3.2~~

~~PLANNING OBLIGATIONS MAY BE SOUGHT AS A MEANS OF CONTROLLING OPERATIONS AND/OR THE LONG TERM MANAGEMENT OF SITES WHICH CANNOT BE ACHIEVED BY T~~THE USE ~~OF PLANNING CONDITIONS~~.

WASTE MANAGEMENT LICENCES

3.14 Under the Environmental Protection Act 1990, most waste treatment, transfer stations and disposal sites need to be licensed by the Environment Agency (the Waste Regulation Authority). In addition, the Environment Agency maintains a register of activities that operators notify are exempt from the requirement to hold a licence. The exempt activity most likely to require planning permission is a reclamation scheme. Waste management licences specify the exact nature and quantities of waste that may be dealt with and

5 DoE Circular 1/97
6 Planning Policy Guidance Note No. 9 - Nature Conservation, 1994 (See Para 28).
7 Examples of such exceptions are found in MPG7 (paras 94 and 95)

control public health, pollution and operational issues. A valid planning permission or "Certificate of Lawful Existing Use (CLEUD) or a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD)"[8] is required before a licence can be issued.

VISUAL IMPACT

3.15 Waste management facilities often have a visual impact. Intrusive features can include weighbridges, chimney stacks, office accommodation, skip storage areas, fixed plant, operational and tipping areas and litter-trap fencing. Visual intrusion can be substantially reduced by careful site design particularly by consideration of the effect of the development on the skyline. Visual intrusion can also be reduced by taking account of existing natural screening features and local topography in the site design.

Plant and Buildings

3.16 The visual impact of plant, buildings and storage areas can be reduced by grouping them together or, where possible, placing them in excavated areas or upon low-lying land. Appropriate external cladding and colour of equipment, together with regular maintenance, can also help.

POLICY W3.3

WHEN PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY IS GRANTED, CONDITIONS WILL BE IMPOSED TO ENSURE ALL PLANT, BUILDINGS AND STORAGE AREAS ARE:

(a) LOCATED IN SUCH A POSITION AS TO MINIMISE IMPACT ON ADJACENT LAND;

(b) WHERE PRACTICABLE, GROUPED TOGETHER TO PREVENT THE CREATION OF AN UNSIGHTLY SPRAWL OF DEVELOPMENT AND TO AID THEIR SCREENING;

(c) KEPT AS LOW AS PRACTICABLE TO MINIMISE VISUAL INTRUSION;

(d) OF APPROPRIATE COLOUR AND CLADDING OR OTHERWISE SUITABLY TREATED TO REDUCE THEIR VISUAL IMPACT;

(e) SATISFACTORILY MAINTAINED TO PRESERVE THEIR EXTERNAL APPEARANCE.

8 *The Planning & Compensation Act 1991, Section 10 introduced provisions for a "Certificate of Lawful Use or Development", whereby the lawfulness, for planning purposes, of an existing or proposed operation, use or activity on land can be determined. See also DoE Circular 17/92.*

Screening

3.17 Suitable landscape treatment, including tree planting and earth mounding, can help screen and reduce visual impact. Planting carried out several years in advance of the development increases the effectiveness of these measures. The incorporation of physical screening barriers such as walls or fences may also need to be considered. Nature conservation issues may, for example, influence what species are planted.

3.18 Priority should be given to the protection and maintenance of existing hedgerows and trees which screen the site. Protection of these features should be in place prior to the development, and be maintained until the final reclamation of the site. The landscape proposals will also need to include a management plan to indicate how existing vegetation, proposed off-site treatment and on-site landscape proposals will be maintained. For waste disposal schemes careful phasing of operations can also reduce visual impact.

POLICY W3.4

WHERE PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY IS GRANTED, CONDITIONS WILL BE IMPOSED TO ENSURE THAT SCREENING AND LANDSCAPE PROPOSALS REDUCE VISUAL IMPACT. SUCH CONDITIONS MAY INCLUDE:

(a) MEASURES TO RETAIN, ENHANCE, PROTECT AND MANAGE EXISTING FEATURES OF INTEREST AND VALUE FOR SCREENING AND THEIR CONTRIBUTION TO THE RECLAMATION OF THE SITE;

(b) MEASURES TO SCREEN THE SITE BY THE USE OF WALLS, FENCES, EARTH MOUNDING AND/OR TREE AND SHRUB PLANTING;

(c) DETAILS OF METHOD OF WORKING, AND PHASING TO CAUSE LEAST VISUAL INTRUSION;

(d) DETAILS OF THE LOCATION, SIZE, SHAPE AND TREATMENT OF ANY TEMPORARY SOIL, OVERBURDEN, WASTE MOUNDS AND WASTE CONTAINER STORAGE AREAS;

(e) DETAILS OF THE LOCATION, FORM, NUMBER, SPECIES, SIZE, METHOD OF PLANTING, SITE PREPARATION AND ANY NECESSARY MEASURES FOR REPLACING PLANT MATERIAL WHICH FAILS FOLLOWING INITIAL PLANTING.

3.19 The above measures should also be considered in relation to reclamation and the long-term use of the site (see Chapter 4).

ENVIRONMENTAL POLLUTION AND HEALTH RISKS

3.20 Waste treatment and disposal operations have the potential for a wide range of environmental pollution, principally, water contamination, landfill gas generation, smell, litter, noise, vehicle emission, dust and mud. Legislation controlling these matters is contained within various Acts, notably the Environmental Protection Act 1990 which covers Waste Licensing (see Para 3.14). Other important legislation includes the Water Resources Act 1991, and the Water Industry Act 1991.

3.21 Local Planning Authorities should not duplicate controls which are the statutory responsibility of other bodies. Policies W3.5 to W3.10 complement the pollution control regime and are designed to prevent harm to interests of acknowledged importance, such as amenity (including residential amenity) and highway safety.

3.22 The main categories of pollution, their cause and ameliorative measures are considered below.

Water Resources

3.23 One of the most serious pollution threats to water resources is the disposal of non-inert waste in areas where groundwater is vulnerable and, in particular, catchments of boreholes used for potable supply. In Nottinghamshire, the main aquifers are classified by the Environment Agency as highly vulnerable and are the Sherwood Sandstone and the Magnesian Limestone, which together supply up to 80% of the County's drinking water (see Plan 3.1).

3.24 If uncontrolled, leachate[9] or spillage of waste could pollute an aquifer. Decontamination of groundwater is difficult, prolonged and expensive. Prevention of pollution is, therefore, essential. Waste sites can be lined and/or the surface capped with impermeable material to reduce the risk of pollution. However it is impossible, even with the best available technology, to make a disposal site completely leak proof and there will be certain areas where the risk to the aquifer is so great as to make waste disposal unacceptable.

3.25 Similar risks also apply to surface-water resources such as rivers, canals, streams, lakes and other wetland features. For example, run-off from operational areas may be contaminated with leachate. In addition, mud and silt carried by run off can clog up ditches and cloud larger water courses. Diverting drainage to settling lagoons which trap fine particles is usually the most effective remedy. Such discharges would require the prior consent of the Environment Agency under the Water Resources Act 1991.

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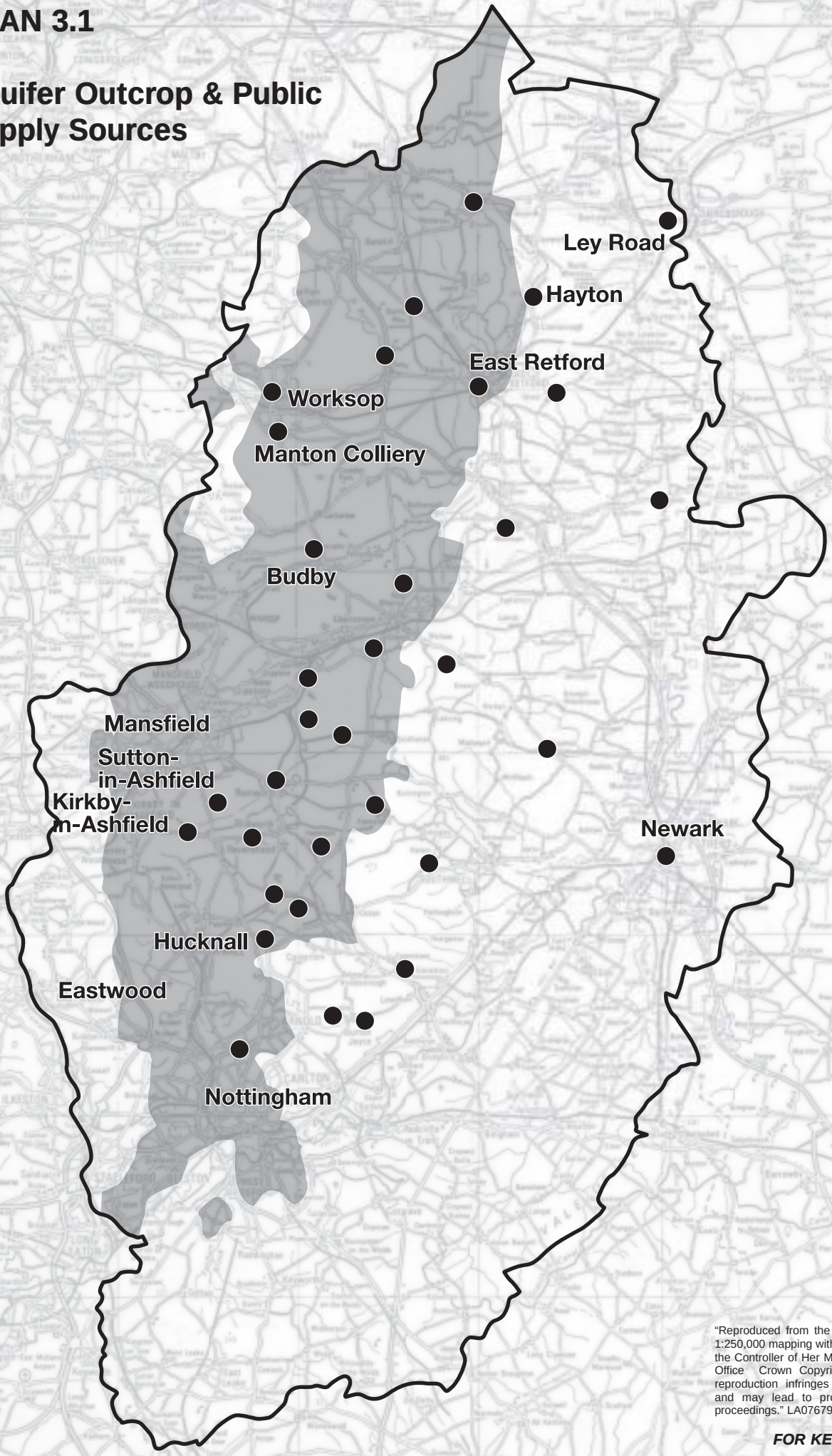
9 *See Glossary for definition.*

PLAN 3.1

Aquifer Outcrop & Public Supply Sources



FOR KEY SEE OVER

KEY TO PLAN 3.1

Aquifer Outcrop & Public Supply Sources

Public Water Supply: Groundwater Sources

Major Aquifer Outcrop (Sherwood Sandstone and Magnesian Limestone)

Source: National Rivers Authority

Scale: 1:312,500 (1” to 5 miles) 1cm = 3.125km

3.26 The Environment Agency has a duty to protect all water resources under the Water Resources Act 1991. The Agency's approach is set out in its "Policy and Practice for the Protection of Groundwater" which provides a technical framework to influence decisions which can affect the protection of groundwater. The Environment Agency's policies, recommendations and requirements will be taken into account when making planning decisions. In addition to planning control, Waste Management Licences normally impose conditions to prevent water pollution.

3.27 Further guidance for the protection of ground-water is given in a series of Groundwater Vulnerability Maps produced by the Environment Agency (Nottinghamshire is covered on Sheets 18 & 23).

POLICY W3.5

PLANNING PERMISSION WILL NOT BE GRANTED FOR A WASTE MANAGEMENT FACILITY WHERE THERE IS AN UNACCEPTABLE RISK OF POLLUTION TO GROUNDWATER OR SURFACE WATER OR WHERE IT AFFECTS THE INTEGRITY OR FUNCTION OF FLOODPLAINS, UNLESS THE HARM CAN BE MITIGATED BY ENGINEERING MEASURES AND/OR OPERATIONAL MANAGEMENT SYSTEMS.

POLICY W3.6

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY, CONDITIONS WILL BE IMPOSED, WHERE RELEVANT, TO PROTECT SURFACE AND GROUNDWATER RESOURCES. SUCH CONDITIONS MAY INCLUDE:

(a) LINING AND CAPPING OF WASTE DISPOSAL SITES;

(b) LEACHATE MANAGEMENT AND MONITORING SYSTEMS;

(c) IMPERMEABLE HARDSTANDING WHERE WASTE IS TO BE STORED, HANDLED OR TREATED;

(d) MEASURES TO CONTROL DIESEL, OIL OR CHEMICAL SPILLAGE;

(e) SEPARATE DRAINAGE SYSTEMS FOR CLEAN AND DIRTY SITE RUN-OFF;

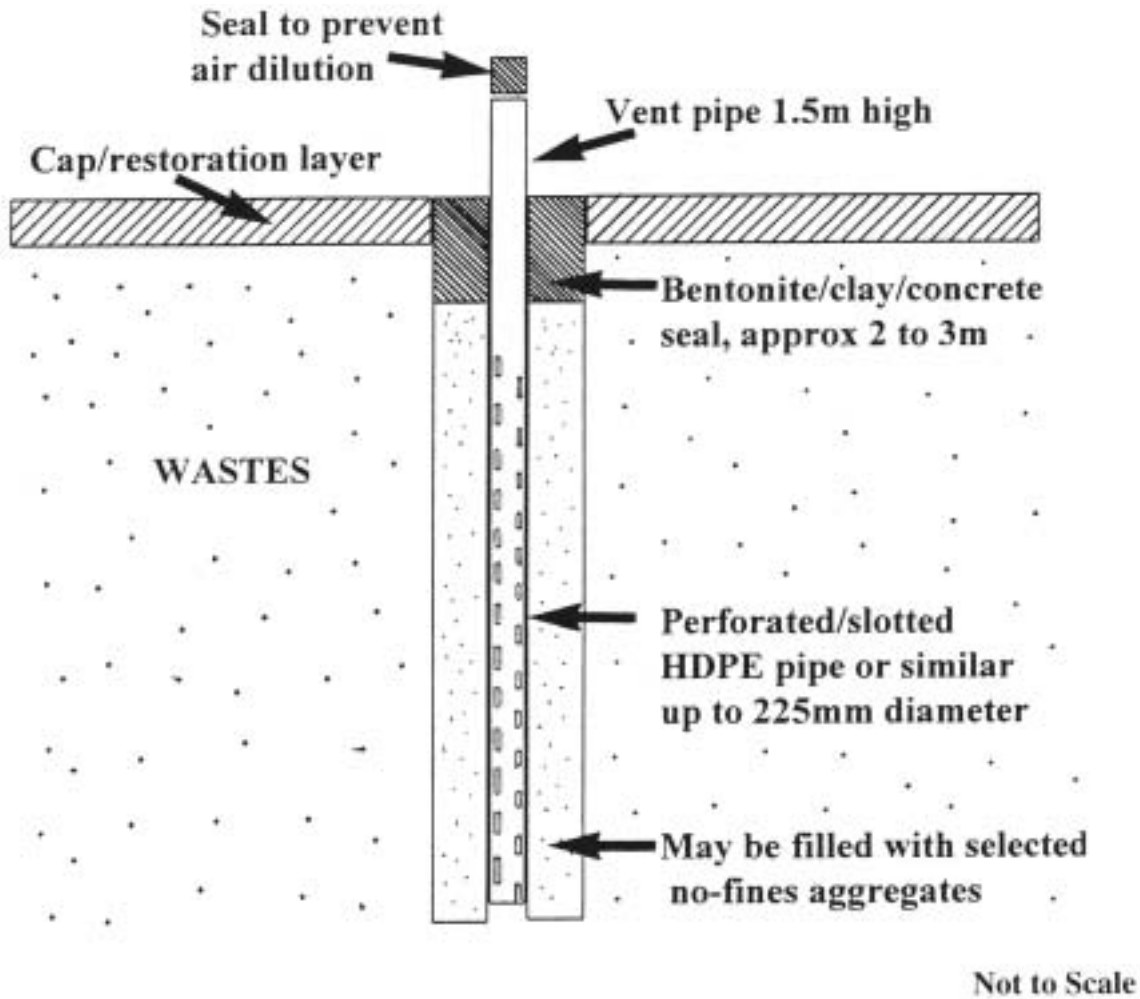
(f) RESTRICTIONS ON WASTE TYPES.

3.28 Conservation organisations also provide useful advice on measures needed to protect wildlife habitats from water pollution.

Landfill Gas and Leachate

3.29 When biodegradable waste decomposes in a disposal site it produces landfill gas[10] and leachate. These must be safely controlled and managed. Measures include lining and capping the site with low permeability material either natural, such as clay and bentonite,[11] or artificial polymers. This will aid the containment of gas and leachate within the site. Where volumes of gas are very low, it may be possible to vent it to the atmosphere. Normally, however, a piped collection system will be required either to flare off the gas, or preferably to enable its use as a fuel to generate electricity (see Chapter 6). Leachate can be directed towards sumps and removed by pumping. It can either be recirculated or treated on site, or tankered off site or discharged to sewers for treatment and disposal. In all cases monitoring will be required to determine the quantity and make up of the gas and leachate produced and to ensure there is no migration off site. Figure 3.1 illustrates a typical gas monitoring borehole.

Fig 3.1 Diagram of Gas Monitoring Borehole



Source: DoE Waste Management Paper No. 27, HMSO 1991.

10 *See Glossary for definition*

11 *See Glossary for definition*

3.30 Landfill gas and leachate generation may continue for over thirty years after waste disposal operations have ceased. It is important, therefore, that monitoring continues until levels are safe. This should include monitoring outside lined sites to test the integrity of the liner. Such matters are controlled by the Environment Agency under the 1990 Environmental Protection Act.

Odour

3.31 Non-inert, particularly household, waste can generate an unpleasant smell as it decomposes. Landfill gas can also give off an offensive smell. These are important concerns when considering proposals near to sensitive locations, such as residential areas and public footpaths.

3.32 Nuisance from smell can be minimised by regularly covering waste with inert material, such as soil. In some circumstances it may be necessary to do this as each load is tipped, but normally covering at the end of the working day is sufficient. Control of odours from the passive venting of gas is less easy to manage. Waste management licence conditions may also address this issue, under the provisions of the Environmental Protection Act 1990.

POLICY W3.7

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY, CONDITIONS WILL BE IMPOSED, WHERE NECESSARY, TO REDUCE THE IMPACT OF UNPLEASANT ODOURS. SUCH CONDITIONS MAY INCLUDE:

(a) DAILY COVER AT DISPOSAL SITES;

(b) RESTRICTIONS ON THE AMOUNT OF TIPPING AREA EXPOSED AT ANY ONE TIME;

(c) RESTRICTIONS ON TEMPORARY STORAGE OF WASTE;

(d) ENCLOSURE OF WASTE RECEPTION AND STORAGE AREAS;

(e) SHEETING OF LORRIES;

(f) AERATION TECHNIQUES AT COMPOSTING SITES;

(g) MEASURES TO COLLECT AND MANAGE LANDFILL GAS AND/OR LEACHATE;

(h) THE USE OF CONTINGENCY MEASURES SUCH AS ODOUR MASKING AGENTS, OR REMOVAL OF MALODOUROUS MATERIAL.

Litter

3.33 Litter is most commonly a problem at disposal sites, where uncompacted waste can be blown away; at transfer stations, where waste is being moved from one container to another; and uncovered lorries or skips carrying waste.

Remedies include regularly covering deposited waste with soil or other material; use of perimeter litter-trap fencing and sheeting of lorries and containers to prevent spillage. Waste management licence conditions will normally require steps to be taken to control litter.

POLICY W3.8

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY, CONDITIONS WILL BE IMPOSED TO PREVENT LITTER NUISANCE. WHERE RELEVANT, SUCH CONDITIONS MAY INCLUDE:

(a) PERIMETER LITTER-CATCH FENCING;

(b) THE ENCLOSURE OF WASTE STORAGE AREAS;

(c) SHEETING OF LORRIES;

(d) COLLECTION OF WIND-BLOWN LITTER;

(e) SECURITY MEASURES TO DISCOURAGE FLY-TIPPING;

(f) DAILY COVER AT WASTE DISPOSAL SITES.

Noise

3.34 The primary sources of noise are mobile plant, such as dumptrucks and compactors. Reversing bleepers can be particularly annoying.

3.35 Noise impact can be reduced by locating processing plant and other noisy operations away from sensitive areas, such as residential properties other buildings and rights of way, and restricting hours of working. Sound-proofing measures include cladding fixed plant, and replacing reversing bleepers with remote sensor mechanisms. Any alternatives to vehicle reversing alarms would need to have regard to Health and Safety Executive legislation.

3.36 Noise sensitivity is also dependent upon the existing background levels. For example, a site located next to a busy road is unlikely to have as much noise impact as one situated in a quiet rural setting. Where practicable, it may be appropriate to impose maximum noise levels at sensitive locations. Guidance on how planning controls should take account of noise impact is provided in planning policy guidance[12]. MPG11[13] provides advice on noise impact from mineral workings, much of which is appropriate to waste disposal operations. Where waste disposal is an integral part of a mineral scheme, advice in MPG11 is directly relevant.

12 *Planning Policy Guidance Note No. 24 - Planning and Noise, 1994.*

13 *Minerals Planning Guidance Note No. 11 - The Control of Noise at Surface Mineral Workings, 1993.*

POLICY W3.9

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY, CONDITIONS WILL BE IMPOSED TO REDUCE THE POTENTIAL NOISE IMPACT. SUCH CONDITIONS MAY INCLUDE:

(a) RESTRICTING HOURS OF OPERATION;

(b) SOUND PROOFING OF FIXED AND MOBILE PLANT;

(c) ALTERNATIVES TO THE USE OF REVERSING BLEEPERS;

(d) STAND-OFF DISTANCES BETWEEN OPERATIONS AND NOISE SENSITIVE LOCATIONS;

(e) NOISE BAFFLE MOUNDS AND SCREEN FENCES;

(f) SETTING MAXIMUM NOISE LEVELS AT SENSITIVE LOCATIONS.

Dust

3.37 Soil handling operations, haul roads, fixed plant, and stockpiles of soil and waste material are likely to be the main sources of dust, especially when conditions are dry and windy.

3.38 Ameliorative measures include water bowsers to dampen haul roads, proper plant maintenance, and screening banks. Tree screens may also help trap dust and reduce wind flow. Total dust suppression is, however, difficult to achieve, and even the most diligent waste disposal operator may experience occasional lapses in control. Accordingly, where potential dust nuisances are identified, these should be kept away from sensitive areas, such as residential properties and nature conservation sites where dust is likely to cause harm or nuisance.

POLICY W3.10

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY, CONDITIONS WILL BE IMPOSED TO SUPPRESS DUST GENERATION. SUCH CONDITIONS MAY INCLUDE:

(a) THE USE OF WATER BOWSERS ON HAUL ROADS;

(b) SCREEN BANKS;

(c) ENCLOSING DUST GENERATING FIXED PLANT AND MACHINERY;

(d) SITING DUST GENERATING OPERATIONS AWAY FROM SENSITIVE AREAS;

(e) TEMPORARY SUSPENSION OF OPERATIONS WHEN NECESSARY;

(f) THE USE OF TREE SCREENS WHERE RELEVANT.

Mud

3.39 Unmetalled internal haul roads and plant areas usually become very muddy and, unless precautions are taken, site traffic can spread mud onto adjoining public highways. Whilst this is an offence and subject to control under highway law[14], planning conditions can play a preventative role by imposing measures to minimise the risk of this happening. These include wheel cleaning facilities and metalling access roads for a reasonable length from the public highway.

POLICY W3.11

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY, CONDITIONS WILL BE IMPOSED TO PREVENT MUD AND OTHER DELETERIOUS MATERIAL CONTAMINATING PUBLIC HIGHWAYS. SUCH CONDITIONS MAY INCLUDE:

(a) WHEEL CLEANING FACILITIES;

(b) METALLING HAUL ROADS NEAR THEIR POINT OF ACCESS ONTO THE PUBLIC HIGHWAY.

Birdstrike

3.40 Putrescible household waste can attract large numbers of birds. Near airports and airfields this can create the risk of birdstrike[15] for low-flying aircraft. This danger can be minimised by covering the waste deposited with inert material as soon as possible, and by using bird-scarers. Major civil and MOD airports are subject to statutory consultation procedures[16] within a safeguarded area defined on a map by the relevant airport authority. In Nottinghamshire such arrangements apply to the East Midlands Airport. The potential for bird strike is an important consideration. At other aerodromes informal consultation with the aerodrome manager is advised for proposals within 13km of the aerodrome.

14 *Highways Act 1980, Sections 150 and 151.*

15 *See Glossary for definition*

16 *Safeguarding Aerodromes, Technical Sites and Explosive Storage Areas - Circular 2/92.*

POLICY W3.12

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY IN PROXIMITY TO AIRPORTS AND AIRFIELDS, CONDITIONS WILL BE IMPOSED, WHERE NECESSARY, TO MINIMISE THE RISK OF BIRD STRIKE. SUCH CONDITIONS MAY INCLUDE:

(a) THE USE OF BIRD SCARERS OR OTHER MEASURES;

(b) DAILY COVER AT WASTE DISPOSAL SITES.

Vermin

3.41 Household waste can attract vermin and so create a public health risk. Covering of waste and effective environmental management can help to discourage vermin. Controls exist under the Environmental Protection Act 1990 and the Prevention of Damage by Pests Act (1949).

FLOOD DEFENCES

3.42 Waste management facilities, particularly waste disposal, can reduce flood storage capacity, impede surface and groundwater flows and thus increase the risk of flooding elsewhere. Surface tipping can also disrupt local drainage systems by breaching or removing water courses. Potential obstructions include raised tipping areas, soil and overburden mounds and fixed plant. Infilling voids to no higher than original ground levels and constructing storage mounds parallel to flood flows are likely requirements in critical areas.

3.43 Structure Plan Review Policy 11/1 and Nottingham Local Plan policy ENV 16 aim to protect floodplains and washlands respectively from the adverse affects of development. Guidance on what flood defence measures are required is provided by the Environment Agency and Internal Drainage Boards.

POLICY W3.13

WHEN PLANNING PERMISSION IS GRANTED FOR A WASTE MANAGEMENT FACILITY WITH THE POTENTIAL TO ADVERSELY AFFECT FLOODPLAINS, FLOOD DEFENCES, OR THE INTEGRITY OF THE LOCAL DRAINAGE SYSTEM, CONDITIONS WILL BE IMPOSED, TO PROTECT THESE INTERESTS. WHERE RELEVANT SUCH CONDITIONS MAY INCLUDE:

(a) CONTROLS OVER THE LOCATION OF BUNDS, FIXED PLANT OR OTHER POTENTIAL OBSTACLES TO FLOOD FLOWS;

(b) CONTROLS ON FINAL RESTORATION LEVELS;

(c) PROTECTION OF EXISTING DRAINAGE FEATURES.

TRANSPORT

3.44 The movement of waste to disposal sites, transfer stations and incinerators can generate large volumes of traffic. Government advice states that travelling distances should be kept to a minimum, thereby reducing environmental and financial costs. This accords with the "proximity principle" (see Chapter 2, Para 2.22). Structure Plan Review Policy 12/1(h) recognises the need to assess different transport options. Options include road, rail, water, pipeline, and conveyor belt.

3.45 Household, commercial and industrial wastes normally require the greater flexibility offered by road transport as their sources are local and scattered. PFA is ideally suited to being moved by pipeline. Whilst rail transport of waste is not used in Nottinghamshire, the potential exists.

Road Traffic

3.46 The Highways Agency, an Executive Agency of the Department of Transport, Local Government and the Regions, oversees the trunk road and motorway network . It is also responsible for the day to day management of trunk roads and consultation on any issues concerning their function, including the consideration of planning applications.

3.47 Most waste management operations involve some road transport. In some cases, site development can also involve substantial road movement of construction materials. Such road traffic can have a significant environmental impact on the countryside and residential amenity, and can cause structural damage to the highway network. Conservation areas are also unlikely to be suited to heavy traffic. The main problems caused by heavy lorry traffic are: noise, vibration, mud, dust, spillage of waste materials, fumes, damage to buildings, roads and highway trees, visual intrusion and a reduction in road safety. These problems are, potentially, most severe where the public highway adjoins the site access or lorry routes pass through residential areas.

3.48 General guidance on controlling road traffic is contained in Structure Plan Review Policies 5/6, 5/8, 5/14 and 5/15. Detailed guidance on land use and transportation is provided in District Local Plans and the City of Nottingham Local Plan. In addition to development plan policies, there are two Local Transport Plans covering Greater Nottingham and the rest of the County. These are prepared by the highway authority (i.e. the County Council and City of Nottingham) and cover the co-ordination and improvement of all forms of transport, setting out proposals for future investment and the implementation of specific measures.

3.49 Guidance on proposals affecting motorways and trunk roads is provided by the Highways Agency[17]. For waste management facilities measures to limit adverse effects include: sheeting of lorries, installation of wheel cleaning facilities, highway improvements and hours of working. These can best be achieved by the use of conditions, or, where appropriate, planning obligations (see Para 3.13). Under the Highways Act (1980) the WPA can also claim additional maintenance costs due to heavy traffic.

17 *The Control of Development on Trunk Roads - DoT Circular 4/88.*

3.50 Lorry routeing can also be a major consideration in assessing the acceptability of waste management proposals. Whilst a reasonable route may exist, which the operator may well be willing to use, planning controls cannot be used to provide sufficient assurance that any given route will be adhered to. This is because planning conditions can do no more than simply require the operator to post site notices or issue instructions to drivers to avoid certain routes. Whilst such measures help ensure drivers are aware of routes to avoid or follow, these conditions have no power to require adherence to any given route. Planning obligations are not an option because, whilst they can secure highway improvements, they cannot restrict right of passage over public highways. Waste management operators can, however, give an undertaking to impose sanctions such as refusing to accept or load those vehicles that do not comply to a particular agreed route.

3.51 A satisfactory remedy is, however, possible, at least where there is agreement in principle between the waste management operator and the WPA over routeing. The waste operator can offer to provide adequate legally binding assurances by entering into an agreement under Section 111 of the 'Local Government (Miscellaneous Provisions) Act 1972'. Where such assurances exist, then this might enable planning permission to be granted where it would otherwise be refused because of the unacceptable environmental risks associated with uncontrolled lorry routeing.

POLICY W3.14

PLANNING PERMISSION WILL NOT BE GRANTED FOR A WASTE MANAGEMENT FACILITY WHERE THE VEHICLE MOVEMENTS LIKELY TO BE GENERATED CANNOT BE SATISFACTORILY ACCOMMODATED BY THE HIGHWAY NETWORK OR WOULD CAUSE UNACCEPTABLE DISTURBANCE TO LOCAL COMMUNITIES.

POLICY W3.15

IN GRANTING PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY THE COUNTY COUNCIL WILL AS APPROPRIATE:

(a) IMPOSE CONDITIONS REQUIRING THE POSTING OF SITE NOTICES AND/OR THE ISSUING OF INSTRUCTIONS TO LORRY DRIVERS DETAILING ANY ROUTES TO BE AVOIDED OR FOLLOWED;

(b) SEEK TO NEGOTIATE PLANNING OBLIGATIONS IN ORDER TO SECURE HIGHWAY IMPROVEMENTS.

Bulk Movement

3.52 Where large amounts of material are involved, and the flexibility of road transport is not essential, alternative means of transport which are more environmentally acceptable will normally be preferred. Bulk movement by rail or water can help to reduce the environmental impacts of waste management operations, including the effect on the amenity of settlements along possible routes. It may also make it more feasible to transport waste over longer distances, where there are no suitable local waste management options.

POLICY W3.16

THE BULK TRANSPORT OF WASTE BY RAIL, BARGE, PIPELINE OR CONVEYOR, WILL BE PERMITTED WHERE THIS WILL RESULT IN AN OVERALL ENVIRONMENTAL BENEFIT.

COUNTRYSIDE

3.53 Waste disposal mainly occurs in the countryside, either as a means to infill mineral workings and other voids, or as a landraising operation (see Chapter 10). Other forms of waste management facility are usually located in urban or industrial areas. However, in the preparation of the Plan and assessing proposals for waste management facilities in the countryside, consideration needs to be given to the impact of development on features in the landscape requiring protection and management. The following issues need to be considered:

Green Belt

3.54 Development proposals within the Green Belt need to have regard to Structure Plan Review Policy 3/2 and Nottingham Local Plan Policy CD5. The Nottinghamshire Green Belt Local Plan (1989) defines a broad belt of countryside around the Greater Nottingham Conurbation where great restraint is placed on development. Structure Plan Review Policy 1/5 requires a reappraisal of the Green Belt boundaries within District Local Plans as they are reviewed. this process is now largely complete.

3.55 PPG2[18] has been revised and updates the list of developments that are considered to be appropriate in a Green Belt. These include essential rural activities such as agriculture, forestry and mineral extraction, recreational and tourism uses, cemeteries, infill building and change of use of appropriate buildings. Whilst waste disposal is not cited, where mineral extraction is permitted, infilling with waste may be the most acceptable, if not, the only feasible option for reclaiming the land to an after-use appropriate within the Green Belt. Indeed within the Nottinghamshire Green Belt there are a number a reclamation schemes such as at Dorket Head and Burntstump Quarries which fall within this category. Waste disposal as a means for reclaiming mineral voids in the Green Belt will, in principle, be acceptable and appropriate where it represents the best reclamation option.

3.56 Waste disposal may also be acceptable where this provides the most effective means for reclaiming other derelict voids to an after-use appropriate within the Green Belt. The reclamation of other areas of derelict and degraded land by land raising is not considered appropriate, as reclamation should normally be possible without the need to import waste.

18 *Planning Policy Guidance Note No. 2 - Green Belts, 1995.*

3.57 Where waste disposal is permitted, then other associated waste management development may be justified. For example at Burntstump and Dorket Head, energy recovery schemes exist and in the former there is also a household waste recycling centre. Such developments can be considered appropriate providing they are linked to the life of the disposal operations (energy recovery schemes may, by necessity, have a longer life than the disposal operations), promote sustainable development and in terms of location, design and materials do not have an unacceptable impact on the open character of the Green Belt.

POLICY W3.17

PLANNING PERMISSION WILL ONLY BE GRANTED FOR WASTE DISPOSAL IN THE GREEN BELT WHERE THIS REPRESENTS THE BEST OPTION FOR RECLAIMING MINERAL WORKINGS OR OTHER DERELICT VOIDS TO AN AFTER-USE APPROPRIATE TO THE GREEN BELT AND WHERE THERE IS NO UNACCEPTABLE IMPACT ON THE OPEN CHARACTER OF THE GREEN BELT DURING THE LIFE OF THE OPERATIONS. PROPOSALS FOR OTHER ASSOCIATED WASTE MANAGEMENT FACILITIES WILL ONLY BE PERMITTED WHERE THEY ARE:

(a) CLOSELY LINKED TO A DISPOSAL SITE;

(b) RELATED TO THE LIFE OF THE DISPOSAL OPERATIONS AND;

(c) PROMOTE SUSTAINABLE WASTE MANAGEMENT PRACTICES AND;

(d) HAVE NO UNACCEPTABLE IMPACT ON THE OPEN CHARACTER OF THE GREENBELT IN TERMS OF LOCATION, DESIGN AND MATERIALS.

3.58 In accordance with PPG2, it will be the applicant's responsibility to demonstrate that 'very special circumstances' exist for permitting any proposal which is inappropriate to the Green Belt and contrary to Policy W3.17.

Agriculture

3.59 Where waste disposal occurs within former mineral workings, the planning issues relating to agricultural land are covered by the policies and guidance contained in the Minerals Local Plan (see Chapter 3, Policy M3.16 of that plan).

3.60 Whilst government advice[19] recommends protecting the best and most versatile agricultural land[20], the emphasis on maximising food production has been reduced in favour of diversifying the rural economy. The loss of lower quality land is, therefore, a less significant constraint upon development. Structure Plan Review Policy 3/13 provides for the protection of the best and most versatile agricultural land and for the viability of farm units.

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19 *Planning Policy Guidance Note No. 7 - The Countryside - Environmental Quality and Economic and Social Development, February 1997.*

20 *PPG7 defines this as Grade 1, 2 and 3a (moderate, poor and very poor land comprises 3b, 4 and 5). See Glossary for full description of grades.*

3.61 Waste management development on the best and most versatile agricultural land will normally only be permitted where it can be demonstrated that the long-term agricultural potential can be maintained through operational, restoration and aftercare conditions. Where development would lead to the permanent loss of such agricultural land, permission will only be granted where it can be demonstrated that there are no alternatives and that there is a case of overriding need that outweighs the agricultural considerations. In establishing whether there is an overriding case of need, PPG7 advises that proposals will need to demonstrate that the development could not be accommodated on previously developed sites, within the boundaries of existing developed areas or on lower grade agricultural land. This could be because such land is not available or that available lower grade land has a recognised environmental value sufficient to override the agricultural considerations. Where development needs to take place on land of grades 1, 2 or 3a, and there is a choice between sites in different grades, development should be directed towards land of the lowest grade.

POLICY W3.18

PLANNING PERMISSION FOR WASTE MANAGEMENT DEVELOPMENT ON THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3A) WILL NOT BE GRANTED EXCEPT WHERE IT CAN BE DEMONSTRATED THAT:

(a) PROPOSALS WILL NOT AFFECT THE LONG TERM AGRICULTURAL POTENTIAL OF THE LAND; OR

(b) THERE IS NO AVAILABLE ALTERNATIVE AND THE NEED FOR DEVELOPMENT OUTWEIGHS THE AGRICULTURAL INTEREST; OR

(c) AVAILABLE LAND OF LOWER VALUE HAS AN ENVIRONMENTAL VALUE RECOGNISED BY A STATUTORY LANDSCAPE, WILDLIFE, HISTORIC OR ARCHAEOLOGICAL DESIGNATION WHICH OUTWEIGHS THE AGRICULTURAL CONSIDERATIONS.

WHERE LAND IN GRADES 1, 2 OR 3A DOES NEED TO BE DEVELOPED, AND THERE IS A CHOICE BETWEEN SITES IN DIFFERENT GRADES, DEVELOPMENT SHOULD BE DIRECTED TOWARDS LAND OF THE LOWEST GRADE.

TREES AND WOODLAND

3.62 Trees and woodlands are environmentally and commercially important, and are becoming increasingly significant for recreation and tourism. Existing trees and woodlands can also be valuable in screening waste operations.

3.63 Guidance on the protection of woodlands is provided by Structure Plan Review Policy 3/9. Ancient woodlands[21] represent an irreplaceable resource. Other woodlands of amenity, wildlife and recreational value should also be safeguarded. The need to protect commercial forests is less critical where waste disposal can be phased in conjunction with existing felling and replanting programmes. However, waste disposal may not be acceptable where such forests also have important amenity, conservation and/or recreational value. Many of these areas will be defined in Local Plans.

3.64 Where it is accepted that woodland can be temporarily lost to waste management facilities, the land will be required to be reclaimed with at least an equivalent area of woodland to be planted as part of the reclamation scheme in accordance with Structure Plan Review Policy 3/12. Where reclamation includes a nature conservation end-use, consideration should be given to the type and mix of species. This is to ensure that the resulting woodland is in keeping with the character of the surrounding area and provides an addition to the nature conservation resource of the County. Woodland reclamation is considered further in Chapter 4, paras 4.35-4.38 and Policy W4.14.

POLICY W3.19

PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY WHICH WOULD DESTROY OR DEGRADE ANCIENT WOODLANDS WILL NOT BE GRANTED. OTHER WOODLANDS OF AMENITY, WILDLIFE AND RECREATIONAL VALUE WILL BE SAFEGUARDED UNLESS THEIR VALUE IS OUTWEIGHED BY THE NEED FOR THE DEVELOPMENT. WHERE THE DEVELOPMENT WOULD INVOLVE THE LOSS OF SUCH WOODLAND, THE LAND SHOULD BE RECLAIMED WITH AN EQUIVALENT AREA OF WOODLAND.

HEATHLANDS

3.65 Lowland heathland[22] represents a valuable wildlife and amenity resource, but one which has suffered a major decline in many parts of Great Britain, mainly due to agriculture and commercial forestry. Great Britain is believed to support around 15% of Europe's remaining lowland heath. This is therefore of international importance and is recognised in international and national guidance and legislation. At a County level this has been addressed by a County Heathland Strategy, Register and Recreation Plan (see below). In Nottinghamshire, lowland heathlands once extended over a large part of Sherwood Forest, but by 1990 only 250 hectares of heathland-type habitat survived. It is estimated that around 80% of this area is protected by SINC status, and therefore protected under Policy W3.23. The remaining 20% is protected by Policy W3.20 below.

21 *See Glossary.*

22 *See Glossary.*

3.66 The creation and protection of heathland is also supported in the Sherwood Study: A Vision for Sherwood Forest, the Strategic Plan for Greenwood, the 'Heathland Strategy for Nottinghamshire'[23] and the Nottinghamshire Local Biodiversity Action Plan. These documents seek to protect the remaining areas of heathland and to recreate new areas. The County Council is preparing a Heathland Register[24] on behalf of the Nottinghamshire Heathland Forum which will describe and map all known sites in the County.

POLICY W3.20

PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY WHICH WOULD DESTROY OR DEGRADE AREAS DEFINED AS HEATHLANDS WILL NOT BE GRANTED UNLESS THEIR VALUE IS OUTWEIGHED BY THE NEED FOR THE FACILITY. WHERE PERMISSION IS GRANTED, PROPER PROVISION WILL BE MADE TO SURVEY AND RECORD THE SITE IN ORDER TO:

(a) MINIMISE THE EFFECTS ON THE HABITAT AND SPECIES;

(b) CONSIDER THE ACCOMMODATION OF SPECIES WITHIN THE SITE OR TO PROVIDE ALTERNATIVE HABITATS FOR THEIR USE;

(c) PROVIDE APPROPRIATE AMELIORATIVE MEASURES.

3.67 Wherever possible, heathlands should be retained and accommodated within schemes. Where it is accepted that heathland must be lost, appropriate ameliorative reclamation measures should comprise, where possible, the reclamation of the site or an alternative agreed area to heathland as defined by the Notts Heathland Forum. However, whilst it is possible to recreate the basic components of heathland vegetation, the complex association of flora and fauna is difficult to achieve. This emphasises the importance of protecting existing heathlands wherever possible.

3.68 Heathland after-uses are considered in Chapter 4, para 4.39.

WATER FEATURES

3.69 The rivers, canals, streams and lakes of Nottinghamshire provide important wildlife habitats and recreational corridors. Waste treatment and disposal can damage this resource by causing water pollution, through excessive culverting of watercourses or by damaging the amenity of the local environment. The Environment Agency states that waterways should be protected to retain their navigational and recreational usefulness (see para 3.26).

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23 *The Heathland Strategy for Nottinghamshire is being produced by the County Council, Notts Wildlife Trust and English Nature under the umbrella of the Nottinghamshire Heathland Forum.*

24 *Heathland Register for Nottinghamshire - Notts Heathland Forum.*

POLICY W3.21

PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY, WHICH WOULD DESTROY OR DEGRADE THE AMENITY, SETTING OR NATURE CONSERVATION VALUE OF WATERCOURSES, WETLANDS AND LAKES WILL NOT BE PERMITTED UNLESS THEIR VALUE IS OUTWEIGHED BY THE NEED FOR DEVELOPMENT. WHERE PLANNING PERMISSION IS GRANTED, CONDITIONS WILL BE IMPOSED AND/OR PLANNING OBLIGATIONS SOUGHT TO BE NEGOTIATED IN ORDER TO SECURE AMELIORATIVE MEASURES TO REDUCE THE IMPACT TO AN ACCEPTABLE LEVEL.

BIODIVERSITY

3.70 In 1992 the UK Government signed the United Nations Convention on Biological Diversity at the 'Earth Summit' in Rio. This committed the UK to producing a national plan for biodiversity conservation, and 'Biodiversity: The UK Action Plan'[25] was published in 1994. This, together with subsequent reports, sets national priorities and targets and a programme of action to achieve them. The Plan is official Government Guidance.

3.71 In order to implement the UK Biodiversity Action Plan (UKBAP) the Government has assigned lead responsibility for producing and implementing Local Biodiversity Action Plans (LBAPs) to local authorities. The Nottinghamshire LBAP[26] was published in 1998 by a partnership of organisations including the City and County Councils.

3.72 Whilst designated sites continue to be important, Biodiversity Action Plans shift the emphasis towards action within the environment as a whole, both to protect the current resource and to restore past losses. This is in accordance with PPG9[27] which states that development plans should be concerned not only with designated sites, but also with other land of conservation value and possible provision of new habitats. The Nottinghamshire LBAP lists habitats and species which are priorities for nature conservation in the County. The habitats and species identified in the LBAP are protected under Policy W3.22. Action plans have been produced for a selection of these, setting targets to be achieved, action required and the lead organisations responsible. Nottinghamshire County Council and Nottingham City Council have a series of obligations which include both generic measures to conserve biodiversity and specific action points under each habitat or species action plan.

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25 *Department of the Environment (1994) Biodiversity: The UK Action Plan Cm 2428, HMSO, London.*

26 *Nottinghamshire Biodiversity Action Plan - a county strategy which lists the species and habitats of conservation concern in Nottinghamshire which are priorities for protection.*

27 *PPG9 Nature Conservation DoE October 1994.*

3.73 Information generated by the production and implementation of the LBAP will assist the planning process by providing detailed information as a basis for the revision of development plans. It can be expected that development plans will make a significant contribution to the delivery of UKBAP and LBAP targets. This will be through protecting priority species and habitats, and providing opportunities for habitat creation and enhancement.

POLICY W3.22

PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY WHICH WOULD HARM OR DESTROY A SPECIES OR HABITAT OF COUNTY IMPORTANCE WILL ONLY BE GRANTED WHERE THE NEED FOR THE DEVELOPMENT OUTWEIGHS THE LOCAL CONSERVATION INTEREST OF THE SITE. WHERE PLANNING PERMISSION IS GRANTED FOR SUCH DEVELOPMENT, CONDITIONS WILL BE IMPOSED, OR PLANNING OBLIGATIONS SOUGHT, TO SECURE ACCOMMODATION ON-SITE OR THE PROVISION OF SUITABLE ALTERNATIVE HABITATS.

NATURE CONSERVATION (INCLUDING GEOLOGICAL) SITES

3.74 The County possesses a rich variety of wildlife habitats which may be affected, or even destroyed, by waste management facilities. Guidance for the protection of wildlife and geological sites is contained in Structure Plan Review Policies 3/6 and 3/7 and PPG9. Proposals affecting the countryside and/or affecting wildlife will be fully assessed.

3.75 In the UK, nature conservation sites range from those which are internationally protected to more informal, locally designated sites. The current categories of statutory and non-statutory designations are set out in Table 3.1. Other countryside features, outside of designated sites, may also contribute to the range and diversity of our flora, fauna, geology and landscape.

3.76 Nottinghamshire has over 60 Sites of Special Scientific Interest[28] (SSSI) which are of national importance, one of which (Birklands and Bilhaugh SSSI), is also of international importance as a candidate Special Area for Conservation[29]. There are many other important wildlife and geological sites which do not have SSSI or other statutory status in the County. These sites, commonly referred to as Sites of Importance for Nature Conservation [30](SINCS) have been designated by the Nottinghamshire Biological and Geological Records Centre at the Nottingham Natural History Museum, Wollaton Hall. The sites are included in an "Alert Schedule" which Local Authorities use to check if such sites are threatened by development proposals. Sites of geological value include SSSIs and those defined under a new "RIGS"[31] scheme. Nature conservation after-uses are considered in Chapter 4.

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28 *Site of Special Scientific Interest - see Glossary for full definition.*

29 *1992 Habitats Directive/1994 Habitats Regulations (See Glossary item under "Special Area for Conservation").*

30 *Site of Importance for Nature Conservation - see Glossary.*

31 *Regionally Important Geological Sites - See Glossary for full definition.*

3.77 Guidance on the relative levels of protection to be afforded to the different categories of designation is given in PPG9. In determining waste management applications, regard will be had to the relative significance of international, national, local and informal designations in considering the weight to be attached to nature conservation interests. In particular, DETR Circular 2/99 states that special considerations apply to SSSIs, especially those of international importance. Where proposed development is likely to have a significant effect on such sites, an Environmental Impact Assessment (EIA) and consultation with English Nature is likely to be required. Development affecting local sites may also require an EIA dependent upon the size, type and intensity of the proposal.

3.78 PPG9 is clear that a balance has to be made between protecting nature conservation interests whilst avoiding unreasonable constraints on development. However the emphasis lies with protecting the natural resource unless development is shown to be in the public interest. What is deemed to be in the public interest may include socio-economic factors but, where international sites host priority habitats or species identified in the EU Habitats Directive, the public interest should be limited to matters of human health and safety. A possible example of this might be a new sewage treatment works where capacity could not be provided elsewhere.

3.79 Where development is shown to be necessary, for example due to overriding reasons of public interest, proposals must consider how any harmful impacts can be mitigated. This can either be by protecting certain parts of the site from development or, if this is not possible, by providing suitable compensatory measures, such as new features which can replace the loss. For internationally important sites such measures are essential where the integrity of the site could be damaged. In particular the coherence of the European 'Natura 2000' network of sites must be protected. For national and local designations the scope for mitigation measures will be a factor to weigh against any potential harm that might be caused and the overall benefits of allowing the development to go ahead.

3.80 Waste management proposals have the potential to affect sites in conjunction with other existing or proposed development and this will be a material consideration in determining applications. Impacts are not limited to proposals falling within nature conservation sites. For example, proposals adjacent to or even some distance upstream, from a site, may have the potential to cause harm.

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32 *DETR Circular 2/99 "Environmental Impact Assessment"*

33 *See Glossary for definition of Natura 2000 network.*

TABLE 3.1 SITE DESIGNATIONS

IMPORTANCE	SITE DESIGNATION AND EXPLANATION	APPLICABLE UK STATUTORY DESIGNATION
SITES OF INTERNATIONAL IMPORTANCE	**Ramsar Sites** listed under the Convention on Wetlands of International Importance	SSSI
	Special Protection Areas (SPAs) classified under the EC Directive on the Conservation of Wild Birds	SSSI; SPA
	Special Areas of Conservation (SACs) to be designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive)	SSSI; SAC
SITES OF NATIONAL IMPORTANCE*	**National Nature Reserve (NNRs)** declared under Section 19 of the National Parks and Access to the Countryside Act 1949 or Section 35 of the Wildlife and Countryside Act 1981	SSSI
	Sites of Special Scientific Interest (SSSIs) notified under Section 28 of the Wildlife and Countryside Act 1981	SSSI
SITES OF REGIONAL/LOCAL IMPORTANCE	**Local Nature Reserves (LNRs)** designated by local authorities under Section 21 of the National Parks and Access to the Countryside Act 1949	LNR
	Non Statutory Nature Reserves established and managed by a variety of public and private bodies eg county wildlife trusts, Royal Society for the Protection of Birds	–
	Sites of Importance for Nature Conservation or equivalent. These are usually adopted by local authorities for planning purposes. The name and status of this type of site varies considerably	–

**Biological SSSIs collectively form a national series of sites; those SSSIs identified under the Nature Conservation Review and Geological Conservation Review criteria are key sites of national importance.*

Source - PPG9, Nature Conservation, Department of the Environment, 1994.

3.81 The planning application process may also identify important wildlife sites which have no formal designation. These can include linear or other landscape features which provide essential pathways and stepping stones for migration, dispersal and genetic exchange. Examples include rivers and their banks, ponds, hedgerows and small woods. Protection of such sites accords with Regulation 37 of the Habitats Regulations as set out in Paragraphs 16 and 23 of PPG9.

3.82 The nature conservation resource is currently being re-assessed by the Nottinghamshire Nature Conservation Audit Steering Group, which may supersede the two categories in the Alert Schedule. This exercise should be completed by 2002.

POLICY W3.23

WASTE MANAGEMENT PROPOSALS WHICH, EITHER INDIVIDUALLY OR IN COMBINATION WITH OTHER PROPOSALS, ARE LIKELY TO AFFECT SITES OR CANDIDATE SITES OF NATURE CONSERVATION OR GEOLOGICAL INTEREST WILL BE ASSESSED AS FOLLOWS:

(a) PROPOSALS WHICH ARE LIKELY TO SIGNIFICANTLY ADVERSELY AFFECT SITES OF INTERNATIONAL IMPORTANCE WILL NOT BE PERMITTED UNLESS:

(i) THERE IS NO ALTERNATIVE SOLUTION; AND

(ii) THERE ARE IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST. WHERE THE SITE HOSTS A PRIORITY HABITAT OR SPECIES, THOSE REASONS MUST RELATE TO HUMAN HEALTH, PUBLIC SAFETY, OR BENEFICIAL CONSEQUENCES OF PRIMARY IMPORTANCE TO THE ENVIRONMENT; AND

(iii) ALL NECESSARY COMPENSATORY MEASURES ARE TAKEN TO ENSURE THE OVERALL COHERENCE OF THE NETWORK OF SUCH SITES.

(b) PROPOSALS WHICH ARE LIKELY TO SIGNIFICANTLY ADVERSELY AFFECT SITES OF NATIONAL IMPORTANCE WILL NOT BE PERMITTED UNLESS THE REASONS FOR THE DEVELOPMENT OUTWEIGH THE NATURE CONSERVATION CONSIDERATIONS.

(c) PROPOSALS WHICH ARE LIKELY TO SIGNIFICANTLY ADVERSELY AFFECT SITES OF REGIONAL OR LOCAL IMPORTANCE WILL ONLY BE PERMITTED WHERE THE IMPORTANCE OF THE DEVELOPMENT OUTWEIGHS THE LOCAL VALUE OF THE SITE.

THE ASSESSMENT OF ANY ADVERSE IMPACT WILL TAKE ACCOUNT OF THE SCOPE FOR MITIGATION AND/OR COMPENSATORY MEASURES TO REPLACE THE LOSS.

Protected Species

3.83 Certain plant and animal species, including all wild birds, are protected under the 1981 Wildlife and Countryside Act. Part 1 of the Act sets out the protection to be afforded to wild animals and plants. The species to be protected are set out in Schedules. Schedule 1 on birds, Schedule 5 on animals and Schedule 8 on plants, are reviewed every 5 years. In addition, some other animals, including badgers, are protected under their own legislation. The protection provided by these Acts is additional to that offered by the planning system.

3.84 In addition the EU "Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora" (The Habitats Directive) and the corresponding "Conservation (Natural Habitats, &c.) Regulations 1994" (The Habitats Regulations) identify priority species and habitats which are afforded protection at the national level.

3.85 The presence of a protected species is a material consideration when assessing a development proposal which would be likely to result in harm to the species or its habitat. PPG9 advises that English Nature should be consulted prior to the granting of planning permission and that planning conditions and/or obligations should be used to secure the protection of the species concerned. These may include ameliorative measures to facilitate the survival of individual members of the species, to reduce disturbance to a minimum and, if necessary, the provision of alternative habitats.

~~POLICY W3.24~~

~~WASTE MANAGEMENT DEVELOPMENT LIKELY TO CAUSE HARM TO A SPECIES OR ITS HABITAT PROTECTED UNDER BRITISH OR EUROPEAN LAW, WILL ONLY BE PERMITTED WHERE THERE ARE IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST. WHERE SUCH DEVELOPMENT IS PERMITTED, CONDITIONS WILL BE ATTACHED AND/OR PLANNING OBLIGATIONS SOUGHT, TO SECURE THE PROTECTION OF THE AFFECTED SPECIES.~~

THE COUNTRYSIDE APPRAISAL & MATURE LANDSCAPE AREAS

3.86 Nottinghamshire contains a number of distinct landscapes reflecting variations in its underlying geology and land-use. As part of the Countryside Appraisal[34], Nottinghamshire Landscape Guidelines were published in 1998 following a landscape assessment of the County. This document identifies 10 'regional character areas' and their component 'landscape types'. It examines the features that contribute to local distinctiveness and provides management guidelines in order to strengthen the character of the Nottinghamshire countryside.

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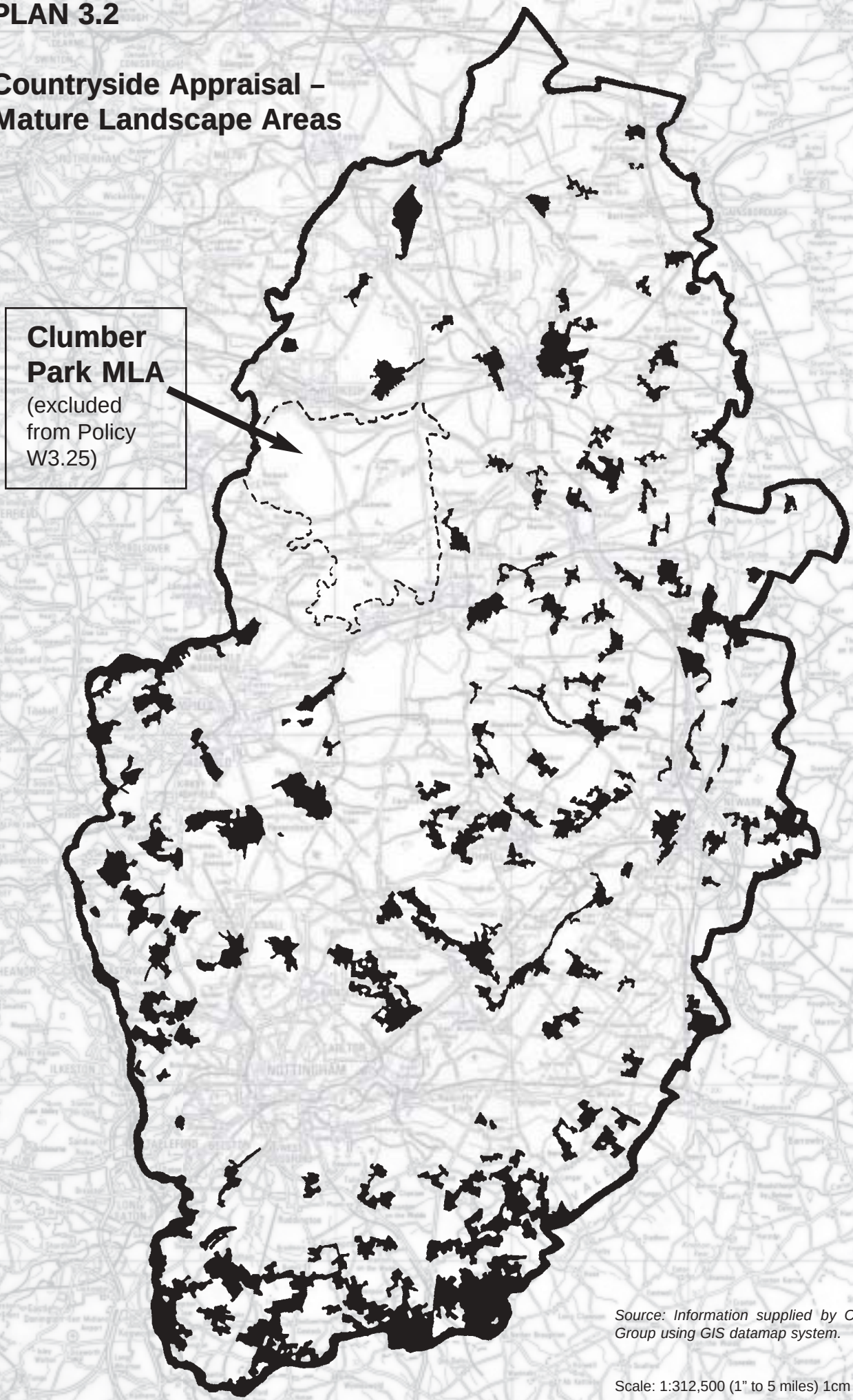
34 Countryside Appraisal - Landscape Guidelines 1997.

PLAN 3.2

Countryside Appraisal – Mature Landscape Areas



Source: Information supplied by Countryside Group using GIS datamap system.

Scale: 1:312,500 (1" to 5 miles) 1cm = 3.125km

3.87 The main objectives of the Appraisal are to identify the quality and character of the landscape. In particular, it defines mature landscape areas (MLAs) which comprise the last remaining tracts of countryside that have largely escaped the adverse effects of arable farming, commercial forestry and mineral extraction over the past 30-40 years (see Plan 3.2). The Appraisal therefore seeks to both conserve these areas and to protect them from unsuitable forms of development. This protection is in accordance with PPG7. The Appraisal also provides guidelines on appropriate native tree and shrub species and landscape measures to assist in screening and reclaiming mineral and waste workings. The Mature Landscape Study was completed in 1993.

3.88 The MLAs defined in the Appraisal mostly vary between 2.8ha and 423ha. However, the majority are small ranging from 50 to 150ha. The 8,656 ha Sherwood Forest/Dukeries MLA is part of Sherwood Forest and is also afforded protection as a Special Landscape and Heritage Area in the Structure Plan Review.

POLICY W3.25

WASTE MANAGEMENT DEVELOPMENT LIKELY TO CAUSE HARM TO A MATURE LANDSCAPE AREA WILL ONLY BE PERMITTED WHERE THERE ARE IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST OR WHERE AMELIORATIVE MEASURES ARE PROVIDED.

PUBLIC ACCESS

3.89 The County and City Council's aim is to ensure the existing network of public rights of way is maintained, which is achieved through a close working relationship with landowners occupiers and other organisations representing users. Proposals for waste management facilities which affect rights of way objectives should take account of Structure Plan Review Policy 7/4. Where development results in the temporary or permanent loss of any public right of way, an appropriate alternative route of at least equivalent interest and quality should be agreed with all parties and then provided.

POLICY W3.26

PLANNING PERMISSION FOR A WASTE MANAGEMENT FACILITY WHICH WOULD TEMPORARILY OR PERMANENTLY DISRUPT PUBLIC RIGHTS OF WAY WILL NOT BE GRANTED UNLESS ALTERNATIVE ROUTES OF AT LEAST EQUIVALENT INTEREST OR QUALITY ARE AVAILABLE.

3.90 Consultation with the County or City Councils on any public right of way affected by a proposed waste management facility should take place at the earliest possible stage and well before an application is made to divert or extinguish a path. This is because the statutory processes involved are separate from the application for planning permission for the waste management facility. A delay or failure to secure the required amendments could therefore prejudice the implementation of the waste development.

THE HISTORIC ENVIRONMENT

3.91 The historic environment of Nottinghamshire comprises of over 6,000 archaeological sites and historic features currently registered on the County Sites and Monuments Record, and over 4,000 Listed Buildings and 148 Conservation Areas registered on the Historic Buildings Record. The historic environment by its very nature is an irreplaceable resource and Government guidance in the form of PPG15[35] and PPG16[36] requires protection of the resource, whilst recognising the need for development. Waste management development may involve both open land and sites within urban areas, and the historic environment will need to be taken into consideration.

Archaeology

3.92 The 6,000 sites and historic features currently registered, are not the limit of archaeological resource however; the identification of individual sites is often inhibited by factors such as geology and land use or resources. There is a high probability that proposals will affect known archaeological sites or areas of archaeological potential.

3.93 Archaeology is an irreplaceable resource requiring conservation through careful management. Where disposal comprises the infilling of mineral workings, the archaeological issues are covered by the Minerals Local Plan.

3.94 Where waste management operations, including disposal, coincide with undisturbed land, this will normally involve the prior removal of top and subsoils. This may damage any archaeological features upon or just below the surface of the ground.

3.95 Government advice is contained in PPG16. Structure Plan Review Policy 3/4 sets out the strategic approach to archaeology, while the Nottingham Local Plan Policies CD 19 to CD 23 contain policy guidance on archaeology as it affects the City. The first part of this is to preserve Scheduled Ancient Monuments and their settings[37]. Waste management facilities will normally be resisted at such sites. Other sites of major importance also require a similar degree of protection. In addition the Confederation of British Industries revised Code of Practice for operators on archaeological investigations provides advice on how operators should consult archaeological interests in formulating planning applications. The purpose is to ensure that archaeological factors are fully taken into account in the planning decision process.

35 *Planning Policy Guidance Note No. 15 - Planning and the Historic Environment, 1994.*

36 *Planning Policy Guidance Note No. 16 - Archaeology and Planning, 1990.*

37 *Ancient Monuments and Archaeology Act 1979.*

3.96 Although preservation of archaeological sites is a primary objective, it is clearly impracticable to preserve them all. Equally, sites should not be destroyed without careful consideration and treatment. The second part of this approach is to ensure that, where preservation in-situ is not feasible, sites are surveyed, excavated or otherwise appropriately recorded. These provisions can only be assessed after the archaeological characteristics of proposed sites have been evaluated. An appropriate scheme of treatment[38] must then be agreed.

3.97 It follows that archaeological constraints must be identified and addressed at the earliest possible opportunity, and ideally well before the planning application stage, if delays are to be avoided. With full prior discussion, a scheme of treatment covering all issues can be submitted as part of a planning application to be secured through conditions and/or a planning obligation with the minimum of delay. Arrangements for funding may also need to be incorporated into planning obligations.

POLICY W3.27

WHERE NATIONALLY IMPORTANT ARCHAEOLOGICAL REMAINS, WHETHER SCHEDULED OR NOT, AND THEIR SETTINGS ARE AFFECTED BY PROPOSED WASTE MANAGEMENT DEVELOPMENT, THERE WILL BE A PRESUMPTION IN FAVOUR OF THEIR PHYSICAL PRESERVATION IN SITU. PLANNING PERMISSION WILL ONLY BE GRANTED FOR DEVELOPMENT WHICH WOULD AFFECT ARCHAEOLOGICAL REMAINS OF LESS THAN NATIONAL IMPORTANCE WHERE THERE IS AN OVERRIDING NEED FOR THE FACILITY AND WHERE PROVISION IS MADE FOR THE EXCAVATION AND RECORDING OF THE REMAINS.

Listed Buildings and Conservation Areas

3.98 The historic environment also consists of over 4000 Listed Buildings and 148 Conservation Areas registered on the County Council's Historic Buildings Record. Nottinghamshire also has 13 parks which are listed in the 'Register of Park and Gardens of Special Historic Interest in England, 1985' produced by English Heritage, covering some 3,800 hectares of the County. PPG15 and Structure Plan Review Policy 3/17 recognise the irreplaceability of the resource and provide for the protection and enhancement of the historic and architectural character of the County. Proposals for waste management facilities will often affect open land, but in some circumstances Conservation Areas, listed buildings and their settings in urban areas and those more isolated in the open countryside may be affected. In many cases, with the use of careful design and stand-off distances, it may be possible to accommodate waste management development in the vicinity of such features.

38 *See Glossary for definition.*

POLICY W3.28

PROPOSALS FOR WASTE MANAGEMENT DEVELOPMENT WHICH WOULD HARM THE CHARACTER, APPEARANCE, CONDITION OR SETTING OF CONSERVATION AREAS, LISTED BUILDINGS, AND HISTORIC PARKS AND GARDENS WILL NOT BE PERMITTED.

CUMULATIVE IMPACT

3.99 In some areas, the extent of a mineral resource may result in a succession of applications for extraction and infilling with waste. In other areas, the availability of land may lead to a number of landraising proposals. The impact, both real and perceived, of a concentration of operations close to, or even surrounding, a community can be especially damaging to the general quality of life. It may also irrevocably and adversely alter the existing landscape character.

3.100 The stage may therefore be reached, where it is the cumulative rather than the individual impact of a proposal that renders it environmentally unacceptable.

POLICY W3.29

PLANNING PERMISSION WILL NOT BE GRANTED FOR A WASTE MANAGEMENT FACILITY WHICH WOULD RESULT CUMULATIVELY IN A SIGNIFICANT ADVERSE IMPACT ON THE EXISTING LANDSCAPE CHARACTER AND/OR THE AMENITY OF NEARBY SETTLEMENTS.