



17 June 2014

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

RUSHCLIFFE DISTRICT REF. NO.: 8/14/00380/CMA

8/14/00610/CMA

PROPOSAL:

- 1. RESUBMISSION OF APPLICATION FOR THE CREATION OF
ADDITIONAL YARD AREA FOR WASTE WOOD STORAGE AND
ERECTION OF SCREENING BUND (PARTLY IN RETROSPECT)
ADJACENT EXISTING WOOD RECYCLING YARD.**
- 2. CREATION OF FLOOD COMPENSATION SCHEME.**

**LOCATION: JOHN BROOKE (SAWMILLS) LTD, BROUGHTON GRANGE, FOSSE
WAY, WIDMERPOOL**

APPLICANT: MR JOHN BROOKE

Purpose of Report

1. To consider two planning applications relating to operations at John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool. The first application is for the creation of additional yard area for the storage of waste wood and the erection of screening bunds (partly in retrospect). The second application is for the construction of a flood storage area to compensate the loss of flood storage capacity caused by the proposed construction of the screening bund within the Environment Agency defined flood zone. The key issues relate to the need for the development, development within the open countryside, the impact of the development on the setting of a listed building and general environment and amenity impacts from wood recycling operations.
2. The site lies within an area designated as 'open countryside' in Rushcliffe Borough Council Non-Statutory Replacement Local Plan. Policy EN20 – Protection of Open Countryside, lists the type of development deemed suitable in this location. Neither development is of a type listed in Policy EN20 and is therefore not acceptable development in the open countryside. Accordingly the application has been treated as a 'departure' from the Development Plan. The

recommendation is to grant planning permission for both developments subject to the respective schedules of conditions set out in Appendix 1 of this report

The Site and Surroundings

3. The John Brooke Sawmills and wood recycling site is located directly east of the A46 Fosse Way, approximately 15 kilometres south east of the centre of Nottingham and two kilometres to the east of the village of Widmerpool. The site is accessed directly from the southbound carriageway of the A46 Fosse Way although there is no dedicated slip road.
4. Highways and associated infrastructure consists of a railway test line to the east of the site and the main A46 trunk road to the west. Public rights of way consist of the Upper Broughton Byway Number 14 approximately 330 metres south west of the site and the Widmerpool Footpath Number 3 directly opposite the site entrance, on the opposite side of the A46 (see Plan 1).
5. The nearest residential settlement is Hickling Pastures, a small strip of properties along the A606 Melton Road, approximately 600 metres to the east of the site. There are isolated properties to the south of the site including Keeper's Cottage – directly adjacent the south-western corner of the site, Broughton Grange Farm – a Grade II listed building 250m south west of the site, Broughton Lodge Farm – 300 metres from the southern boundary and The Bungalow – approximately 400 metres south. Approximately 350 metres to the west of the site is Barn Farm, and 400 metres to the north is Turnpike Farm. (See Plan 2)
6. The site is relatively flat and located within a shallow bowl of land which rises to the north, south and east. The surrounding area is predominantly agricultural with Hickling Pastures and the industrial Sawmill site providing the only relatively built up areas in close proximity. Fairham Brook runs parallel to the eastern boundary of the recycling yard. The application areas are bounded to the east by a row of mature trees and vegetation, to the south by agricultural fields and to the west and north by the existing recycling yard.

Proposed Development

Background

7. Recycling operations at the site commenced retrospectively by virtue of planning permission 8/06/00086/CMA, granted in 2007 for a green waste composting facility. The permission allowed 10,000 tonnes of green waste to be imported, shredded and composted at the site and included associated site infrastructure such as concrete hard-standing, site office and weighbridge.
8. The existing composting operation diversified and started to accept wood waste. This operation was deemed to be outside the scope of the composting operation and so planning permission 8/08/00847/CMA was granted in 2008 to allow for the importation of an additional 10,000 tonnes of waste wood for

processing. This was processed for a variety of markets including power station fuel and chip board manufacture.

9. Planning permission 8/09/01871/CMA was granted retrospectively in 2010 for an extension to the concrete pad on 0.4 hectares on land to the south of the existing site. This also permitted an increase in stockpile heights and a total tonnage restriction rather than individual restrictions on green and wood waste to allow greater flexibility in changing markets.
10. Since this time, further applications have been submitted for the wood and green waste processing operation to extend the site area and/or increase the throughput of material at the site. However these have been withdrawn and the site still operates with a 20,000 tonne restriction under planning permission 8/09/01871/CMA
11. In addition to the composting and wood recycling operation, two separate planning permissions have been granted for an energy biomass plant on land between the sawmills and the recycling yard. The intention of these developments was to utilise wood material processed at the recycling site. The first of these was planning permission 8/08/01818/CMA granted in 2009 for a 3 megawatt plant. This permission was never implemented due to a desire on the applicant's part to utilise an alternative burning technology and the permission lapsed. The second biomass permission 8/10/00867/CMA was granted in 2011 to accommodate a change in the burning technology. However, this permission was also not implemented and lapsed.
12. A third application for a biomass plant was recently considered by Committee at its April meeting when it was resolved to grant planning permission subject to a legal agreement and this is relevant to the applications being considered in this report. Planning permission 8/13/02185/CMA authorises the erection of two new industrial buildings and the installation of an approximately 7 megawatt wood fuelled renewable energy biomass plant (hereafter referred to as the 'Biomass Plant'). Importantly, the Biomass Plant application also encompasses the existing wood and green waste recycling facility and includes a tripling of throughput to 60,000 tonnes in order to provide sufficient fuel for the plant. Many of the planning issues raised throughout the course of this application have also been addressed in this Biomass Plant application.

Proposed Development – Extension to Wood Storage Yard

13. The first application being considered in this report is for the construction of two areas of hardstanding for the purposes of storing unprocessed waste wood pending processing on the main recycling yard. The applicant states that the land is intended to act as a buffer area to soak up peaks and troughs in the wood market and would not involve any change to permitted HGV movements.
14. The application site is approximately 1.4 hectares of agricultural land and comprises of two roughly rectangular parcels of land directly adjoining the eastern and southern boundaries of the existing recycling yard. The application area is detailed on Plan 3 and Plan 4.

15. It is proposed to construct the yards using an impermeable membrane over which type 2 stone would be spread and compacted to create an impermeable surface. Soils would be first stripped from the area and stored around the perimeter in bunds; these bunds would be seeded and landscaped in accordance with a landscape masterplan. The liner would be partially laid up the side of the bund to retain surface waters in the storage area and prevent their release to the adjacent watercourse. Water would be collected and used for dust suppression.
16. It is important to note that the application is part retrospective given that one area (that to the east of the site - see Plan 4) has already been constructed and the perimeter bunds formed.

Proposed Development – Flood Compensation Area

17. The application for the yard extension was originally submitted in 2013 but was withdrawn after consultation with the Environment Agency raised concerns about the loss of flood storage capacity resulting from the formation of the soil storage bunds. Despite best efforts, a flood compensation area could not be encompassed within the scheme and so the application was resubmitted in conjunction with an application for a flood compensation area.
18. However the application for the flood compensation area was withdrawn and resubmitted with a revised red line showing an outfall connection to the watercourse.
19. The application area – shown on Plan 3 – seeks permission to excavate a small scrape to provide approximately 375m³ of additional storage capacity. An inlet would be excavated from Fairham Brook, approximately 0.75m above the mean water level, and a piped discharge would be constructed protected in a gravel filled trench. A headwall is proposed at the outfall to Fairham Brook to protect the bank from erosion. The slopes of the storage area would be grass seeded to prevent erosion. See Plan 5.
20. The works are proposed to take place in conjunction with the storage yard extension. Soils excavated from the flood compensation area would be added to the screening mounds.

Consultations

21. **Rushcliffe Borough Council** *raises no objection subject to the Council being satisfied that the additional yard area and flood compensation scheme would not result in an increased risk of flooding and the development would not result in any significant adverse impacts on the visual amenity of the area and the open character of the surrounding countryside, the amenities of nearby residents or highway safety. It is recommended that the following matters are subject to conditions on any planning permission*
 - *Measures to control noise and dust;*

- *Measures to prevent the processing, shredding or screening of waste or wood*
 - *A limit on the height of stockpiles of waste wood to 6m;*
 - *A limit on the hours of use to those stated in the application;*
 - *Measures to prevent the escape of litter;*
 - *Measures to prevent fires*
 - *Landscaping*
22. **Upper Broughton Parish Council** has not responded on the applications.
23. **Hickling Parish Council** *objects to the application on the basis that an increase in capacity will add to noise and airborne pollution. Also concerns are raised about the potential pollution to Fairham Brook and the functioning of the flood plain.*
24. **Environment Agency Midlands Region** *raises no objections in principle to the proposed development but recommends that if planning permission is granted appropriate planning conditions are imposed. A suggested condition is provided with the response.*
25. **NCC (Planning Policy)** *raises no objections in principle to the proposed development. Planning policy guidance is provided including confirmation on the adoption of the Nottinghamshire and Nottingham Replacement Local Plan: Part 1 Waste Core Strategy. Also noted is the incorrect reference to the National Waste Strategy (2007) which has been replaced by the Waste Management Plan for England (December 2013).*

The Planning Policy Team advise that the application must be considered in light of the Waste Management Plan for England (December 2013), the National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste Management'. Due weight should also be given to the adopted Nottinghamshire Waste Local Plan (WLP).

The Planning Policy Team advise that the main driver of the NPPF is sustainable development with emphasis being placed on the waste hierarchy. The team considers that the environmental criteria in Chapter 3 of the WLP and the strategic policies set out in the WCS can be considered in this case. These provide support for this proposal, subject to environmental considerations. Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve management methods. Policy WCS4 indicates that small facilities (in line with Table 8 of the WCS) will be supported in all locations where these will help meet local needs.

26. **NCC (Built Heritage)** *raises no objection to this application in isolation. However cumulative impacts of additional developments could potentially detrimentally impact on the setting of the listed building (Broughton Grange Farm). A Landscape Masterplan has been secured as part of planning application 8/13/02185/CMA and this offers suitable mitigation of cumulative impacts.*

27. **NCC (Landscape)** agree that the impacts of the soil storage bunds and storage area (including 4m high wood stockpiles) will be negligible, but has commented on the planting and maintenance scheme and whether this will tie in with the Landscape Masterplan secured as part of planning application ref. 8/13/02185/CMA. A construction detail drawing is also requested and confirmation of the standoff between existing vegetation and how construction will be carried out in proximity to existing vegetation.
28. **NCC (Landscape and Reclamation)** comment on the application, querying where the soil material will be disposed.
29. **Western Power Distribution** raises no objection to the application.
30. **Severn Trent Water Limited, National Grid (Gas) and Alstom Transport** have not responded on the application. Any responses received will be orally reported.

Publicity

31. The above applications have been publicised by means of site notices, press notice and a total of 31 neighbour notification letters have been sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
32. One letter of representation has been received; however the planning matters raised were more relevant to the Biomass Plant application rather than the storage yard extension and flood compensation area. One telephone call was received which expressed concern about the application. The issues raised relate to dust and pollution of Fairham Brook from processed wood material.
33. Councillor John Cottee comments that the operation has escalated from a small recycling unit to a much larger project and with that come concerns of noise, pollution and disturbance to neighbours. The principle of the operation and location of the development adjacent to a main road is accepted. However reassurances are sought as to the running of the site.
34. The issues raised under both applications are considered in the Observations Section of this report.

Observations

Planning Policy

35. The National Planning Policy Framework (NPPF) sets out the Government's preferred approach to the application of planning policy. Although the NPPF does not form part of the development plan, it is a material consideration in the determination of all planning applications and accordingly, requires that waste applications have regard to the framework so far as is relevant. There are no waste specific policies in the NPPF and attention is instead drawn to guidance set out in Waste Management Plan for England (December 2013)

and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10).

36. The thrust of national waste policy in the Waste Management Plan and PPS10 is to ensure that the most sustainable waste management option is applied in accordance with the waste hierarchy. In essence, the waste hierarchy looks to disposal as the last possible resort and only after all other options to manage waste in a more sustainable manner have been exhausted. The waste hierarchy is one of the key principles underpinning the recently adopted Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (WCS)
37. The wood recycling operation at John Brooke Sawmills accepts and recycles wood predominantly from Waste Transfer Stations and Local Authority Household Waste Recycling Centres. Wood is source-segregated where possible or sorted on site meaning various grades of wood can be processed separately and directed to specific end users. Segregated wood is shredded to create products suitable for a variety of markets including power station fuel, animal bedding and panel board manufacture. Wood recycling sites therefore play an important role in diverting waste away from disposal in landfill and up the waste hierarchy. As such the principle of the existing wood recycling operation under the terms of the waste hierarchy is well established at this site.
38. The application seeks permission to extend the available storage area in order to better manage the wood material accepted and processed at the site. Wood recycling operations experience peaks and troughs in both the amount of waste wood available and the demand for the end product and so the applicant is seeking permission to provide greater on-site flexibility to accommodate these fluctuations.
39. The applicant identifies the need for the development as being changes in national wood markets and a reduction in capacity at established end users. This includes reductions in the types of wood permitted for use in the composting and animal bedding sectors and the slower than expected growth of the electricity generating biomass industry. A recent example of this is cited in the Government's Waste Resources and Action Programme (WRAP) Situation Report (2011). According to WRAP, demand for recycled wood for use as animal bedding has increased significantly over the past 5 years and wood markets have adapted to supply the increased demand. As markets develop, permitting and licensing regimes adapt to accommodate changes. For the animal bedding sector in particular, the Environment Agency's Permitting Regime restricted the type of wood deemed suitable for animal bedding and this resulted in a backlog of material at recycling site whilst alternative markets are found.
40. As noted previously, Committee resolved to approve planning application reference 8/13/02185/CMA (hereafter referred to as the 'Biomass Plant') at its meeting on 22 April 2014 subject to the completion of a s.106 agreement. The Biomass Plant – which includes the recycling yard in the red line application area – permits an increase in material throughput from 20,000 tonnes per

annum to 60,000 tonnes. Accordingly, the Biomass Plant is considered to be a material consideration in the determination of these applications.

41. The additional storage area and associated flood compensation area would be fundamentally linked to the operation of the recycling site. There are two possible scenarios which are relevant to the applications being considered in this report and accordingly, the planning merits of both need to be considered. The first scenario is that the planning permission for the Biomass Plant is not implemented and the throughput of the site remains unchanged at 20,000t. The second is that the Biomass Plant is developed and brought into use and the throughput of the site increased to 60,000t.
42. The Development Plan detail is set out in the Nottinghamshire and Nottingham Replacement Local Plan: Part 1 Waste Core Strategy (WCS) and Nottingham and Nottinghamshire Waste Local Plan (WLP). NCC Planning Policy Team within their consultation response draw attention to the following policies which are considered relevant to this application. WCS Policy WCS3 gives priority to new or extended waste recycling facilities where they contribute to achieving 70% recycling or composting of waste of 2025. WCS Policy WCS4 deals with Broad Locations for Waste Treatment Facilities and supports small-scale facilities within the open countryside where such locations are justified by a clear local need and where this would provide enhanced employment opportunities. WCS Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve management methods and/or reduces existing environmental impacts.
43. The application has been submitted to provide greater flexibility on site in terms of material handling and storage. Accordingly it has been stated that this will deliver improvements to the efficiency of waste processing at the site and ultimately assist with diverting waste away from landfill in accordance with the waste hierarchy. In this regard it is considered that the proposals will help towards achieving the recycling targets set out in WCS Policy WCS3.
44. WCS Policy WCS4 supports small-scale facilities within the open countryside where such locations are justified by a clear local need. Although the proposed storage extension (and associated flood compensation area) would not deal exclusively with waste wood arisings from the local population, some of the stored waste wood material would come as offcuts from the adjacent sawmills site and some would arise from Household Waste Recycling Centres which service the local area. The proposed development is connected to an established wood recycling facility which provides a conveniently located facility well served by highways infrastructure. Therefore the proposal for a storage extension to assist with the operation of an existing recycling site in this location is considered to meet the requirements of Policy WCS4.
45. Policy EMP2(a) – Employment Uses in the Countryside, of the Rushcliffe Borough Non-Statutory Replacement Local Plan allows for the expansion of existing employment uses provided that this would not lead to an over-intensification of the use of the site. The purpose of the policy is to restrict new buildings or promote the reuse of redundant buildings, neither of which is relevant to this application. Therefore it is considered that this policy is not

directly relevant to this application and Policy EN20 should be used to inform the decision.

46. Policy EN20 – Protection of Open Countryside, of the Rushcliffe Borough Council Non-Statutory Replacement Local Plan does not automatically support this type of development in the open countryside and requires that development is strictly controlled to maintain the open character. The protection of the character of the open countryside is a significant consideration in the determination of this application, since the openness of an area is characterised by an absence of development. Therefore Policy EN20 requires that development proposals in the open countryside are supported by strong justification.
47. Councillor Cottee in his representation raises concerns about the escalation of activities on the site and these comments are therefore relevant to a general expansion of the recycling yard in the open countryside rather than an issue of over-intensification. The agricultural land immediately surrounding the site is not presently being farmed and is considered impractical to do so, principally because of the position of the existing recycling site within the context of surrounding field boundaries and hedgerows. The land is proposed to be used solely for the purposes of storage on a periodic basis as and when market conditions dictate and so this is not considered to be an escalation of wood processing activities, merely a means of better managing permitted throughputs (both existing and potential). However, Councillor Cottee also raises environmental and amenity impacts which are considered in further detail below.
48. The ‘need’ for a development is addressed in Policy W3.1 of the WLP. The site with current levels of capacity has operated in its current configuration for a number of years, but there has been instance where wood storage has exceeded the permitted site area and encroached out on to surrounding agricultural land. Where such instances have been identified, the County Council has invited planning applications to regularise unauthorised storage or has given the operator a period of time to remove the unauthorised development. Where applications have been submitted, these have been withdrawn as wood is removed from the site over a period of time. Indeed this observed situation would lend support for the application.
49. The need for the development (in isolation of the Biomass Plant) is considered justified on the basis that there is not enough flexibility on site to accommodate present fluctuations in markets. The applicant has advised that this can be due to planned or forced shutdowns at end users such as power station or other biomass plants. Discussions with the site operator reveal that at the present time, many sites have ceased to accept wood material due to being close to capacity with limited outlets. This could be viewed as a good thing as it requires wood recyclers to continually improve the quality of the product, but this does not assist the required on-site flexibility at recycling sites whilst operations adapt. The application therefore seeks to provide an authorised and appropriately constructed storage area to accommodate market fluctuations. On this basis therefore, it is considered that the proposal complies WLP Policy W3.1 in terms of need for the development.

50. Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve management methods. Notwithstanding the resolution to permit the Biomass Plant, the applications being considered in this report meet the requirements of Policy WCS8 since they are required to provide improved site management methods for existing operations.
51. As noted above, the resolution to approve the Biomass Plant includes a threefold increase in throughput capacity of the existing wood recycling yard from 20,000t to 60,000t. It is important to note that 55,000t of the 60,000t would be fed directly into the Biomass Plant leaving little residual material available for existing wood markets. In this regard, the question was raised with the applicant as to whether the fluctuation in processed material markets argument still applies if the vast majority of material is being put through the Biomass Plant.
52. Members will recall the discussions which took place at the April Committee meeting regarding the 24/7 continuous operation of the Biomass Plant and the complexities involved with starting and stopping the process. The Biomass Plant requires a constant throughput to ensure the facility runs at its optimal efficiency and so the importation of material into the site also needs to be consistent. The applicant has advised that there will be instances where routine maintenance or unforeseen plant breakdowns result in a significant downtime and a backlog of material on the site which would ordinarily have been fed into the plant. The applicant has stated that in this instance, the storage area serves as a buffer zone to accommodate fluctuations by allowing existing contracts to be serviced and material to be continued to be imported and stockpiled. Indeed the applicant has advised that the additional storage area accounts for 8 weeks total throughput of the Biomass Plant.
53. Therefore, in the event that the Biomass Plant is developed, brought into use and the throughput increased, the proposals still demonstrate sufficient need, and will provide site management improvements to accommodate the increased throughput. For this reason, the proposals are considered to meet the requirements of WLP Policy W3.1 in terms of need, and WCS Policy WCS8 in terms of providing improved site management methods to accommodate an increase in capacity. In this regard, there is sufficient weight to meet the strong justification argument put forward in Policy EN20 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

Surface Waters and Flood Impact

54. Both applications are supported by a flood risk assessment which demonstrates there will be no detrimental impact on the functional flood plain. The application for the flood compensation area was prepared to overcome concerns raised by the Environment Agency about the loss of storage capacity resulting from the formation of the bunds. The flood compensation application is therefore a consequence of the storage yard extension area and has been designed in consultation with the Environment Agency. The Environment Agency in their consultation response raised no objection to the proposals on flood grounds but requested that the flood compensation area is provided prior to, or in conjunction

with the extended storage yard so that the flood storage capacity of the area is not further compromised.

55. WLP Policy W3.5 requires that proposals do not give rise to unacceptable impacts on surface waters or flood plains and suggests that impacts might be mitigated by engineering solutions. WLP Policy W3.13 requires that proposals do not adversely affect floodplains or the integrity of local drainage systems and states that conditions will be imposed to protect relevant interests.
56. In consideration of the policies, the application for the flood compensation area ensures that the storage yard extension meets the requirements of WLP Policy W3.13 with the flood compensation area providing the engineering solution advocated in WLP Policy W3.5. A planning condition could be imposed in line with WLP Policy W3.13 to ensure that no additional soil bund construction takes place until the flood compensation permission is implemented. This is in line with the consultation response made by the Environment Agency. It is anticipated that the works for both schemes will take place at the same time and a scheme can be required to set out the relevant timings.
57. A planning condition can also be imposed to require details of the proposed construction of the piped outlet and headwall from the compensation area to the water course. This will ensure that there is no detrimental impact on the watercourse from erosion and is considered necessary in line with WLP Policy 3.5.
58. As noted previously, the development being sought permission is part retrospective. The construction of the storage area along the eastern side of the existing site has already been carried out, but is not yet in use. The consultation response from the Environment Agency indicates that the unauthorised development is having a detrimental impact on the flood storage capacity of the area and is therefore contrary to WLP Policies W3.5 and W3.13. However it is considered that this can be mitigated through a planning condition requiring the implementation of the planning permission within 1 year of the grant of permission should Committee be minded to approve. This would ensure that the impacts arising from the existing development are minimised, whilst providing a reasonable amount of time for the applicant to prepare and submit the necessary schemes reserved by the suggested condition, and mobilise plant/contractors as maybe necessary. In conjunction with this approach, an appropriately worded planning condition can be imposed to require the restoration of the currently unauthorised development in the event that the permission is not implemented. This ensures the development meets the requirements of WLP Policies W3.5 and W3.13.
59. Representations received from the Parish Council raise concerns about pollution of the brook as a result of surface waters leaving the site. The scheme proposes an engineered containment area to prevent surface waters entering the adjacent Fairham Brook and this is considered to meet the requirements of WLP Policy W3.5. The Environment Agency has requested a scheme for the provision of surface water drainage works to ensure the satisfactory storage/disposal of surface waters and to prevent the water becoming stagnant. The applicant has stated that surface waters contained in the bunded

area will be collected and used on site for dust suppression. Therefore In line with the Environment Agency recommendation, a planning condition will be imposed to require a scheme to be submitted to deal with surface waters arising from the development and prevent collected surface waters becoming stagnant. This is considered to be in accordance with WLP Policy W3.7 - Odour and Policy W3.13.

60. In terms of concerns about existing pollution of Fairham Brook. It is considered that these concerns stem from existing site operations. A surface water management scheme is in place for the existing recycling site and so incidents relating to surface waters leaving the site can be investigated and actioned under the existing planning permission. The permission for the Biomass Plant includes provision for a thorough review of surface water retention and disposal and so any identified problems could be tackled at this time. However, the Environment Agency has not been able to confirm whether there have been any recorded incidents in relation to this matter. Importantly therefore, it is considered that the applications being considered in this report will not contribute to any existing problems and is therefore considered acceptable in line with WLP Policies W3.7 and W3.13.

Landscape and Visual Impact

61. A Landscape Masterplan was submitted with the application and confirmation provided in the supporting statement that the applicant is agreeable to the planting up of the soil storage mounds in accordance with a scheme to be agreed. NCC's Landscape Officer agrees that the impacts of the soil storage bunds, storage area and flood compensation area alone will be negligible and that this can be further mitigated by appropriate planting of the soil mounds. WLP Policy W3.4: Visual Impact – Screening and Landscaping, states that landscaping conditions will be imposed to reduce the visual impact of the development. It is therefore proposed to reserve, by way of planning condition, a planting scheme for the soil storage mounds. Details would need to be provided of the species to be used in the new planting and conditions would require planting to be of native genetic origin and preferably of local provenance
62. The Landscape and Visual Impact (LVI) statement also considers the cumulative impacts of this and the Biomass Plant since the LVI was, in the main part, prepared for the Biomass Plant application. Throughout the course of these and the Biomass Plant applications, the Landscape Masterplan (see Plan 6) has been amended to address both concerns raised about the impact on the landscape, and on the setting of the listed building (discussed in further detail below).
63. In essence, the Masterplan plan includes strengthening existing shelter belts, providing new hedgerows and hedgerow trees and further planting in the vicinity to reduce the visual impact of cumulative development at the site. However, the Masterplan includes areas of planting which are outside the application area and not enforceable by planning condition and so the grant of permission for the Biomass Plant was conditional on the signing of a legal

agreement which will cover planting outside the application site and the long-term management of all existing and new planting.

64. The landscaping scheme associated with the two applications being considered in this report and therefore under the control of any planning permission will need to be subject to appropriate maintenance and aftercare to ensure the successful establishment of the planting. The planning obligation for the Biomass Plant includes appropriate long-term management, but the implementation of the Biomass Plant permission is not a certainty and so a scheme needs to be secured solely for the proposals being considered in this report. WLP Policy W3.4 states that conditions may be imposed to require measures for the replacement of plant material following planting.
65. NCC's Landscape Officer has raised concerns about the proposed method of construction for the flood compensation area due to its proximity to established vegetation adjacent Fairham Brook. To address these concerns, it is proposed to impose a condition on the grant of any permission requiring a scheme to be submitted setting out the method of construction in proximity to existing vegetation. The scheme will be required to accord with British Standard BS 5837:2012. Trees in relation to design, demolition and construction.

Heritage Assets

66. A heritage assessment was submitted with the application to assess the impact of the development on the setting of the Grade II listed Broughton Grange Farm which is located approximately 250 metres south of the site. This assessment was based largely on the one prepared for the Biomass Plant application since the landscape impacts of that development are considered to far outweigh those of the storage yard extension and flood compensation area.
67. NCC's Historic Buildings and Conservation Officer comments that the application in isolation is unlikely to detrimentally impact on the setting of the listed building, but considered that the cumulative impact of this and the Biomass Plant would give rise to a significant impact.
68. Paragraph 134 of the NPPF states harm to a heritage asset should be weighed against the public benefits of a proposal where the harm is less than substantial. Furthermore WLP Policy W3.28 states that proposals which harm the setting of a listed building will not be permitted.
69. It can be concluded therefore that the storage yard and flood compensation applications alone will not result in a significant harm to the setting of the listed building. Furthermore, the landscaping works required as part of this permission (secured by planning condition) could be designed to deliver further benefits in terms of improving the setting of the listed building (such as closely following historic field boundary). NCC's Landscape Team and Historic Building Officer would be consulted on any planting scheme submitted and this is considered appropriate in line with WLP Policies W3.4 and W3.28.

General Environment and Amenity

70. Rushcliffe Borough Council in its consultation response recommends that measures to prevent fires are secured by planning conditions. The existing wood shredding operations have suffered a fire which destroyed the processing equipment on the site. Following this incident the operator bought a fire engine which is kept on the site for such incidents. However notwithstanding these measures, fire risk is controlled through the Environmental Permit which incorporates controls relating to fire prevention and control.
71. Rushcliffe Borough Council in its consultation response also recommends that measures to prevent the escape of litter are secured by planning condition. The main potential source of litter from the operation is from plastic films such as sheeting or bags within the wood and compost waste. When these materials are processed (shredded), the plastics are also shredded resulting in smaller fragments more easily picked up by wind. The control of litter is already a requirement under the existing planning permission for the wood processing operation and requires the removal of contaminants from the material prior to processing. The operator also ensures - through contracts – that the wood material is as free of contaminants as possible. This application is for the storage of unprocessed wood waste only and a planning condition would prevent the yard extension being used for processing. Therefore with the existing controls in place, a specific litter condition is not considered necessary and the proposed development is considered to meet the requirements of WLP Policy W3.8: Litter.
72. The environmental criteria are set out in Chapter 3 of the WLP. Policy W3.9 deals with noise impacts from the development. Neither applications being considered propose additional plant and machinery or include alterations to the operation of the site which could impact on the noise climate. However, construction works may require additional machinery above and beyond those used routinely on the site, so it is considered expedient to impose a condition restricting construction hours so that they tie in with those of the operational site. This is considered appropriate in accordance with WLP Policy W3.9.
73. Dust has been an issue at the site with dust being generated by the wood chipping/shredding operations and from the movement of plant and machinery around circulation routes. This matter has again been raised by the Parish Council and Councillor Cottee in their responses. Dust control measures are present under the existing site permission and further controls are imposed on the Biomass Plant application. Therefore, although the application is not proposing any processing operations in the extended site area, there is the potential for windblown dust from the deposit, storage and movement of unprocessed waste wood in the area. Accordingly a condition requiring the control of dust on operations is considered prudent in line with the requirements of WLP Policy W3.10 – Dust.
74. In addition to the above, the application states that the surface waters retained in the bunded area will be used for dust suppression on the site and so the surface water management plan required in accordance with WLP Policies W3.7 and W3.13 will include appropriate use for dust suppression. This surface water management plan is therefore considered relevant to WLP Policy W3.10.

75. The application does not propose any change to the permitted (existing and proposed) HGV movements and so WLP Policies W3.14 and W3.15 are not considered relevant to this application. The proposals would not prevent the site from operating a circulatory route for HGVs included as part of the Biomass Plant permission so as to prevent the queuing of HGVs on the A46.

Other Options Considered

76. The County Council has considered initiating enforcement action against the unauthorised construction of the storage yard and soil storage bunds. However in consideration of the purpose of this particular development, it was considered expedient to request a planning application to be submitted to regularise the unauthorised development. The County Council considered there was a reasonable chance that the application could be approved.
77. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.

Departure from the development plan

78. The application was advertised as a departure from the development plan as the application site is designated as being 'open countryside' in the Rushcliffe Local Plan. However, it is accepted that the proposals relate to an extension of an established industrial site and so no further consideration on this matter is required.

Statutory and Policy Implications

79. 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

80. The development is for an extension to an existing operational site for the purposes of storage of waste wood. There are not considered to be any additional crime and disorder implications arising from this relatively small extension.

Human Rights Implications

81. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life) and Article 1 of the First Protocol (Protection of Property) are those to be considered. In this case, however, there are no impacts of any substance on individuals which have not been addressed through the consideration of the

planning application and therefore no interference with rights safeguarded under these articles

Implications for Sustainability and the Environment

- 82. These are considered in the Observations section above.
- 83. There are no service user, financial, equalities, human resource, or safeguarding of children implications.

Conclusions

- 84. Despite the proposals being for a relatively minor extension to the site area, it has raised a significant number of issues which have required consideration as part of the assessment of this application. The question of whether to recommend approval or refusal requires a balance of the assessment of need for the development and the benefits delivered in terms of the better management of waste in accordance with the waste hierarchy, against the impacts on flooding, the impacts on a listed building and the impact of further development in the open countryside. In addition to this, the material consideration of the Biomass Plant has meant that the planning merits of the proposals need to be considered in light of two possible scenarios.
- 85. The applicant has demonstrated that there is sufficient need for the development in terms allowing greater flexibility in the management of waste wood material on the site. It is accepted that the storage yard extension would deliver benefits to the way material is handled on the site both for current site operations and those which would exist with the Biomass Plant in operation. The construction of an appropriately engineered storage area would prevent further unauthorised encroachment beyond the site area during times when recycled wood markets decline.
- 86. The application has demonstrated that routine maintenance, plant breakdown at sites further up the chain or changes to licencing and permitting regimes does and will continue to result in a backlog of material at recycling sites which cannot be simply passed back down the supply chain. Businesses still require waste material to be collected, Household Waste Recycling Centres still require waste to be taken and so it is not a case that the operator can simply stop these waste streams coming into the site. Therefore during such times, the application would allow an area for unprocessed waste wood to be stockpiled until market conditions allow its movement into further processes.
- 87. The County Council's Landscape Officer considers that the landscape and visual impact of these developments would not be significant and can further be mitigated by planting works which the applicant is willing to provide. Cumulative landscape impacts have been addressed separately as part of the Biomass Plant and so are not considered relevant to these applications, although the Biomass Plant would provide clear benefit in terms of the long

term management of any planting works carried out as part of these permissions.

88. The impacts on flooding arising from the construction of the waste wood storage yard and screening bunds has been addressed through the preparation and submission of the flood compensation scheme which ensures there is no overall loss of flood storage in the area. The Environment Agency is satisfied that there will now be no impact on flooding as a result of the development and there will be no impacts from contaminated water leaving the site and entering into the adjacent water course.
89. Planning conditions would require the timely implementation of the permission so that the current unauthorised development (i.e. the retrospective element) is mitigated through the completion of the flood compensation scheme. Alternatively the planning conditions would require the restoration and reinstatement of the land so that the injurious development is removed.
90. Given the above, it is considered that the benefits that would derive from the proposed scheme would outweigh the impacts it would have on the open countryside, the setting of the listed building, the landscape and visual impacts and flooding impacts arising from the development.
91. All other matters relevant to this application, such as noise and dust have been assessed and it is considered that there would be no unacceptable impacts subject to appropriate conditions.

Statement of Positive and Proactive Engagement

92. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies in the Nottinghamshire and Nottingham Waste Core Strategy, saved policies in the Nottinghamshire and Nottingham Waste Local Plan, and the Rushcliffe Non-Statutory Replacement Local Plan; the National Planning Policy Framework, the Waste Management Plan for England (2013), and Planning Policy Statement 10: Planning for Sustainable Waste Management. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, and have been addressed through negotiation and acceptable amendments to the proposals. These issues relate to the need for the development and the impact of the development on the flood plain. An additional planning application has been secured to make the development acceptable in terms of its impact on flooding which has been considered in conjunction. The applicant has been given advance sight of the draft planning conditions and been advised of the details that will need to be submitted under planning condition; this approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for both application ref. 8/14/00380/CMA for the creation of the wood storage yard and application ref. 8/14/00610/CMA for a flood compensation area, subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Service

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 05/06/2014]

Comments of the Service Director - Finance

Text to be entered here

[Initials and date here in square brackets]

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 John Cottee

Keyworth

Report Author / Case Officer

Julian Hawley

0115 9696504

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

offrep.doc – W001255

PSP.JS/RH/ep5185 – COMMITTEE REPORT FOLDER REFERENCE

22 June 2009 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

Planning Application ref. 8/14/00380/CMA - creation of additional yard area for waste wood storage and erection of screening bund (partly in retrospect) adjacent existing wood recycling yard.

1. This permission is for the retention of and formation of a hardstanding for the purposes of unprocessed wood storage, and the retention of and formation of soil storage bunds. The remaining elements of the development hereby permitted shall be begun within 1 year from the date of this permission. In the event that no further works take place on the development within 1 year of the date of permission, a scheme of restoration to remove the unacceptable development within the floodplain shall be submitted in accordance with the requirements of Condition 12 below.

Reason: To define the scope of the permission, to comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to minimise the risk of flooding in accordance with Policies W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan

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

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

3. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- (a) Planning application forms and Design and Access Statement ref. 2591-189-JBS-PS-v1.1 Statement received by the WPA on 22 November 2013.
- (b) Drawing No. 2591/189/03 titled 'Proposed Layout Plan' received by the WPA on 25 June 2013.
- (c) Drawing No. 2591/189/04 titled 'Bund Cross Sections' received by the WPA on 25 June 2013.

- (d) Revised Flood Risk Assessment v.1.5 received by the WPA on 22 November 2013

Reason: For the avoidance of doubt

4. No further development shall take place until a scheme setting out a timetable for the implementation and construction of the Flood Compensation Scheme permitted under Planning Permission reference 8/14/00610/CMA has been submitted to and approved in writing to the WPA. The scheme shall provide for the construction of the Flood Compensation Area prior to the commencement of construction, or in conjunction with the construction of the waste wood storage yard hereby permitted. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: to ensure that the development does not give rise to unacceptable impacts on flooding and to accord with the requirements of Policies W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan WLP.

5. Prior to the commencement of the development hereby permitted, a scheme for the storage, collection, use or disposal of surface waters within the site shall be submitted for approval in writing by the WPA. The scheme shall detail measures to ensure the timely collection and appropriate storage of collected water and its use in the wood processing operation for dust suppression. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: to ensure the development is in compliance with Policy W3.5, W3.13 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

6. Only unprocessed waste wood shall be stored on the waste wood storage yard shown on drawing no. 2591/189/03 titled 'Proposed Layout Plan' received by the WPA on 25 June 2013. Stockpiles of waste wood shall not exceed 4m in height as measured from the engineered surface of the storage yard.

Reason: In the interest of visual amenity in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

7. No fuels oils or chemicals shall be stored on the waste wood storage yard shown on drawing no. 2591/189/03 titled 'Proposed Layout Plan' received by the WPA on 25 June 2013.

Reason: To prevent pollution of the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

8. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), or with the prior written approval of the WPA, the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
Construction works associated with the waste wood storage yard	7am to 7pm	7am to 12pm	Not at all
Operation of plant and machinery associated with wood storage and recycling activities	8am to 6pm	9am to 5pm	Not at all

Reason: In the interests of amenity of nearby occupiers and in compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

9. All plant, machinery and vehicles operating within the site shall incorporate noise abatement measures and be fitted with silencers and 'white noise' reversing warning devices maintained in accordance with the manufacturers' recommendations and specifications at all times to minimise any disturbance to the satisfaction of the WPA.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

10. Measures shall be taken to ensure that no dust is allowed to leave the application site by virtue of operations. Such measures shall include, but not be restricted to:

- (a) The use of water bowsers, sprays and vapour masts to dampen haul roads and other operational areas of the site;
- (b) The sweeping of access and haul roads and storage site areas, where necessary;
- (c) The minimisation of drop heights during loading and unloading of unprocessed waste wood;
- (d) Provisions for the temporary suspension of operations during periods of unfavourably dry or windy weather conditions;
- (e) In the event that these measures fail to provide satisfactory dust mitigation then the operator shall prepare and submit for approval in writing a supplementary dust mitigation action plan to address dust emissions within 1 month of a written request from the WPA. The site shall thereafter

be operated in compliance with the supplementary dust mitigation strategy approved in writing by the WPA.

Reason: To minimise dust disturbance at the site and to ensure compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

11. Within 3 months of the date of commencement as notified under Condition 2 above, a landscaping scheme for the soil storage mounds detailed on drawing no. 2591/189/03 titled 'Proposed Layout Plan' shall be submitted for written approval by the WPA. The scheme shall broadly accord with drawing no, LL95.02 Rev B - Landscape Masterplan, received by the WPA on 20 March 2014 and shall include numbers; species (which shall be native species, appropriate to the local area, of native genetic origin and ideally of local provenance (seed zone 402)); proportions density and the sowing of wildflower areas where appropriate. The scheme shall also include an aftercare and maintenance programme to ensure the successful establishment of planting for a period of 5 years. The approved scheme shall thereafter be implemented in the first available planting and sowing season following its approval in writing by the WPA.

Reason: In the interest of visual amenity and to lessen the impact on the setting of a listed building in accordance with Policy W3.4 and Policy W3.28 of the Nottinghamshire and Nottingham Waste Local Plan.

12. In the event that no further works take place on the development within the timescales detailed under Condition 1 above, the applicant shall, within 2 weeks of a written request from the WPA, submit a scheme of restoration and reinstatement of the land subject to this planning permission back to agriculture. The restoration scheme shall be implemented within 1 month of written approval.

Reason: To minimise the risk of flooding in accordance with Policies W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan

RECOMMENDED PLANNING CONDITIONS

Planning Application ref. 8/14/00610/CMA - creation of flood compensation scheme.

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

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

2. This permission is for the construction of a Flood Compensation Scheme associated with Planning Permission reference 8/14/00380/CMA to mitigate the loss of flood storage capacity caused by the formation of soil storage mounds in the flood plain.

Reason: To define the scope of the permission and for the avoidance of doubt

3. The Waste Planning Authority (WPA) shall be notified in writing at least 7 days but not more than 14 days prior to the commencement of the development hereby permitted.

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

4. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- a) Planning application forms and Design and Access Statement ref. 2591-189-JBS-PS-v1.0 Statement received by the WPA on 18 March 2014.
- b) Drawing No. 2591/189/09 titled "Flood Compensation Scheme" received by the WPA on 18 March 2014.
- c) Revised Flood Risk Assessment v.1.5 received by the WPA on 18 March 2014.

Reason: For the avoidance of doubt.

5. No development shall commence until a scheme setting out the proposed method of construction of the Flood Compensation Scheme has been submitted to and approved in writing by the WPA. The scheme shall include
- a) Details of any construction materials to be used,
 - b) The specification for the outfall pipework,
 - c) Construction details of the headwall outfall into the water course,
 - d) Landscaping details for the seeding of the scrape banks, and a timescale for its implementation
 - e) The method of construction in proximity to existing vegetation in accordance with British Standard BS 5837:2012. Trees in relation to design, demolition and construction.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the scheme is appropriately constructed, landscaped and to protect existing mature vegetation in accordance with the requirements of Policies W3.4, W3.5 and W3.13 of the Nottinghamshire and Nottingham Waste Local Plan.

6. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), no construction works shall take place except between the following hours 7am to 7pm Monday to Friday and 7am to 12pm Saturdays and at no times Sundays, Bank or Public Holidays

Reason: In the interests of amenity of nearby occupiers and in compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

7. The Flood Compensation Area detailed on drawing no. 2591/189/09 titled 'Flood Compensation Scheme' received by the WPA on 18 March 2014 and the Revised Flood Risk Assessment v.1.5 received by the WPA on 18 March 2014 shall be maintained in perpetuity in accordance with the approved details and in association with Planning Permission 8/14/00380/CMA.

Reason: to ensure that the development does not give rise to unacceptable impacts on flooding and to accord with the requirements of Policies W3.5 and W3.13 of the Nottingham and Nottinghamshire Local Plan.

Informatives/notes to applicants

1. Your attention is drawn to the Standing Advice from The Coal Authority dated 1 January 2013 set out below.