

## **Planning and Licensing Committee**

**Tuesday, 20 May 2014 at 10:30**

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

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### **AGENDA**

- 1 To note the appointment of the Chairman and Vice-Chairman by the County Council on 15 May 2014
- 2 To note the membership of the Planning and Licensing Committee
- 3 Minutes of the meeting held on 22 April 2014 5 - 8
- 4 Apologies for Absence
- 5 Declarations of Interests by Members and Officers:- (see note below)  
(a) Disclosable Pecuniary Interests  
(b) Private Interests (pecuniary and non-pecuniary)
- 6 Declarations of Lobbying
- 7 John Brooke Sawmills Fosse Way 9 - 28
- 8 Oxton Grange Ollerton Road Oxton 29 - 42
- 9 Monitoring and Enforcement 43 - 56
- 10 Work Programme 57 - 62

## NOTES:-

(1) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(2) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules.

Members or Officers requiring clarification on whether to make a declaration of interest are invited to contact Dave Forster (Tel. 0115 9773552) or a colleague in Democratic Services prior to the meeting.

(3) Members are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information may be recycled.

(4) This agenda and its associated reports are available to view online via an online calendar -  
<http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

## **Notes**

(1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

(2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(3) Persons making a declaration of interest should have regard to the Code of

Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

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

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





Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 22 April 2014 (commencing at 10.30 am)**

**membership**

Persons absent are marked with 'A'

**COUNCILLORS**

Sybil Fielding (Chairman)  
Sue Saddington (Vice-Chairman)

Roy Allan  
Andrew Brown  
Steve Calvert  
Jim Creamer  
Rachel Madden

Andy Sissons  
Keith Walker  
A Yvonne Woodhead  
John Wilmott

**ALSO IN ATTENDANCE**

Councillor John Cottee

**OFFICERS IN ATTENDANCE**

Nathalie Birkett- Solicitor  
David Forster – Democratic Services Officer  
Jerry Smith – Team Manager, Development Management  
Sally Gill – Group Manager Planning  
Jonathan Smith – Principal Planning Officer

**MINUTES OF LAST MEETING HELD ON 25 MARCH 2014**

The minutes of the meeting held on 25 March 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

**MEMBERSHIP**

The Clerk reported orally that Councillor John Wilmott had been appointed to the Committee in place of Councillor Darren Langton for this meeting only.

**APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Yvonne Woodhead due to illness

## **DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

None

## **DECLARATIONS OF LOBBYING OF MEMBERS**

None

## **THE ERECTION OF TWO INDUSTRIAL BUILDINGS AND THE INSTALLATION OF A 7 MEGAWATT (APPROXIMATE) WOOD FUELLED RENEWABLE ENERGY BIOMASS PLANT RETAINING THE EXISTING WOOD RECYCLING AND COMPOSTING OPERATIONS – JOHN BROOKE (SAWMILLS) LIMITED THE SAWMILL FOSSE WAY WIDMERPOOL**

Mr Smith introduced the report and gave a slide presentation. He highlighted receipt of a further consultation response from Rushcliffe Borough Council which confirmed that the Borough Council's observations are based on the proposed building being used as a renewable energy biomass plant and should not imply support for any general industrial building of such scale in this countryside setting. An additional condition was suggested to this effect.

Following the introductory remarks by Mr Smith there were a number of speakers who were given an opportunity to speak and a summary of those speeches are set out below:-

Dr Young the agent acting for the applicant spoke in favour of the application and highlighted the following issues:-

- National Policy aims to move the management of waste up the waste hierarchy and the reduction in disposal of wood to landfill
- The need to reduce an already saturated market of recycled wood is essential for the reduction in landfill.
- The application helps in the contribution to national and regional targets for renewable energy provision as well as providing additional energy capacity.
- The proposals set out in the application will contribute to a reduction of greenhouse gas emissions through a reduced need for fossil fuel combustion.
- There will be a reduction in dust and noise impacts from existing operations as a waste and wood shredding and chipping operation.
- The introduction of 10 direct full time jobs and safeguarding existing jobs is a significant benefit to the local area.
- The development complies with adopted national and local planning policies.

In response to questions Dr Young responded as follows:-

- The catchment area for the site covers the majority of the East Midlands.
- The reason the permission is needed on a Sunday is that to close an operation down of this scale takes a week to shut the plant down.
- The noise issue will be reduced with the building of the processing shed.

With the consent of the Chairman and Committee Councillor John Cotte Local Member spoke against the application and highlighted the following issues:-

- There seems to be a large increase in the number of Tonnes of waste wood being delivered for processing.
- The access and egress of Lorries is an issue as it leads onto the busy A46.
- Would like to see that the conditions sets out that there is no deliveries of wood during a Sunday. Also the complaints procedure in Condition 26 seems a long time and could this be reduced to 14 days to respond.

There were no questions.

In response to issues raised Mr Smith responded as follows:-

- The increase in waste wood being brought to the site could be achieved without a large increase in the number of Lorries using the site.
- The issue of noise set out in condition 26 specifically regarding the length of time additional survey results are submitted to the WPA could be amended to read 14 days rather than one month.
- There could also be an additional condition ensuring that there are no lorry movements on a Sunday.

Following the speakers, members discussed the item and the following comments were responded to

- There is a circular route for Lorries within the site so there would be no additional noise from reversing Lorries.
- There will be monitoring of the number of Lorries using the site via records of movement being checked regularly achieved by adjusting Condition 33.
- It is not envisaged that there will be a problem with traffic build up the site is large enough to allow a number of Lorries to enter the site and not cause a traffic problem on the A46. An advisory note could be added.
- Lorries entering and leaving the site have to turn left and not cross the A46 as is a condition of permission.
- A liaison Group could be established as an additional requirement of the legal agreement.

On a motion by the Chairman seconded by Vice Chairman and upon a show of hands it was

## **RESOLVED 2014/016**

That planning permission be granted subject to the conditions set out in the appendix attached to the report and the amendments set out below

- That the biomass building be only used for the generation of renewable energy.

- There are no Lorry movements in or out of the site on Sundays or Bank Holidays.
- The reason for Condition 26 be adjusted to include reference to policy on visual impact
- That the length of time additional survey results is submitted to the WPA could be amended to read 14 days rather than one month.
- Condition 33 be extended to require the operator to maintain records of lorry movements.
- That a liaison Group is established with the local community.
- That an advisory note refers to the need to manage the site so lorries can access the site without queuing on the A46.

### **CHANGES TO THE COMMITTEE'S CODE OF BEST PRACTICE**

#### **RESOLVED 2014/017**

That the revised Code of Best Practice (incorporating a revised Public Speaking Protocol) as set out in the appendix attached to the report is approved.

### **DEVELOPMENT MANAGEMENT PROGRESS REPORT**

#### **RESOLVED 2014/018**

That the report and appendices be noted

### **WORK PROGRAMME**

#### **RESOLVED 2014/019**

That the Work Programme reported be noted

The meeting closed at 11.43 am.

### **CHAIRMAN**





**20 May 2014**

**Agenda Item:7**

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

**RUSHCLIFFE DISTRICT REF. NO.: 8/13/02185/CMA**

**PROPOSAL: THE ERECTION OF TWO NEW INDUSTRIAL BUILDINGS AND  
INSTALLATION OF 7MW (APPROXIMATE) WOOD FUELLED RENEWABLE ENERGY  
BIOMASS PLANT, RETAINING EXISTING WOOD RECYCLING AND COMPOSTING  
OPERATIONS**

**LOCATION: JOHN BROOKE (SAWMILLS) LIMITED, THE SAWMILL, FOSSE WAY,  
WIDMERPOOL**

**APPLICANT: STELLAR ENERGY LIMITED**

**Purpose of Report**

1. To update Members regarding amendments to the recommended conditions and legal agreement, as approved at April's meeting of Planning and Licensing Committee, associated with the planning application for a wood fuelled renewable energy biomass plant and wood recycling and composting operations at John Brooke Sawmills, Fosse Way, Widmerpool, for which Members resolved to grant planning permission. The report is for noting only.

**Background**

2. During Members' consideration and debate on the application, a number of amendments to the conditions and legal agreement were recommended and agreed, in addition to the inclusion of an advisory note to the operator. Members' resolution to grant planning permission was subject to these amendments. The changes are set out below and the conditions in their entirety are attached as Appendix 1 to this report.

## Conditions

### Additional Condition Recommended in Light of a Late Consultation Response from Rushcliffe Borough Council

3. Members will recall a late consultation response from Rushcliffe Borough Council which was orally reported at committee. Rushcliffe Borough Council wished it to be noted that the raising of no objection to the application was based on the proposed use of the building as a renewable energy biomass plant as encouraged by Central Government policies and guidance. It was reported that the Borough Council's comments should not imply that a favourable view would be forthcoming for any general industrial building of this size in this countryside setting. In light of these comments, a further condition was recommended to and agreed by Members, which reads as follows:

**The biomass building hereby approved shall only be used for the generation of renewable energy.**

**Reason:** *The size and scale of the biomass building in a countryside location is only considered appropriate given its use in the generation of renewable energy.*

4. This condition has been inserted as Condition 4 in the attached schedule of conditions which of course results in later conditions being renumbered.

### Condition 19

5. Condition 19 (Condition 18 in the original schedule of conditions appended to the April committee report) sets out the hours of operation for the various activities proposed on site and, as a result of Members seeking confirmation that no HGVs be permitted to enter and exit the site on Sundays, Public and Bank Holidays, the condition has been amended as follows (additional text in **bold**).

19. 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
Site development works including construction of the biomass plant and wood chipping/shredding/storage building	7am to 7pm	7am to 12pm	Not at all
Operation of the biomass plant	24 hours a day	24 hours a day	24 hours a day
Receipt of wood fuel into the biomass plant	7am to 7pm	7am to 7pm	8am to 4pm
Operation of plant and machinery associated with wood recycling and composting activities, <b>and the movement of HGVs into and out of the site</b>	8am to 6pm	9am to 5pm	Not at all

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

#### Condition 26

6. Condition 26 (Condition 25 in the original schedule of conditions appended to the April committee report) requires details of the external materials, including colour(s), to be used on the biomass plant, chimney stack and the waste wood chipping/shredding building to be submitted for approval. It was brought to Members' attention that the reason for the condition should have made reference to Policy W3.3 (Visual Impact) of the Nottinghamshire and Nottingham Waste Local Plan instead of Policy W3.9 (Noise). However, Members should be aware that the condition not only requires the colours of the various structures to be approved but also their acoustic properties to ensure that noisy processes within the biomass building and the waste wood chipping/shredding building do not give rise to noise complaints. Accordingly, the reason for this condition has been amended as follows (additional text in **bold**).

26. No development shall commence until details of the external materials, including colour(s), to be used on the biomass plant building, the chimney stack and the waste wood chipping/shredding building have been submitted to the WPA for its approval in writing. The external materials and any other details required in the construction of the biomass building and the waste wood chipping/shredding building shall achieve a noise reduction index of at least 25dB(A) Rw. The biomass building, chimney stack and waste wood chipping/shredding building shall be constructed in

accordance with the approved details and shall thereafter be maintained in order to provide the required noise attenuation.

*Reason: To minimise **the visual impact of the development and to minimise** the risk of noise pollution in accordance with **Policy W3.3 and Policy W3.9** of the Nottinghamshire and Nottingham Waste Local Plan.*

#### Condition 27

7. Condition 27 (Condition 26 in the original schedule of conditions appended to the April committee report) provides for additional noise surveys and suitable mitigation in the event of a complaint being made in respect of noise. Members raised concerns regarding the length of time that the condition allowed between the receipt of a complaint, the carrying out of a noise survey, the implementation of mitigation measures and the carrying out of a further noise survey. Accordingly, but taking into account the need to allow a realistic length of time to allow the site operator to organise the carrying out of the noise surveys, the condition has been amended as follows (new text in **bold**, deleted text ~~crossed out~~).

27. In the event that a complaint is received regarding noise from the site, the operator shall, within ~~one month~~ **14 days** of a written request from the WPA, undertake and submit to the WPA for its written approval a BS4142:1997 noise survey to assess whether noise from the development exceeds the daytime criterion of 10dB(A) above the existing background noise level or night time criterion of 5dB(A) above the background noise level, after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997. The noise assessment position and methodology in light of 24hr operations shall be agreed in advance with the WPA.

In the event of either criterion being exceeded, the report shall include additional measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for their implementation. The additional mitigation measures shall be implemented in accordance with the approved details and, **once in place**, an additional noise survey undertaken in accordance with BS4142:1997 within ~~one month~~ **14 days** to ensure compliance with the noise criterion. The results of this additional noise survey shall be submitted to the WPA within ~~one month~~ **14 days** of the additional noise survey having been carried out.

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

#### Condition 29

8. Officers noted that no reason was included for Condition 29 (Condition 28 in the original schedule of conditions appended to the April committee report) which relates to floodlighting. Accordingly, the condition has been amended as follows (additional text in **bold**).

29. Within one month of the date of commencement of the planning permission, as notified under Condition 2(a) above, details of all floodlighting to be used at the site shall be submitted to the WPA for its approval in writing. The details shall ensure that the floodlighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users. The details shall also set out the hours during which individual floodlighting fixtures shall be in use depending on their location and the hours of operation detailed in Condition 18 above. Outside these hours, individual floodlights shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

**Reason: To minimise the visual impact of the development in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.**

#### Condition 34

9. Condition 34 (Condition 33 in the original schedule of conditions appended to the April committee report) restricts the number of HGVs accessing the site to deposit waste wood and green waste to 15 per day. Members discussed this figure and it was agreed with officers that the condition would be amended to require the operator to keep records of daily HGV numbers which would be made available to the Waste Planning Authority on request. Accordingly, the condition has been amended as follows (additional text in **bold**).

33. The number of HGVs accessing the site to deposit wood waste and green waste shall not exceed 15 per day. **Written records shall be maintained by the operator of all HGV movements into and out of the site with the records kept for a minimum period of two years. Copies of the HGV movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.**

## **Legal Agreement**

10. Members recommended that a liaison committee be set up for the site to allow local residents and parish council representatives to meet with the site operators on a regular basis to discuss operations on site and any concerns they might have. Subsequent discussions with the applicant have confirmed this to be acceptable and the applicant is presently in the process of drawing up heads of terms of a legal agreement which would include the provision of a liaison committee.

## **Advisory Note to the Applicant**

11. Members raised concerns regarding the potential for HGVs entering the site to have to queue on the A46 and the risks this could lead to for other highway users. Officers explained the circulatory route within the site which would allow HGVs to exit the A46 without delay but it was considered that an advisory note be attached to any planning permission issued highlighting this potential concern. The advisory note would read as follows:

**The operator should ensure that the vehicle circulatory route within the site is kept free of obstruction at all times in order that all HGVs entering the site can do so without delay and without having to queue on the A46 Fosse Way.**

## **Statutory and Policy Implications**

12. 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. It is considered that there are no further implications in respect of the above over and above those set out in the previous committee report.

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

13. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed 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 National Policy Statement for Energy, the Waste Management Plan for England, 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, such as the impact on the setting of a listed building, noise impacts, and the impacts of shadowing from the proposed biomass plant on adjacent agricultural land, and these have been addressed through negotiation and acceptable amendments to the proposals, as requested through a Regulation 22 submission. The applicant has been given advance sight of the draft planning conditions and the Waste Planning Authority has also engaged positively in outlining matters that would need to be included in a legal agreement. The conditions and legal agreement have been further considered by Members and amendments have been made as recommended. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

14. It is RECOMMENDED that the above amendments are noted and Members' attention is drawn to the schedule of revised conditions set out in Appendix 1 of this report.

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

This report is for noting only.

[SLB 30/04/2014]

## **Comments of the Service Director - Finance**

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

[SEM 01/05/14]

## **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

Jonathan Smith

0115 9696502

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



## RECOMMENDED PLANNING CONDITIONS

### Commencement

1. The development hereby permitted shall be begun within 3 years 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. 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:

(a) The construction of the development hereby permitted;

(b) The generation of energy from the biomass plant.

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

3. From the commencement of the development, a copy of this permission including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission shall always be available at the site for inspection by the WPA during normal working hours.

*Reason: To ensure that the development is carried out in accordance with the approved plans and documents.*

### Approved details

4. The biomass building hereby approved shall only be used for the generation of renewable energy.

*Reason: The size and scale of the biomass building in a countryside location is only considered appropriate given its use in the generation of renewable energy.*

5. 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 Environmental Statement received by the WPA on 23 August 2013;

- (b) Response to Information Request Made Under Regulation 22 of EIA Regulations Version 1.3 received by the WPA on 18 February 2014;
- (c) Drawing Number 2474-1376-02 Revision B – Site Location Plan received by the WPA on 23 August 2013;
- (d) Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014;
- (e) Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014;
- (f) Drawing Number 2474-1376-05 Revision A – Proposed Storage Building Elevations received by the WPA on 18 February 2014;
- (g) Drawing Number LL95.02 Revision A – Landscape Masterplan received by the WPA on 18 February 2014.

*Reason: For the avoidance of doubt.*

- 6. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or subsequent amending legislation, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the site, other than those expressly authorised by this permission, without the prior written approval of the WPA.

*Reason: In the interests of visual amenity.*

### **Construction of the biomass plant**

- 7. No development shall commence until details of the contractors' access and site working arrangements have been submitted to, and approved in writing by, the WPA. The details shall specify the following:
  - (a) The size and location of the works compound(s);
  - (b) The number, size (including height) and location of all contractors' temporary buildings;
  - (c) The location(s) and means of access to the site;
  - (d) Arrangements for the use/disposal of surplus soil materials including any temporary soil storage arrangements;
  - (e) Provision for contractors' parking;
  - (f) The means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site;
  - (g) The arrangements for parking of contractors' vehicles and contractors' personal vehicles;

- (h) Measures to minimise disturbance from noise which may include but not necessarily be restricted to the following:
  - (i) Cladding, insulation and operation of plant and machinery in accordance with manufacturers' recommendations;
  - (ii) Erection of noise attenuation bunds and fencing;
  - (iii) Additional restrictions on hours of working to those specified in Condition 19 below.

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

*Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy W3.3 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

- 8. No development shall commence until a routeing plan for construction traffic to and from the site has been submitted to, and approved in writing by, the WPA. The plan shall identify the arrangements for:
  - (a) Identifying steps and procedures to be implemented to minimise the impact of construction traffic including the management and routeing of HGVs to the site;
  - (b) Eliminating the deposition of debris, mud or dust upon the public highway resulting from the use of any vehicles leaving the development site;
  - (c) Ensuring that all construction drivers under the control of the applicant are made aware of the approved arrangements;

The routeing plan shall be implemented throughout the duration of the construction period.

*Reason: To ensure the appropriate controls are in place to monitor and manage the site generated construction traffic and to ensure the safe operation of the A46 trunk road.*

- 9. If, during the construction of the development hereby permitted, contamination not previously identified through the Groundsure Geology and Ground Stability Report submitted with the application and received by the WPA on 23 August 2013, is found to be present at the site, then no further development shall be carried out until a method statement has been submitted to and been approved in writing by the WPA. The method statement shall detail any investigations and remediation requirements to deal with the unsuspected contamination, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the agreed site investigations. The method statement shall be implemented in accordance with the approved details as part of the continued construction of the development hereby permitted or in accordance with any other such timescale as may first be agreed in writing with the WPA.

*Reason: To ensure that the construction of the development hereby permitted does not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

10. The chimney stack on the biomass building shall be 37 metres high, as per the details on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014.

*Reason: To provide the necessary dispersion of emissions from the chimney stack.*

### **Operational details**

11. Only waste wood and any oversized green waste shall be accepted at the site. No other waste types shall be imported into the site.

*Reason: In the interest of amenity and aviation safety in order to prevent the importation of putrescible waste which may attract birds.*

12. Only green waste shall be composted at the site. Green waste is defined as grass, tree and hedge clippings and other types of organic plant matter originating from private gardens, local authority parks and commercial landscape works, or collected from kerbside collections or household waste recycling centres. The waste shall not include food products and food wastes.

*Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

13. Any non-green or non-waste wood waste identified when material is tipped onto the site shall be removed prior to that waste stream being chipped and shredded. All non-green and non-waste wood waste shall be removed from the site at the earliest opportunity.

*Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

14. The total combined amount of green waste and waste wood imported into the site shall not exceed 20,000 tonnes per annum until the wood chipping/shredding building, as detailed on Drawing Number 2474-1376-05 Revision A – Proposed Storage Building Elevations received by the WPA on 18 February 2014 has been constructed and is available for use, notification of which shall be made in writing to the WPA within one week of its construction. Thereafter, the total combined amount of green waste and waste wood imported into the site shall not exceed 60,000 tonnes per annum. A written record of the tonnages of waste materials being imported into the site shall be maintained by the developer and/or wood processor. Records of the tonnages recorded shall

be made available to the WPA in writing within two weeks of a written request from the WPA.

*Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers.*

15. Upon the completion of the construction of the wood chipping/shredding building, as detailed on Drawing Number 2474-1376-05 Revision A – Proposed Storage Building Elevations received by the WPA on 18 February 2014 and as notified under Condition 14 above, waste wood shall only be chipped and shredded inside this wood chipping/shredding and storage building as identified on Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014.

*Reason: In the interests of amenity and to ensure the development is in compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

16. Green waste shall only be chipped and shredded in the 'green waste shredding' location detailed on Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014.

*Reason: In the interests of amenity and to ensure the development is in compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

17. No materials may be burned on the site except in the biomass plant. Any fire occurring shall be regarded as an emergency and immediate action taken to extinguish it.

*Reason: In the interests of amenity.*

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

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

## Noise

19. 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
Site development works including construction of the biomass plant and wood chipping/shredding/storage building	7am to 7pm	7am to 12pm	Not at all
Operation of the biomass plant	24 hours a day	24 hours a day	24 hours a day
Receipt of wood fuel into the biomass plant	7am to 7pm	7am to 7pm	8am to 4pm
Operation of plant and machinery associated with wood recycling and composting activities, and the movement of HGVs into and out of the site	8am to 6pm	9am to 5pm	Not at all

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

20. 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.*

21. Internal noise levels within the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014 shall not exceed 90dB(A).

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

22. No roof lights shall be fitted into the roof of the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014.

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

23. The main doors on the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014 shall be kept fully shut at all times with the exception of deliveries of processed waste wood into the building and the removal of ash from the building.

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

24. All pedestrian doors on the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014 shall be kept fully shut at all times except when in use.

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

25. No development shall commence until details of all the acoustic screening, both around the air condenser unit and around the green waste shredding area and as detailed on Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014, have been submitted to the WPA for its approval in writing, including a timetable for the installation of the screens. The acoustic screening shall be erected in accordance with the approved details prior to the generation of energy from the site and shall thereafter be maintained in order to provide the required noise attenuation.

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

26. No development shall commence until details of the external materials, including colour(s), to be used on the biomass plant building, the chimney stack and the waste wood chipping/shredding building have been submitted to the WPA for its approval in writing. The external materials and any other details required in the construction of the biomass building and the waste wood chipping/shredding building shall achieve a noise reduction index of at least 25dB(A) Rw. The biomass building, chimney stack and waste wood chipping/shredding building shall be constructed in accordance with the approved details and shall thereafter be maintained in order to provide the required noise attenuation.

*Reason: To minimise the visual impact of the development and to minimise the risk of noise pollution in accordance with Policy W3.3 and Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.*

27. In the event that a complaint is received regarding noise from the site, the operator shall, within 14 days of a written request from the WPA, undertake and submit to the WPA for its written approval a BS4142:1997 noise survey to assess whether noise from the development exceeds the daytime criterion of 10dB(A) above the existing background noise level or night time criterion of 5dB(A) above the background noise level, after the addition of the 5dB(A)



penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997. The noise assessment position and methodology in light of 24hr operations shall be agreed in advance with the WPA.

In the event of either criterion being exceeded, the report shall include additional measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for their implementation. The additional mitigation measures shall be implemented in accordance with the approved details and, once in place, an additional noise survey undertaken in accordance with BS4142:1997 within 14 days to ensure compliance with the noise criterion. The results of this additional noise survey shall be submitted to the WPA within 14 days of the additional noise survey having been carried out.

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

## **Dust**

28. No development shall commence until a dust management plan has been submitted to, and been approved in writing by, the WPA. The dust management plan shall set out measures to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors, including adjacent agricultural land, to acceptable levels, both during the construction and operation of the development hereby permitted, provide for dust monitoring, and provide a scheme for dealing with complaints. The dust management plan shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- (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, where necessary;
  - (c) The minimisation of drop heights during loading and unloading of unprocessed and processed waste wood and green waste;
  - (d) Limiting on-site vehicle speeds;
  - (e) Provisions for the temporary suspension of operations, including vehicle movements, during periods of unfavourably dry or windy weather conditions;
  - (f) Details of the mechanisms to be employed to monitor dust and airborne particles including the monitoring locations and the mechanism to record the dust monitoring data, including its submission to the WPA;
  - (g) Details of the measures to be undertaken should the monitoring results indicate that operations on site are likely to lead to justifiable complaints;
  - (h) Details of the mechanism for dealing with any complaints received either directly from members of the public or via the WPA.



The dust management plan shall be implemented in accordance with the approved details.

*Reason: To minimise the risk of dust and air pollution in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Lighting**

29. Within one month of the date of commencement of the planning permission, as notified under Condition 2(a) above, details of all floodlighting to be used at the site shall be submitted to the WPA for its approval in writing. The details shall ensure that the floodlighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users. The details shall also set out the hours during which individual floodlighting fixtures shall be in use depending on their location and the hours of operation detailed in Condition 19 above. Outside these hours, individual floodlights shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

*Reason: To minimise the visual impact of the development in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Drainage**

30. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to, and approved in writing by, the WPA. The scheme shall be implemented in accordance with the approved details before the development hereby permitted is first brought into use.

*Reason: To ensure that the development is provided with a satisfactory means of drainage in addition to reducing the risk of creating or exacerbating a flooding problem and to minimise the risk of flooding in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Highways and access**

31. All HGVs entering and leaving the site shall only do so by means of a left turn into and out of the site. No HGVs shall cross the central reservation of the A46 when entering and leaving the site.

*Reason: In the interests of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.*

32. No development, including the construction of the biomass plant, shall commence until details of the signs to be erected at the site entrance directing HGV drivers to enter and leave the site by means of a left turn manoeuvre only have been submitted to, and approved in writing by, the WPA. The signs shall be erected in accordance with the approved details and shall thereafter be maintained in good condition throughout the life of the development hereby permitted.

*Reason: In the interests of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.*

33. No development, including the construction of the biomass plant, shall commence until details of the instructions to be issued to all HGV drivers instructing them to enter and leave the site by means of a left turn manoeuvre only have been submitted to, and approved in writing by, the WPA. All HGV drivers accessing the development hereby permitted shall be issued with the instructions as approved throughout the life of the development.

*Reason: In the interests of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.*

34. The number of HGVs accessing the site to deposit wood waste and green waste shall not exceed 15 per day. Written records shall be maintained by the operator of all HGV movements into and out of the site with the records kept for a minimum period of two years. Copies of the HGV movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.

*Reason: In the interests of highways safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.*

35. Measures shall be employed to prevent the deposit of mud, clay and other deleterious materials on the surrounding public highway during the operation of the site. Such measures may include the provision of wheel washing facilities, regular sweeping and cleaning of the access and vehicular circulation routes. In the event that such measures prove inadequate, then within two weeks of a written request from the WPA, a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the WPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within the timeframes specified in the scheme and thereafter maintained at all times.

*Reason: In the interests of highways safety in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

## **Landscaping**

36. Prior to the commencement of the development hereby permitted as notified under Condition 2(a) above, a scheme for landscape strategy shall be submitted

to the WPA for its approval in writing. The strategy shall include the following details:

- (a) The identification of all trees, hedges and shrubs to be retained and the measures for their protection during the construction of the development hereby permitted and thereafter, and details of any trees, shrubs and hedges to be removed;
- (b) A landscape strategy for the site and its surroundings, including Broughton Grange Farm and its setting, which details how the landscaping proposals have been designed to benefit the landscape character of the area, the setting of Broughton Grange Farm (drawing from the First Edition Ordnance Survey Map), and the biodiversity of the area;
- (c) A revised Landscape Masterplan based on Drawing Number LL95.02 Revision A – Landscape Masterplan received by the WPA on 18 February 2014 but extended to include Broughton Grange Farm and its setting, including the A46 and existing roadside planting, and designed based on the landscape strategy submitted under Criteria (b) above;
- (d) Planting proposals showing 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 (with hedgerows being hawthorn dominant); density; positions; and sizes of all trees, shrubs and hedgerows; and the sowing of wildflower areas, to provide for the revised Landscape Masterplan submitted under Criterion (c) above;
- (e) A landscape management plan and schedule of maintenance for a period of 5 years;
- (f) Timetable for implementation of hard and soft landscape works.

All landscaping planting and protection shall be carried out in accordance with the approved details.

*Reason: In the interest of amenity and to benefit landscape character and the setting of a listed building in accordance with Policy W3.4 and Policy W3.28 of the Nottinghamshire and Nottingham Waste Local Plan.*

#### **Informatives/notes to applicants**

1. The operator should ensure that the vehicle circulatory route within the site is kept free of obstruction at all times in order that all HGVs entering the site can do so without delay and without having to queue on the A46 Fosse Way.
2. Your attention is drawn to the Standing Advice from The Coal Authority dated 1 January 2013 set out below.





**20<sup>th</sup> May 2014**

**Agenda Item:8**

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

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/00348/CMA**

**PROPOSAL: RETAIN EXTENDED AREA OF SITE TO BE USED EXCLUSIVELY FOR  
THE ADDITIONAL STORAGE OF PAS100 END PRODUCT COMPOST**

**LOCATION: OXTON GRANGE, OLLERTON ROAD, OXTON**

**APPLICANT: TEG ENVIRONMENTAL LIMITED**

**Purpose of Report**

1. To consider a retrospective planning application for the retention of an additional storage area for processed compost product originating from the Oxtton Grange compositing facility.
2. The site lies within an area designated as Green Belt. The application has been treated as a 'departure' from the development plan on this basis. The assessment of the planning application demonstrates that there are 'very special circumstances' to justify a departure from Green Belt policy in this instance. The operation of the extended site would benefit the operation of the site and not result in significant harmful environmental effects.
3. The recommendation is to grant planning permission, subject to planning conditions.

**The Site and Surroundings**

4. The application site is located adjacent to the main Oxtton Grange Farm complex, approximately 2km to the north of Oxtton on the A6097, and approximately 1km south of the A614 junction at Northgate Island. (see plan 1). Oxtton Grange Farm comprises part of a larger well established arable and livestock farming business across 2,200 acres situated in the Oxtton and surrounding areas. Oxtton Grange Farm is owned by Sherbrooke Farms Estates who have a number of commercial interests in the surrounding rural area.

5. The Oxton Grange Farm complex comprises a farm house, two tenant farmers properties and various agricultural buildings. Immediately to the north of these buildings is the existing open-air composting facility. The site is within the Nottingham Green Belt.

### **Relevant Planning History and Existing Site Operations**

6. In May 2002 planning permission was granted to operate an open-air green waste composting facility from an area of land measuring 75m x 120m, incorporating a 60m x 67m vehicle off-loading and feedstock processing area surfaced with hardcore and a 60m x 36m concrete hardstanding for laying out of 'windrows' (rows of piled compost material). A soil bund measuring 4m high by 120m long has been constructed along the western side of the processing area, to screen the operations from the A6097.
7. Planning permission was subsequently granted in July 2006 to provide a northern extension to the composting facility measuring 60m by 90m. The extension resulted in a larger waste processing/handling capacity area at the site
8. The site receives segregated green waste predominantly originating from local authority collections and household waste recycling centres in the Nottingham area. Waste deliveries to the site are made via the farm access road leading from the A6097. An average 20 vehicles a day deliver to the site at the busiest periods. All loads are visually inspected upon reception to ensure that only materials suitable for composting are received. Any unacceptable materials are removed and placed within a skip for off-site disposal.
9. Delivered green waste is deposited on the existing crushed stone operational pad, stored within stockpiles and subsequently shredded to make it suitable for composting. The processing pad is designed to handle a maximum of 5,000 tonnes per week of green waste material and manage up to 30,000 tonnes per year. Because of the seasonal nature of the green waste stream, average inputs on a yearly basis are significantly less than the maximum weekly limit.
10. Once shredded the green waste is set out within open windrows in the composting area. The pad area is sized to allow for approximately nine windrow process piles comprising approximately 550 cubic metres of material in each pile to be processed on a six week cycle. The windrow pile dimension on average is 3m wide at the base, 2.5m high and 110 metres in length. The heights of the piles vary seasonally, being larger in the winter to maintain composting temperatures.
11. The windrows are monitored during the composting process and regularly turned to ensure that oxygen levels are maintained to preclude anaerobic conditions and hence reduce the risk of unpleasant odour. The temperature is maintained within the preferred range of 43 to 65 degrees Celsius to ensure pathogens are killed (Pathogens are organisms/parasites that can cause

disease within another host organism). The moisture content is maintained at approximately 40-60%, with water added to the windrows when necessary.

12. All surface water is collected from the process pad area for re-circulation during the composting process or taken off site for suitable disposal. The drainage is connected to a 70,000 litre tank buried underground.
13. The original planning permission for composting operations at Oxton Grange was granted on the basis that all processed compost would be applied to the farm's own land to provide agricultural benefit. A network of 'field stores' has been established around the farm holding which are used to store the compost prior to its application to land once any standing crop has been harvested. Most of the field stores are accessed via the public highway using tractors and trailers for transport and therefore necessitate vehicle movements on the public highway.
14. In June 2011 planning permission was granted to vary the operational controls on the Oxton Grange composting site to enable the finished compost product to be used within a wider network of farms including farmland which is not owned/operated by Sherbrook Farms. The planning application identified that this wider network of farms were generally contained within a 5-10 mile radius of the Oxton site. To avoid adverse impacts on the highway controls were imposed through the planning conditions to prohibit the movement of potentially slow moving tractors and trailers on the A614 during morning and evening peak periods to ensure that haulage of compost does not compromise the free flow of vehicles on this busy road.

## **Proposed Development**

15. Planning permission is sought to regularise the use of an extended operational area consisting of an additional area of land which is being used for the storage of finished compost product prior to it being transported off the site for use as an agricultural soil improver.
16. The extended storage area is located directly to the north of the existing site, measuring approximately 120m by 50m. The land would be used for the storage of final compost product which is mounded on the existing soil surfacing. The additional storage area does not extend the throughput of the site. Justification for the development is set out within the applicant's supporting statement which explains that:

*'The requirement for the storage area and reason for the application is due to the fact that the main market for the compost produced on site is agriculture. Compost is spread on local farms to confer agricultural benefit as well as improving soil structure; it provides valuable nutrients which reduce the need to add artificial fertilizers. It is not viable to transport the compost large distances due to its volume and weight and therefore the ideal solution, both commercially and environmentally, is to use the compost as close to the production site as possible. Due to this, the demand for the product varies during the year as farmers do not generally want the product whilst the land is being cropped or after heavy rainfall when access to the*



*land may be a problem, unfortunately this normally means that certain times of the year the compost is not required locally but still produced and other times demand is greater than production. The additional storage area allows flexibility to store the end product until it is required by the customer, reducing the distance the compost needs to be transported to find alternative markets.'*

## **Consultations**

17. Newark & Sherwood District Council: *Raise no formal objection subject to the imposition of a planning condition restricting the height of storage to be no greater than the adjoining site so as to prevent inappropriate development in the Green Belt.*
18. Oxton Parish Council: *No representation received.*
19. NCC (Highways): *Raise no highway objections on the basis that the development does not increase vehicle movements associated with site operations.*
20. Environment Agency: *Following the receipt of a supplementary flood risk assessment the Environmental Agency raise no objections to the development.*
21. Severn Trent Water Limited, Western Power Distribution, National Grid (Gas): *No representation received.*

## **Publicity**

22. The planning application has been publicised as a departure to the development plan by the posting of a site notice and the publication of a press notice within the Nottingham Post. Residents/tenants of the Oxton Grange Farm complex have been notified of the application by letter. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
23. Councillor Roger Jackson has been notified of the planning application.

## **Observations**

### Compliance with Waste Management Policy

24. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) establishes a presumption in favour sustainable development and is therefore consistent with the National Planning Policy Framework (NPPF). Specifically WCS Policy WCS1 seeks to ensure that sustainable waste management facilities are granted planning permission unless any adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits.



25. WCS Policy WCS3 promotes the delivery of sustainable waste management by prioritising the development of new or extended recycling, composting and anaerobic digestion facilities. The policy proactively encourages the development of these facilities to assist the County meet an ambitious target to recycle/compost 70% of waste by the year 2025.
26. The composting of green waste is acknowledged as representing the most sustainable treatment option for managing this waste stream in the context of the waste hierarchy. Whilst the current proposal would not increase capacity within the existing Oxtun Grange composting facility, it would increase the efficiency of the existing operation and therefore the development is supported by WCS Policies WCS1 and WCS3 in terms of promoting sustainable waste management.

#### Development within the Green Belt

27. The Newark and Sherwood Allocations & Development Management Development Plan Document incorporates land allocations within the Newark and Sherwood District. The plan identifies that the Oxtun Grange site is located within a countryside location on land designated as Green Belt.
28. Spatial Policy 4B of the Newark and Sherwood Core Strategy incorporates Green Belt policy for the district. This policy requires that all developments within the Green Belt should be judged according to national Green Belt policy.
29. National Green Belt policy is incorporated within the National Planning Policy Framework (NPPF). Paragraph 90 of the NPPF incorporates a list of developments that are considered as being appropriate within a Green Belt, subject to them preserving the openness. The operation of green waste composting facilities are not identified within this list and therefore the development must be considered as inappropriate development within the Green Belt. NPPF paragraph 87 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.
30. With regard to the County Council's Waste Core Strategy, Policy WCS4 confirms that within the Green Belt proposals for built waste management facilities constitute inappropriate development and will only be permitted where need and other material considerations amount to very special circumstances sufficient to outweigh harm to the Green Belt and any other harm identified. WCS Policy WCS7 (General Site Criteria) provides support for the green waste/composting facilities within Green Belt locations where very special circumstances can be demonstrated.
31. Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) paragraph 3 makes it clear that waste developments should seek to protect Green Belts but recognises when determining planning applications that the particular locational needs of some types of waste management facilities, together with the wider environmental and economic benefits of

sustainable waste management are material considerations that should be given significant weight in determining whether proposals should be given planning permission. In this respect, there are a number of considerations which are relevant to the assessment of whether there are 'special circumstances' to justify inappropriate development within the Green Belt.

- a. Location Needs: Open air composting operations generate atmospheric odour and bio-aerosol emissions which have potential to cause annoyance and health effects with long term exposure. To safeguard against potential impacts the Environment Agency have adopted a precautionary 250m stand-off distance between composting facilities and human receptors (residential or commercial) to allow for dispersal of emissions. This stand-off distance means that it is practically impossible to locate open windrow facilities in built up areas due to the higher density of development. This constraint imposes a particular locational requirement to site open windrow composting facilities in rural areas where the stand-off distances can be achieved. Planning policy within Nottinghamshire designates the rural areas surrounding the Nottingham conurbation as Green Belt. It is therefore almost inevitable that any green waste composting facility which is in reasonably close proximity to waste arisings in the Nottingham area would be sited on Green Belt Land. If Green Belt policy was rigidly applied to the development of all green waste composting facilities it could effectively prohibit the development of this preferred waste management practice for the management of green waste, an approach which would be contrary to the waste hierarchy and WCS Policies WCS1 and WCS3. It is therefore concluded that open air windrow composting developments do have particular locations needs which lend support to them being located within Green Belt locations.
- b. The development has an essential requirement to be located at Oxtou Grange since it would operate as an extension to an existing facility. Since all the land surrounding the development site is within the Green Belt, it is inevitable that any extension would be located within a Green Belt location.
- c. The extended storage area would complement the agricultural production of surrounding farmland representing a quasi-agricultural use which is not out of keeping with the predominant agricultural character of the surrounding area.
- d. The facility does not incorporate new buildings or areas of hard standings which could affect the openness of the Green Belt.
- e. Visual Impacts of the development are minimal as a result of the location of the site on flat low-lying land, with higher land situated to the rear (east) of the site. Views of the site are limited to distant views. Visual impacts of these components can be minimised through the restriction in maximum storage heights to 5m.
- f. The development supports a sustainable waste management process insofar that it assists with the management of green waste at

the highest level within the waste hierarchy and ensures that waste materials are put to beneficial use on surrounding agricultural land, offsetting the use of fertilisers and preserving natural resources.

- g. WCS Policy WCS 7 lends support to the development of green waste composting facilities within Green Belt locations, whilst acknowledging such development is inappropriate within the Green Belt.
32. The development must be considered as inappropriate in the context of Green Belt policy. However, PPS10 paragraph 3 acknowledges that the particular locational needs of some waste management facilities may represent the very special circumstances necessary to outweigh any harm to Green Belt Policy. These special circumstances have been demonstrated within the preceding paragraph. On balance it is concluded that benefit derived from the development outweighs any harm due to the inappropriateness of the development in the context of Green Belt Policy.

#### Assessment of Environment Considerations

33. Chapter 3 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) incorporates a series of environmental protection policies that are used to judge the main environmental issues associated with waste proposals. These policies are considered below.
34. WLP Policies W3.3 and W3.4 seek to minimise the visual impact of waste developments by siting them in non-intrusive locations, keeping development at a low level, minimising impacts from buildings and using appropriate screening. The preceding section of the report has identified that impacts to the openness of the Green Belt are minimal due to the location of the site on flat low-lying land and the backdrop of higher land to the rear (east) of the site. Views of the site are limited to distant views and visual impacts of the development can be minimised through the restriction in maximum storage heights to 5m. The visual and landscape impacts of the development are therefore minimal and the development is compliant with WLP Policies W3.3 and W3.4.
35. WLP Policies W3.5 and W3.6 seek to protect water resources by minimising risks from flooding and pollution. The applicant has supplied a supplementary flood risk assessment which identifies that the site is not within a flood risk area. The development has potential to alter run-off from the site during periods of heavy rainfall, particularly if the underlying ground or compost were to become compacted. The applicant's flood risk assessment incorporates measures to protect the surrounding area from increased surface water flows through the development of a catchment drain and raised berm of land along the edge of the extended storage area to capture flows of water and sediment, and through the management of compost storage piles to ensure they maintain permeability. The compost stored within the extended storage area is the final product which is compliant with industry standard PAS100 and therefore suitable for agricultural/horticultural use. The storage of this material on land therefore does not raise any potential groundwater pollution issues.

36. Adverse impacts relating to odour and noise discharges are not anticipated thus ensuring compliance with WLP Policies W3.7 and W3.9. The remoteness of the site means that any dust emissions from the stored compost would not result in significant harmful impacts to sensitive receptors, thus ensuring compliance with WLP Policy W3.10.
37. The additional storage area sought planning permission would not increase the current 30,000 tonnes per year waste processing capacity of the site. It does, however, provide additional operational flexibility by enabling the applicant to stockpile compost product prior to it being transported to agricultural land either within the Oxton Grange farm holding or to the network of local farms currently served by the facility. The main benefit derived from this is that compost could be stored at times when agricultural land has standing crops and distributed at times to coincide with those periods when fields do not have crops and compost can be spread. As a result, the extended storage area would do away with the necessity to set aside potentially productive agricultural land as compost 'field stores' thereby assisting with maximising the agricultural productivity of land. A planning condition is recommended to limit the maximum capacity of the extended site to 30,000tpa to ensure there is no incremental enlargement of processing capacity of the site as a result of this development.
38. Since there is no increase in site capacity, additional vehicle movements associated with the collection and delivery of material to and from the site are not anticipated. Current site operations result in some fluctuations in vehicle movement numbers throughout the calendar year due to the seasonal characteristics of green waste production. Daily average movements during peak periods are identified at 14 vehicles per day, with a maximum 20 per day. Additionally up to 10 daily tractor and trailer loads of compost are transported off the composting pad. These levels of traffic movements have previously been assessed as acceptable subject to controls being in place to ensure that potentially slow moving tractors and trailers used to transport the finished compost product are restricted from driving along the A614 at peak periods (weekdays 7-9am & 4-6pm) when they have most potential to affect the free flow of traffic on this strategically important road. To ensure that these controls are maintained it is recommended to re-impose this restriction to the operation of this extended compost storage area.

### Conclusions

39. The Oxton Grange site provides a valuable green waste processing facility for the greater Nottingham area, using these waste materials to produce quality compost that add benefit to the local agricultural land. The extension to the storage area would not cause any adverse visual or environmental impacts to the local area. Whilst it is acknowledged that the development represents inappropriate development within the Green Belt, PPS 10 acknowledges that particular locational needs of some waste management facilities may represent the very special circumstances necessary to outweigh any harm to Green Belt Policy. In this case the benefits that are derived from the development do outweigh any harm due to the inappropriateness of the

development in the context of Green Belt Policy and therefore very special circumstances do exist to justify the development within the Green Belt.

### **Other Options Considered**

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

### **Statutory and Policy Implications**

41. 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.
42. There are no service user implications, financial implications, equalities implications, safeguarding of children implications or implications to human resources. The bulky and low value character of compost storage means that the use of land as proposed raises no crime and disorder issues. The development would have benefit in terms of sustainability and the environment through the management of green waste to manufacture compost for beneficial use on surrounding agricultural land.
43. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life)/Article 1 of the First Protocol (Protection of Property)/Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

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

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

### **RECOMMENDATION**

45. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues,

including the Human Rights Act issues, set out in the report and resolve accordingly.

## **JAYNE FRANCIS-WARD**

### **Corporate Director Policy, Planning and Corporate Services**

#### **Constitutional Comments**

The Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 7.05.14]

#### **Comments of the Service Director - Finance**

There are no specific financial implications arising directly from this report. [SEM 7.05.14].

#### **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**

Farnsfield and Lowdham - Councillor Roger Jackson.

Report Author / Case Officer

Mike Hankin

0115 9696511

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

W001268.DOC – DLGS REFERENCE

– COMMITTEE REPORT FOLDER REFERENCE

25<sup>th</sup> April 2014 – Date Report Completed by WP Operators

## RECOMMENDED PLANNING CONDITIONS

1. Planning permission is granted for the regularisation of the extended storage area for end product compost at the Oxton Grange composting facility, as identified on the following documents:
  - a. Oxton Composting Site Plan received by the Waste Planning Authority on 22<sup>nd</sup> January 2014,
  - b. Oxton Composting Supporting Statement (Ref: Oz-SS-01/14) received by the WPA on 22<sup>nd</sup> January 2014.
  - c. Oxton Grange Flood Risk Assessment and supporting swale & berm plan received by the WPA on 22<sup>nd</sup> April 2014.

*Reason: To define the scope of the planning permission.*

2. Within three months of the date of this planning permission the measures to prevent surface water run-off including the construction of the swale and berm field drainage system detailed in section 3 of the flood risk assessment document and supporting plan shall be constructed and implemented in full. The flood risk mitigation measures shall thereafter be maintained throughout the operational life of the site.

*Reason: To manage surface water drainage within the development in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.5.*

3. The extended storage area hereby approved (as outlined in red on the site plan) shall only be used for the storage of processed compost which has achieved PAS100 certification. No green waste processing activities shall be undertaken from this part of the site.

*Reason: The storage area does not incorporate any hard surfacing or pollution control drainage systems and is not suitable for the storage and processing of potentially contaminated waste materials. These measures ensure satisfactory pollution control in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.6.*

4. The height of compost stored on the site shall not exceed 5m in height.

*Reason: In the interest of visual amenity, to protect the openness of the Green Belt and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.3.*



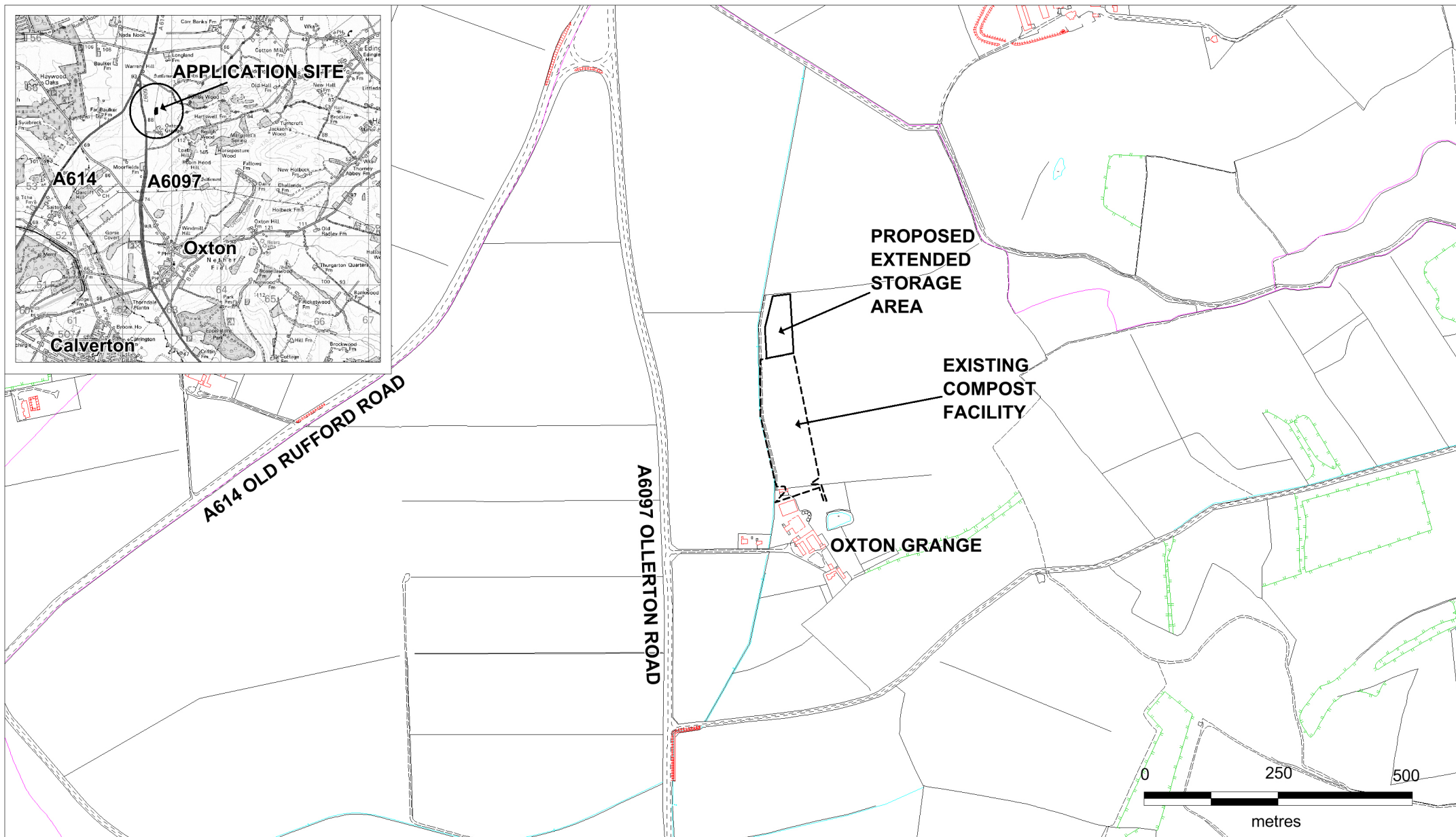
5. No plant or machinery shall be operated within the site, or deliveries be undertaken to and from the site, except between the hours of 0700 hours and 1800 hours Monday to Friday, and 0700 hours to 1300 hours Saturday, and not at all on Sundays and Bank and Public Holidays. Movement of finished compost off the site by tractor and trailer which requires transport along the A614 public highway to any agricultural field shall not be permitted to leave the Grange Farm composting facility between 0700hrs – 0900hrs and 1600hrs – 1800hrs on any weekday (Monday – Friday).

*Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to protect the free flow of traffic along the A614 at peak periods in compliance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.15 & Newark and Sherwood Core Strategy Spatial Policy 7.*

6. No more than 30,000 tonnes of waste shall be imported to the site (as outlined in red and blue on the Oxtun Composting Site Plan received by the Waste Planning Authority on 22<sup>nd</sup> January 2014) in any one calendar year. Records shall be kept by the operator of all imports of waste to the site, which shall be made available to the WPA within seven days of a request.

*Reason: To ensure that vehicle movements are limited to an appropriate level and ensure site activities do not adversely affect the free flow of traffic on surrounding roads in compliance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.15 & Newark and Sherwood Core Strategy Spatial Policy 7.*





**Nottinghamshire  
County Council**

Proposal to extend the area of the site to include additional storage area to be used exclusively for the storage of PAS100 end product compost.

Oxtun Grange, Ollerton Road, Oxtun, Nottinghamshire.

Planning Application No. 3/14/00348/CMA

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Date: MAY 2014





**20 May 2014**

**Agenda Item:9**

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

**ANNUAL REPORT ON PLANNING MONITORING AND ENFORCEMENT  
WORK – 1 APRIL 2013 TO 31 MARCH 2014**

**Purpose of Report**

1. To update Members on the monitoring and enforcement work carried out during the financial year 2013/14 and to provide updates regarding notices served.

**Enforcement and Monitoring Work 1 April 2013 – 31 March 2014**

2. Details of the enforcement and monitoring work for the report period are set out in Appendix 1 and details of notices served in Appendix 2. The number of inspections carried out during the report period (previous years figures in brackets) was **436** (490), of which **423** (459) related to 'County Matter' development (minerals and waste) and **13** (31) were related to County Council Development sites. Of the County Matter development monitoring visits **159** (167) were undertaken to mineral and waste sites and charged under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006. The fees generated from these inspections was **£52,462**. This compares with figures of £49,765 for 2012/13, £48,118 for 2011/12 and £47,328 for 2010/11. It should be noted that the nationally set fee for site inspections was increased from £288 to £331 per inspection for active sites part way through 2012.
3. The drop in the overall number of inspections reflects the reduction in capacity arising from the loss of a post within the monitoring and enforcement team and also monitoring staff being directed to specific problem sites and also assisting with planning applications, amendments and submissions made under condition to ensure that statutory timescales are met.
3. In the last year a total of **73** complaints were received alleging breaches of planning control. **99%** (72) of these were acknowledged within 3 working days, in line with the local performance indicator of 95%. **96%** (70) of these complaints were the subject of a site inspection within 3 days (where necessary), in line with the local indicator of 90% and **77%** (56) of complainants were notified of progress relating to their complaints within 15 working days. Of the **73** complaints received during the report period **66** related to County Matter

development and **7** related to the County Council's own development. A breakdown of the distribution of complaints by District is set out in Appendix 1. The elevated number of complaints in Bassetlaw stems from Nottinghamshire Recycling Limited's operation of a materials recycling facility in Worksop and also, in part due to the commencement of a coal bed methane exploratory borehole in Lound. The increase in number of complaints within Rushcliffe stem from complaints relating to the operation of the Johnsons Aggregates Recycling facility at Bunny. The issues relating to these sites are detailed below.

#### **Notices Served During Report Period 1 April 2012 – 31 March 2014**

4. Details of the various statutory notices served during the report period are set out in the appendices. In summary **four** enforcement notices, **two** breach of condition notices and **eight** Planning Contravention Notices were served during the report period. Details of the enforcement and breach of condition notices are detailed below and a resume of all notices is contained in Appendix 2.

#### **Enforcement Notices**

##### **Worksop Recycling Centre, Shireoaks Road, Worksop**

5. The Worksop recycling centre is operated by Nottinghamshire Recycling Limited (NRL). The site operates under a number of inter-linked permissions but the primary control is under a planning permission granted in 2006 which permits the erection of offices and buildings and the creation of the waste transfer/recycling facility at the site. A string of complaints have been received about the development and its impacts since 2012 and these relate to odours, dust, noise, hours of operation, smoke and stockpile heights. In April 2013 a breach of condition notice was served on NRL for breaching its permitted operational hours (further details can be found under the review of breach of condition notices below).
6. Complaints continued to be made in 2013 and these were now focused on odours, flies, smoke and dust. Complaints relating to smoke were traced to a diesel generator on site which was not subject to controls under planning. Investigations confirmed that the NRL site was the likely source of the fly, odour and dust issues and this was attributed to the external storage and processing of a considerable amount of non-inert waste materials outside the main transfer building in breach of the permitted site layout. The problem was also potentially related to the types of material brought to the main transfer building.
7. These issues were raised with NRL and despite some progress being made to remedy these issues the problems did not improve and complaints continued to be made. As a result it was considered expedient to serve an enforcement notice requiring the removal of the externally stored non-inert waste, the relocation of the processing operations to that shown on the approved plans, the introduction of dust and litter control measures and also whilst this was ongoing the provision of odour management equipment. An enforcement notice was issued on 23 July 2013 and served on NRL.

8. In early August there was a major fire on the site within the main waste transfer building which resulted in significant quantities of smoke being spread over Worksop for a sustained period. The fire was eventually extinguished, but the building and much of the processing plant and machinery was badly damaged. This had a knock on effect on NRL's ongoing operations.
9. A few weeks later a further major fire occurred at the site, this time in the non-inert heaps outside the building. This fire was deep seated in the externally stored waste and took well in excess of a week to bring under control and eventually extinguish with smoke again spreading over much of Worksop.
10. The externally stored waste was not removed within the time permitted in the enforcement notice. A request was made by NRL for an extension of time to complete these works citing the fires and associated impacts as the cause for the delay. An extension of time was granted from the original deadline of 27 January 2014 until 27 May 2014.
11. More recently there has been a further fire within the building at the rear of the site which was erected to house a bioflame plant (which was never built) and this has resulted in this building being partially demolished. A further fire also occurred in the front building, but was smaller and brought under control.
12. The requirements of the enforcement notice have not been met to date and following the recent fires the Environment Agency suspended the site's waste permit which has effectively stopped NRL trading. It would appear that given the events to date that it is extremely unlikely that the enforcement notice will be complied with within the permitted timescales and the future of NRL in financial terms is also in the balance bringing further concerns to securing compliance with the notice.
13. Officers will continue to liaise with NRL, its advisors and the Environment Agency to seek to secure compliance with the enforcement notice as quickly as is possible and also to control any off site impacts pending compliance with the notice. It is intended to update Members on progress in subsequent reports.

#### **Sandy Lane Waste Transfer Facility, Sandy Lane, Worksop**

14. The Sandy Lane waste transfer facility was operated by Worksop Waste Services Limited. The site is effectively split into two separate halves, the western half contains a materials recycling building with internal processing plant and associated external storage and offices and the eastern half an inert waste transfer operation. The two halves are subject to independent planning permissions.
15. There have been issues with the operation of the site for some time, but some progress was made to bring matters back into compliance. However, through 2013 it appears that the operator of the site had been importing more waste than it could reasonably handle at the facility and as a result excess material was stockpiled on both sites and the efficient operation of the site had been severely restricted and various conditions breached. The site has generated complaints in terms of visual impact and dust.

16. The site continued to operate, but no steps were taken to address the ongoing breaches of planning control. As a result two enforcement notices were issued on 5 November 2013 requiring compliance with various conditions attached to each of the two planning permissions. That relating to the materials recycling site required the deposit of waste materials outside the building to cease, the processing of material outside the building to cease, the storage of waste materials outside the building to cease, for waste to be stored in designated bays and for measures to be employed to control litter and dust. The second notice related to the inert recycling area and required the import of non-inert waste to this land to cease, for all non-inert waste to be removed, for waste to be stored in the approved area, for waste to be removed from adjacent to the railway boundary, for various surface and drainage features to be provided, for the construction and seeding of a screening bund and reduction of the stockpile heights.
17. Since the service of the enforcement notices it has been confirmed that Workstop Waste Services Limited has gone into administration. However, the assets of the company have been bought back by those previously involved in the operation of the site and this is now operating under the new name of Workstop Waste Limited. Negotiations have been ongoing with the new company (same individuals) to secure compliance with the enforcement notices. Whilst some progress has been made the primary requirements of the notices have not been met within the specified timescales.
18. A decision will now need to be made on how to proceed with this development and secure compliance with the enforcement notices. Progress will be reported to Members in subsequent reports.

#### **Land at Henning Lane, Sutton in Ashfield**

19. Complaints were received about the unauthorised use of land situated off Henning Lane, Sutton in Ashfield for the importation, storage, processing, breaking, treatment and dismantling of vehicles and vehicle parts. The land lies immediately adjacent to a public right of way off an unsurfaced track which then links to the drive running past Mapplewells School. The land is owned by the County Council, but is included within the land which is leased to FCC Environment Limited as part of the nearby closed Sutton Landfill site. The activity has been carried out by an individual without the approval of either the Council as landowner or FCC as holder of the lease for the land. It is understood that this activity has been ongoing for a number of years and has increased in scale over the last 2 years.
20. This breach of planning control was raised with Mr Marriott and assurances were given that the vehicles and their parts would be removed within an agreed timescale. The land was not cleared within the agreed timescale and as such an enforcement notice was served in December 2013 requiring the importation of vehicles and vehicle parts to cease, for the treatment and dismantling of the vehicles to cease and for the vehicles and the associated vehicle parts to be cleared from the land.



21. The enforcement notice has taken effect and to date no evidence of further vehicles having been brought to the site has been collected. The period to stop dismantling and clear the site has not yet expired and progress on this matter will be reported in subsequent reports.

### **Breach of Condition Notices**

#### **Workshop Recycling Centre, Shireoaks Road, Worksop**

22. This is the same site as that operated by Nottinghamshire Recycling Limited which was subject to the enforcement notice referred to above. Complaints were received alleging that the site was operating outside the permitted hours. These matters were investigated and some evidence was collected which supported the allegations and the breach of planning control. As a consequence these matters were brought to the attention of the operator both on site and in correspondence and warnings given that the development should be carried out within the permitted hours or enforcement action may be commenced. The company advised that steps had been introduced to address this issue.
23. Further complaints were received alleging that the use of the site outside the permitted hours had resumed, particularly at night. Investigations confirmed these subsequent allegations to be correct and that the site was operating well beyond its permitted hours. In light of the previous warnings not being heeded, it was considered expedient to serve a breach of condition notice requiring the permitted hours to be complied with.
24. The notice has taken effect. The operations were reviewed out of hours and the permitted hours appear to be being complied with. Equally, no further complaints alleging out of hours operations at the site have been received. It is hoped that the above course of action has successfully addressed this issue and that further action will not be necessary in relation to this particular issue.

#### **Materials Recycling Facility, Loughborough Road, Bunny**

25. The site is operated by Johnson Aggregates Limited. The operations at the site have changed over the past few years from primarily recycling construction and demolition waste to a focus on recycling incinerator bottom ash (IBA). During the report period a number of complaints were received about the operation of the site including issues relating to odours, dust, stockpile heights, noise and hours. These issues have been brought to the attention of the operator and some changes to working practices have been made to tackle these issues, although the issues are not yet fully resolved and remain under review.
26. The site operates under a number of interlinked planning permissions but the storage of raw feed IBA in a designated bay is subject to a separate permission which limits the stockpile heights of IBA to 4m, or the top of the retaining wall. Over the Christmas and New Year period the site continued to receive IBA, but did not continue processing which resulted in the stockpile heights exceeding those permitted by 250% and thereby increasing the potential for adverse impacts. In light of the ongoing concerns about the operation of the site, and in particular the IBA element of the process and previous warnings about stockpile

heights, it was considered expedient to serve a breach of condition notice requiring the stockpile height to be reduced to that permitted and thereafter kept at or below this level.

27. The operator of the site had already completed remedial works to reduce the stockpile heights before the notice took effect and has advised that they have had a complete review of procedures to ensure that there is no recurrence of this issue. Members will also recall approving an application at February's Committee meeting to temporarily allow use of the adjoining land and a relaxation of the operating hours to address the issue of over-stocked IBA.

#### **UPDATE ON PREVIOUS ENFORCEMENT NOTICES**

28. Various enforcement and breach of condition notices which were served prior to the current period remain active and the following outlines the current status of these notices where not concluded at the time of the last report.

#### **Former Rufford Landfill Site, Rufford Colliery Tipping Complex, Rainworth**

29. The former Rufford Tip site was leased by the County Council from the Coal Authority and operated under a sub-lease by Mansfield Skip Limited. The importation of waste ceased at the end of 1994 and Mansfield Skip Ltd went into liquidation shortly afterwards. Various options to re-open the tip were subsequently explored. However, after a period of time and in the absence of progress an alternative restoration scheme was requested from the County Council in light of its interest in the land. After much discussion an alternative restoration scheme was submitted in 2002 and this was approved in March 2003.
30. The implementation of the alternative scheme was delayed whilst alternative development proposals for the Rufford Colliery site generally were explored. In 2012 this land was sold on to UK Coal Mining Limited, who also owned all the surrounding land. The land is now owned by Harworth Estates. As no progress had been made, and to ensure that the capability to enforce the restoration of the land was not lost an enforcement notice was served in February 2013 requiring the approved alternative scheme to be implemented within two years.
31. During the summer of 2013 the former landfill site was regraded and sand replaced to complete the restoration of the site. The site has now been seeded down and the requirements of the enforcement notice have been met.

#### **Land at Twitch Farm, Hollowdyke Lane, Balderton**

32. The enforcement notices relating to the above land were upheld on appeal in 2009 and required the use of the land as a scrapyard to cease. The requirements of the enforcement notice were not met within the compliance period. This matter was being pursued with the company owning the land but they went into administration in 2011. The land was subsequently bought from the liquidators by another company, Jojo Properties in June 2012. Contact was made with the new owner who has given a commitment to comply with the



requirements of the enforcement notice. Whilst some progress has been made to clear the site, including the removal of the majority of the complete vehicles, the notice has not yet been complied with. More recently complaints have been received alleging that the site is being brought back into use. Efforts have again been made to contact the owner but they have not responded to any correspondence. In light of the lack of response and progress and the more recent concerns a decision will need to be made shortly on how best to take matters forward to finally secure compliance with the enforcement notice.

### **Land at Sunnyside, Barnby Road, Balderton, Newark**

33. The site has a long history, but in summary an enforcement notice was upheld on appeal and not complied with. The landowner was successfully prosecuted for failing to comply with the enforcement notice and thereafter gave a commitment to comply with the steps specified in the enforcement notice. This was done. Further complaints were received alleging that the use had recommenced and an inspection of the site with a warrant confirmed this. The site was subsequently cleared again. However, recently further concerns have been raised that the use has again recommenced. This matter is under investigation and depending on the outcome of these investigations a decision will again need to be made on how to bring this matter to conclusion. Progress on these developments will be reported to Members in subsequent reports.

### **Update on recent development at Daneshill Energy Forest, Lound**

34. As referred to above, a significant number of complaints have been received about a development in Bassetlaw involving the drilling of an exploratory borehole to assess strata for its suitability for coal bed methane production. Many of the concerns relate to the principle of unconventional gas and associated activities and the development has come under a considerable degree of scrutiny with issues being raised about each element of the development and has attracted a number of protestors to the site. The development has now largely been completed and the site is due to be reinstated to its former condition shortly. The development has been carried out broadly as permitted, although there were some problems when the development commenced in breach of planning control. Where issues have arisen these have been reviewed and addressed as considered expedient. The development has, however, highlighted that should any future development proposals of this nature be submitted they are likely to attract a considerable amount of public attention and will require large amounts of officer time to take matters forward in terms of responding to concerns, determining the planning application and monitoring the development should planning permission be granted.

### **Statutory and Policy Implications**

35. 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.

## **RECOMMENDATIONS**

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

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

### **Constitutional Comments**

This report is for noting only. SLB 30/04/2014

### **Comments of the Service Director - Finance (SEM 01/05/14)**

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

### **Background Papers Available for Inspection**

None

### **Electoral Division(s) and Member(s) Affected**

All

Report Author / Case Officer

Tim Turner

0115 9696506

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

28 April 2014

## **ENFORCEMENT AND MONITORING**

### **SUMMARY OF STATUTORY NOTICES SERVED AND ENVIRONMENTAL COMPLAINTS RECEIVED 01/04/13 - 31/03/14**

<u>Statutory Notices</u>		<u>Environmental Complaints received within the report period</u>	
Planning Contravention Notices served in report period	8	Bassetlaw	24
Breach of Condition Notices served in report period	2	Mansfield	5
Enforcement Notices served in report period	4	Newark and Sherwood	13
Stop Notices served in report period	0	Ashfield	10
Temporary Stop Notices served in report period	0	Broxtowe	3
		Gedling	2
		Rushcliffe	16
		Total:	73

ENFORCEMENT NOTICES SERVED 01/04/13 – 31/03/14

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Land at waste recycling centre, Shireoaks Road, Worksop	Non-compliance with conditions relating to site layout, location of crushing and screening operations, waste and litter control and dust control	23 July 2013	The notice requires externally stored non-inert waste to be removed from the site , layout to be provided as approved and for adequate dust, waste and litter control measures to be put in place.
Land at waste transfer station at Sandy Lane, Worksop (MRF site)	Non-compliance with conditions relating to site layout, external storage and processing of non-inert materials, windblown litter control and dust suppression	5 November 2013	Stop the processing and sorting of non-inert materials outside the building, stop the open storage of non-inert waste, layout site as approved and introduce approved dusty control measures
Land at waste transfer station at Sandy Lane, Worksop (Inert site)	Non-compliance with conditions relating to site layout, provision of drainage and impermeable storage bays, stocking too close to railway boundary, stockpile heights in excess of that permitted and also storing non-inert material on site	5 November 2013	Cease importation of non-inert waste, remove all non-inert waste, store waste in designated area, layout site as approved, reduce stockpile heights, not store material adjacent to railway boundary, provide impermeable surfaces, provide and seed acoustic/screening bund and provide dust control measures.
Land off Henning Lane, Huthwaite, Sutton in Ashfield	Without planning permission making a material change of use of the land from an agricultural use to a mixed use of agriculture and importing and breaking of end of life vehicles	5 December 2013	Cease importation of vehicles and vehicle parts, stop treatment and dismantling of vehicles and remove end of life vehicles their constituent parts from the land

**APPENDIX 2****BREACH OF CONDITION NOTICES SERVED 01/04/13 – 31/03/14**

<b>Site</b>	<b>Summary of Alleged Breach</b>	<b>Date of Issue</b>	<b>Summary of Steps</b>
Land at waste recycling centre, Shireoaks Road, Worksop	Non-compliance with Condition relating to hours of operation	25 April 2014	The notices require the site to be operated within the approved hours only.
Land at materials recycling facility, Loughborough Road, Bunny	Non-compliance with Condition relating to stockpile heights	22 January 2014	Stock materials at or below the permitted stockpile height.

**PLANNING CONTRAVENTION NOTICES SERVED 01/04/13 – 31/03/14**

<b>Site</b>	<b>Summary of Alleged Breach</b>	<b>Date of Issue</b>	<b>Summary of Steps</b>
Rotherham Sand and Gravel, land at Serlby Quarry, Snape Lane, Serlby	Failure to submit revised restoration scheme	2 May 2013	The notice was returned by the recipient. Options to restore the site are currently being drawn up.

John Brooke Sawmills, Fosseway, Widmerpool	Unauthorised engineering operations and construction of bund	5 June 2013	The notice was returned by the recipient. Planning application which seeks to regularise this amongst other proposed development.
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## APPENDIX 2

### PLANNING CONTRAVENTION NOTICES SERVED 01/04/13 – 31/03/14 (CONT.)

Site	Summary of Alleged Breach	Date of Issue	Summary of Steps
Worksop Waste Limited, land at recycling centre Sandy Lane, Worksop	Non-compliance with restoration conditions attached to planning permission 1/02/10/00326	15 July 2013	The notice was returned by the recipient. Enforcement notice has now been served.
Worksop Waste Limited land at recycling centre, Sandy Lane, Worksop	On-compliance with operational conditions attached to planning permission 1/02/09/0388	15 July 2013	The notice was returned by the recipient. Enforcement notice has now been served.
Kirkby Skip Hire Limted, Plots 8 & 9 Wigwam Lane, Hucknall	Non-compliance with operational conditions attached to planning permission 4/2002/0844.	4 December 2013	The notice was returned by the recipient. Enforcement action is being prepared, but it is understood that the site has been sold on recently.
Newton Energy Limited, Harlequin Borehole, Radcliffe on Trent	Non-compliance with restoration conditions attached to planning permission 8/10/00358/CMA	10 December 2013	The notice was returned by the recipient. Operator has committed to restoring the site by 31 May 2014, if not completed enforcement action will be commenced.
Misson Sand and Gravel, Bawtry Road Quarry, Misson	Without planning permission carrying out mining operations	19 December 2013	The notice was returned by the recipient. Operator denies alleged breach has occurred. Area of land affected has now been restored back to agricultural use.

Dewicks, Plot Farm, Thorney, Newark	Without planning permission making a material change of use of land to one for the importation, processing and transfer of sand and gravel.	20 March 2014	The notice was returned by the recipient and they have ceased the unauthorised use.
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## Appendix 2





**20 May 2014****Agenda Item:10****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2014.

**Information and Advice**

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

**Other Options Considered**

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

**Reason/s for Recommendation/s**

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

**Statutory and Policy Implications**

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

## **RECOMMENDATION**

That the committee's work programme be noted.

**Jayne Francis-Ward**

**Corporate Director- Policy, Planning and Corporate Services**

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

### **Constitutional Comments (HD)**

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

### **Financial Comments (PS)**

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

### **Background Papers**

Relevant case files for the items included in Appendix A.

### **Electoral Division(s) and Member(s) Affected**

All

## Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
17 <sup>th</sup> June 2014	1/14/00037/CDM	Dukeries House, Claylands Avenue, Worksoop	Development & operation of a recycles bulking and waste transfer station with associated infrastructure including the demolition of existing building
17 <sup>th</sup> June 2014	2/2014/0013/NT	Cast Quarry, Vale Road, Mansfield Woodhouse	Continuation of restoration of former limestone quarry by landfilling with inert waste and i) Amendments to the final restoration scheme(so as to increase the overall volume and duration of the landfilling and ii) Retain the mobile plant storage facility until no longer required for the operation and restoration of the site
17 <sup>th</sup> June 2014	2/2013/0354/NT	Cast Quarry, Vale Road, Mansfield Woodhouse	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years.
17 <sup>th</sup> June 2014	8/14/00380/CMA	John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool	Resubmission of application for the creation of additional yard area for waste wood storage and erection of screening bund (partly in retrospect) adjacent to existing wood recycling site.
17 <sup>th</sup> June 2014	8/14/00610/CMA	John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool	Resubmission of flood compensation scheme due to boundary change.
17 <sup>th</sup> June 2014	4/V/2013/0499	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 4)

17 <sup>th</sup> June 2014	4/V/2013/0498	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 5)
17 <sup>th</sup> June 2014	8/14/00611/CTY	Cropwell Bishop Primary School, Stockwell Lane, Cropwell Bishop	Provision of a single modular building for use as a day-care/pre-school nursery facility for the existing school (replacing a portable building)
17 <sup>th</sup> June 2014			Outcome of Consultation into Introducing Charges for Pre-Application Planning Advice.
15 <sup>th</sup> July 2014	3/14/00040/CMA	Land at Langford Quarry, Newark Road, Near Collingham, Newark	Proposed southern extension to existing quarry with restoration to water amenity, together with revised restoration for creation of an enlarged nature reserve and retention of existing plant site and site access
15 <sup>th</sup> July 2014	3/13/01767/CMW	Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe	Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure
15 <sup>th</sup> July 2014	5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
15 <sup>th</sup> July 2014	3/14/00614/CMA	Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark	Erection of a steel framed building for the use as a materials recycling facility (MRF)

**Other Key Applications/Submissions in system but not timetabled to be reported to Planning & Licensing Committee before July 2014:-**

<b><u>Reference</u></b>	<b><u>Location</u></b>	<b><u>Brief Description</u></b>
4/V/2013/0359	Plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane, Hucknall	Retrospective use of site for recycling of inert materials and construction of 5m high sound attenuation wall.
1/13/00809/CDM	Harworth Colliery Spoil Tip, Blyth Road, Harworth	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap
	Former Gunthorpe Gravel Workings, Gunthorpe	Scheme submitted by Severn Trent Water Limited for the restoration of the former Gravel Workings at Gunthorpe
4/V/2012/0383	Total Reclaims Demolition Ltd, Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates.
	Finningley Quarry, Croft Road, Finningley, Doncaster	Planning application for a 56 Hectare extension to and re phasing of existing sand and gravel extraction, including use of existing processing plant with restoration to a mixture of agriculture and woodland.

