



21st January 2019

Agenda Item: 5

REPORT OF CORPORATE DIRECTOR – PLACE

GEDLING DISTRICT REF. NO.: 2019/0017NCC

PROPOSAL: CHANGE OF USE OF EXISTING BUILDINGS FROM WASTE TRANSFER STATION AND B1, B2, AND B8 TO PLASTIC RECYCLING

LOCATION: COLWICK BUSINESS PARK, ROAD NO 2, COLWICK, NG4 2JR

APPLICANT: BENTARKA LTD

Purpose of Report

1. To consider a retrospective planning application for the change of use of buildings and associated land from a mixed industrial/warehousing and waste transfer station and to allow its use in connection with a plastic recycling facility.
2. The planning consultation process has resulted in significant numbers of objections being raised from the local residents and Colwick Parish Council concerning the location of the site, its suitability for waste management having regard to its proximity to residential properties, concerns relating to potential environmental impacts from the operation of the site and concerns relating to alleged breaches of regulatory controls imposed on the applicant's existing waste processing facility at the business park including concerns that any controls imposed on this development would not be complied with. These matters are examined in the assessment of the merits of the planning application.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

4. The site is situated within Colwick Industrial Estate, approximately four kilometres east of Nottingham City Centre (See Plan 1). Colwick Industrial Estate is extensive and incorporates a variety of uses including light and general industry, warehousing and waste transfer facilities.
5. The application site is located within the Chris Allsop Business Park which is on the south western edge of Colwick Industrial Estate (see Plan 2). The business park is adjoined by residential properties on its south-western boundary, a waste transfer station on the north-eastern boundary, the River Trent on its

south-eastern boundary and industrial units on the north western boundary on the opposite site of Private Road No. 2.

6. The business park was established following the closure of a sugar processing factory which formerly operated at the site in the 1970s. A large warehouse building was constructed at the site in the late 1980s and many of the open areas have been used for general and vehicular storage since this time. Other parts of the site remained vacant including many of the former sugar factory buildings which fell into disrepair and became increasingly derelict.
7. The site was purchased by the current owner about ten years ago and underwent extensive site clearance works including the removal of a structurally unsound chimney stack and a number of the factory buildings, whilst the structurally sound buildings which were capable of being re-used were retained.
8. Planning permission was obtained from the County Council to develop a waste transfer/metal recycling facility in 2011. The consented waste transfer site incorporated approximately 40% of the wider former sugar factory site. This planning permission was implemented shortly afterwards and is currently operational at the site.
9. The current planning application site extends to 6,291 square meters, incorporating land within the business park including an existing private roadway from Private Road No. 2 which provides access to the site, two parcels of land incorporating existing buildings which the applicant refers to as Buildings A and B, and a connecting roadway linking the two.
10. Building A is a former sugar warehouse building measuring approximately 70m x 50m x 10m to the eaves. It is constructed with a steel frame and red brick walls and a steel sheet roof. The adjoining yard area to the north west of the building measures 63m by 55m and is currently enclosed by shipping containers stacked two high. The Building and associated yard are located outside the operational waste transfer site consented in 2011. Their historic lawful use is for industrial and warehouse/storage purposes. At its shortest distance the building is located approximately 45m away from the rear façade of properties on Fox Covert.
11. Building B is a part steel frame and part concrete frame construction and is clad in red brickwork and roofed in asbestos cement sheets. The building measures approximately 45m x 15m x 7m to the eaves. Half of the building is full height and half is separated with a mezzanine floor. The building has the benefit of planning permission as a waste transfer station. The application site also incorporates an area of open yard to the front (east) of the building.

Proposed Development

12. Retrospective planning permission is sought to continue operating a plastics recycling facility. The planning application has been submitted at the request of the County Council following monitoring visits made by NCC Planning Staff during summer 2018. There were no complaints received from the public about

the plastic recycling activities before the planning application was submitted and publicised by the County Council.

13. The facility manages polythene sheeting originating from agriculture where it is used as a cover to protect crops in fields. The polythene sheeting comes off the fields in long lengths and is delivered to the site, normally by farmers using their own vehicles. Delivery vehicles access the site via the established access road which serves the business park. Deliveries are unloaded onto the hardstanding area immediately outside Building A where it is sorted by colour, most of the polythene being clear but some black polythene is also received. The polythene is then immediately moved into Building A where it is stored.
14. External storage in the area in front of Building A is restricted to baled plastic waste only. The application has been modified so as to no longer seek permission to store sheet plastic materials in this open area. This open area is currently enclosed by mixed shipping containers stacked two high to mitigate the impacts of noise. These will be taken down and the enclosure will be reconstructed utilising uniform containers stacked three high to provide an overall height of 7.8m.
15. The planning application has also been modified to no longer undertake the initial shred of the plastic within Building A. Building A therefore would only be used for storage purposes.
16. Plastic is transferred from Building A to Building B in a trailer where it is deposited on an 'as needed' basis. It is not proposed to stockpile any significant quantity of plastic in this area with storage limited in this area to a small quantity sufficient to feed the daily feed of the plant.
17. The initial shred of the plastic is now undertaken on the area of hardstanding immediately in front of Building B. The shredder is fed by a hopper which is loaded using a mechanical grab. Once shredded the plastic is loaded by a grab onto a conveyor which takes the plastic into the main processing plant located within Building B.
18. The main processing plant utilises a system of conveyors, a granulator (a second stage of shredding which further reduces the particle size of the plastic) and washing system to remove the soil from the plastic utilising a friction and drum washing process. After this series of wet washes, the granular material passes to a sink/float tank where the heavy residue (soil and grit) drops out, and the plastic is floated off the top. The plastic is then dried using a screw drive to drain water and a press. The plastic is baled and wrapped in film prior to its onward transportation for reprocessing.
19. The system is capable of producing between 800 and 1000 Kg of reclaimed plastic per hour. The small quantity of soil and grit is periodically removed from the base of the settlement tank and disposed of.
20. The maximum throughput per annum would not exceed 20,000 tonnes. Deliveries of plastic to the site are distinctly seasonal, happening when the plastic is stripped off the fields between May and July. During the plastic delivery season it is estimated that a maximum of 20 vehicles per day arrive on site

carrying plastic (40 movements). At other times of the year the number of delivery vehicles would be around half this level.

21. The hours of operation are requested to be Monday to Friday 0700 to 1800, Saturday 0730 to 1230 with no operations on a Sunday or Bank Holiday. The proposed operation will employ up to four people.
22. The planning application is supported by a noise assessment report and an air quality report. The noise assessment has been updated so that it incorporates measurements of the revised configuration of the operational plant including the installation of a shredding machine in the open yard outside of Building B. The content and conclusions of these reports are considered within the planning observations section of this report.

Consultations

23. Gedling Borough Council: *No objection.*
24. Colwick Parish Council: *Object to the planning application.*
25. *The Parish raise the following concerns regarding the current planning application:*
 - a. *Are the works within the licensed area for waste management or does this application represent an expansion of the site?*
 - b. *The company does not adhere to its hours of operation or its noise levels.*
 - c. *Dust and noise from shredding will be a major issue, particularly since the warehouse is open fronted. Continual movement of shredded plastic from one part of the site to the other will distribute dust and plastic particles into the air.*
 - d. *How will water from the shredding plant be managed and disposed of safely. No run-off should enter the River Trent.*
 - e. *The 'wall' adjacent to residential properties has large gaps.*
26. *The Parish Council raise concerns about the level of public consultation carried out with previous planning applications at the business park and that planning conditions imposed on the planning permission for metal recycling are not being complied with. The Parish is concerned that this is another retrospective planning application and question what monitoring the County Council undertake of operational sites.*
27. Environment Agency: *Raise no objections.*
28. *The operation of the plastics recycling facility benefits from a Waste Exemption Permit. This exemption permit limits the maximum level of storage to 500 tonnes at any one time and restricts plastic storage to be undertaken within a building.*

29. *The EA advise that any material found escaping from site would be in breach of the waste exemption Permit and therefore would be controlled and enforceable by the Environment Agency as the regulatory authority. For the exempt site a requirement of the Exemption is that the plastic material is kept within a building so this will minimise the risk of material escaping off site. In the unlikely event any material did escape from site it would be contained by the Colwick Sluice gates and removed via mechanical screen grab so is unlikely to impact on flood risk due to the automatic operation of this plant on the sluice gates. Plastic and any mud / earth residues attached to the farm plastics would have minimal impact on the aquatic environment.*
30. NCC Flood Risk: *No objections*
31. *There are no issues with regards to the surface water flood risk from these proposals. The potential discharge of plastic into the receiving watercourse is expected to be considered by the EA as an industrial discharge as part of their licensing/permitting procedures.*
32. NCC (Highways): *No objection.*
33. *It is noted that the site is already trading as a waste transfer station but is intending to recycle plastics. The location is within the industrial area and as stated within the supporting documents there will only be an average of 8 vehicles per day in and out, but there will be seasonal fluctuations when there would be a maximum of 20 vehicles per day. The Highways Authority would not have any concerns to the traffic flows including the seasonal increase. The location is on Colwick Industrial Estate, together with a weight restriction preventing HGVs to access the site from Mile End Road, where the housing developments will not be affected.*
34. NCC (Planning Policy): *No objection*
35. *The proposals would help increase the recycling capacity for plastics within Nottingham and Nottinghamshire and therefore move waste management up the waste hierarchy in accordance with paragraph 7.10 and Policy WCS3 in the Nottingham and Nottinghamshire Waste Core Strategy (WCS).*
36. *WCS Policy WCS7 is supportive of waste developments on industrial land. WCS Policy WCS13 is supportive subject to it being demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby.*
37. Via (Noise Engineer): *Raise no objections, based on the amended scheme which no longer includes any shredding operations within Building A and a revised configuration of the operational plant including the installation of a shredding machine in the open yard outside of Building B.*
38. *The noise calculations indicate that there will be no overall change to the cumulative noise levels being emitted from the site and that the operations will comply with currently conditioned noise limit for operations of L90+5dB including any penalties for tonal and impulsive noise. If granted planning permission it is requested the following conditions be imposed:*

1. *The noise level at any residential receptor shall not exceed the background noise level (L90) by more than 5 dB including the addition of penalties for tonal/impulsive when assessed in accordance with BS4142:2014.*
2. *No shredding and washing of plastic waste shall be undertaken anywhere on the site except inside Building B.*
3. *A new 8m high noise barrier shall be installed around the perimeter of the reception and sorting area as shown on drawing no. J1472-009. It shall be free from gaps and maintained for the life of the development.*
4. *All vehicles/plant under the operator's control shall employ broadband reverse alarms.*
5. *Operating hours should be regulated to Monday to Friday 0700 to 1800, Saturday 0730 to 1230 with no operations on a Sunday or Bank Holiday.*

39. NCC (Nature Conservation): *No objections*

40. Public Health England: *Do not object to the planning application.*

41. *Public Health England originally raised concerns that there was lack of an adequate environmental risk assessment to consider the hazards of emissions to air from point sources such as machinery and the plastic process and fugitive emissions from particulate matter (dust) and from transport.*

42. *To address these concerns, the applicant has submitted an air quality assessment for dust, particulate matter and nitrogen dioxide emissions from the plastic reclamation process and traffic movements on site and associated deliveries. The document has been reviewed by Public Health England who make the following comments:*

- *The report states that particulate matter (PM10) and nitrogen dioxide (NO2) has been modelled to be within UK Air Quality Standards in the vicinity of the site. PHE agree with this but note that no actual air monitoring for PM10 and NO2 was carried out. Given the process on site the air pollutant contributions from the site are unlikely to exceed Air Quality Standards.*
- *However, it is PHE's position that for air quality, reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below the air quality standards has potential public health benefits. We support approaches which: minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure), and maximise co-benefits (such as physical exercise) and encourage their consideration during development design, environmental and health impact assessment, and development consent.*
- *The report states local complaints from the public have been received about the site. PHE recommends the site engages with the local community to understand, investigate and seek to address their concerns. Given the close proximity to residents, there is the potential for nuisance of noise, odour, water run-off effects to the community which could be addressed by good communication, management and practice*

on site, e.g. delivery times, delivery vehicle engine anti-idling guidelines to prevent noise and air pollution.

- *The report refers to temporal (seasonal) processing, particularly an increase during the months of May to July where it is estimated that a maximum of 20 (farm) vehicles per day arrive on site carrying plastic. Prior and during this period proactively engaging with the community may be beneficial to address their concerns. The Regulator of the site should be able to advise further on this.*

43. NCC (Public Health): *Agree with the comments and recommendations made by Public Health England.*
44. Severn Trent Water Limited, Via (Reclamation) and Gedling Borough Environmental Health Officer have not responded. Any response received will be orally reported.

Publicity

45. The application has been publicised by means of site notices, press notice and 51 neighbour notification letters sent to the nearest occupiers on Cottage Meadow, Crosslands Meadow, Egling Croft and Fox Covert, Colwick, and the nearest business in Colwick Business Park, LEEC Development Site, Road No. 2, Colwick, in accordance with the County Council's adopted Statement of Community Involvement.
46. Thirty-one letters of objection have been received, three of which are from the same householder in Egling Croft, two are from the same householder in Cottage Meadow, two are from the same householder in Fox Covert and a further two are from the same householder in Colwick Manor Farm. The following concerns have been raised:
 - a. Noise
 - The proposed plastics site is too close to residential property and will generate excessive levels of noise.
 - The noise assessment does not accurately calculate the level of noise, in particular concerns are expressed that the survey periods utilised in the report are too short and the magnitude of noise emissions is considered excessive.
 - Concerns are expressed regarding increased potential for noise in the early morning and at weekends.
 - Noise from road transport would be excessive.
 - The noise generated by the existing waste metals facility is excessive and affects the quality of life of local residents.
 - b. Dust/Air Pollution/Health
 - It is understood that the building to be used for recycling operations has large sections open to the outside, and also that the plastic waste will be transported about the site, increasing the likelihood of substantial dust blown nuisance.

- Dust emissions from the existing metal recycling site are already bad.
 - Residents of Fox Covert and Egling Croft state that dust and bad air emissions increased last summer when the plastic recycling plant was operational.
 - Questions are raised about the long-term health issues for the Colwick area from the inhalation of plastic particles and the risks this creates in terms of developing chronic lung conditions and cancer. One resident reports that residents in the area have experienced a range of illnesses.
 - Individual bits of plastic and microplastic will be very light and so are prone to being picked up by any wind.
 - Questions are asked whether the employees are required to wear breathing apparatus.
- c. Drainage
- Dust and plastic particulates would contaminate the adjacent drainage ditch which runs into the River Trent.
 - Concerns are raised about what would happen to the water which is used for washing the polythene and potential for pollution.
 - Questions are asked about the chemicals used in the process and how these would be disposed of.
 - There is potential for accidental water pollution.
- d. Odour and litter
- Concerns are raised about the potential for odour releases and its potential to impact nearby residential properties.
 - The building has open sides which would allow the escape of litter.
 - The movement of shredded plastic from Building A to Building B will potentially generate windblown litter.
- e. Wildlife
- The development has potential to negatively impact wildlife including habitats in Colwick Park and the River Trent.
- f. Fire Risks
- A fire risk assessment does not appear to have been undertaken yet the handling of plastic is a major fire hazard.
 - If there was a fire, burning plastic releases large quantities of dioxins, hydrochloric acid, sulphur dioxide, furans, heavy metals and particulates which are highly polluting and very harmful, particularly in the context of the close proximity of the site to residential property.
- g. Visual Appearance
- Visual impact of external storage of waste material; when the recycling process was taking place last year, a huge mountain of waste material could clearly be seen from the residential property, with waste material being stacked over 20 metres high against the side of the building. The Environment Agency served notices on the operator to comply with the permit controls (which do not allow external storage). During this time, the site operator delayed as long as possible, causing residents further distress and suffering before finally having to comply with the notices.

- The shipping containers surrounding the open yard are just blocks and are not designed for screening the site.
- h. Publicity Arrangements
- Concerns are expressed that the application is mis-leading. The Council and the applicant are cheating the people of the area, in particular it was not clearly stated the application was retrospective.
 - The County Council is failing to perform in a righteous manner.
 - Concerns are expressed with how the Council display information on their website.
 - Concerns are expressed that the use of site notices does not satisfactorily notify residents and letters should be sent to all residents.
 - Some of the residents adjacent to the site on Fox Covert have not been consulted.
 - Concerns are expressed that the Council did not undertake satisfactory publicity in connection with previous planning applications at the business park.
- i. Breaches of Planning Permission
- The development has already commenced, it is not clear from the planning application that the submission is retrospective.
 - There is evidence that the applicant has worked outside the permitted hours.
 - The operator does not use the access route shown on the plans. An alternative access running parallel to the footpath and residential properties has been used. This access route is visible from a number of residential properties.
 - The operator has regular bonfires at the site.
 - The existing waste transfer station operates in breach of its planning permission, in particular it was required to erect a 5m wall around its perimeter, which it has not.
 - How can residents have any confidence that the company will comply with any restrictions that may be imposed on any planning approval when they have not adhered to them in the past?
 - Concerns are expressed with how the County Council and the Environment Agency have investigated complaints regarding the operation of the wider Allsop Business Park. It has been stated that the Council have been unhelpful and dismissive with residents regarding their concerns.
- j. Other issues
- The development would affect property values.
 - Residents are surprised that the planning application seeks consent for external storage of plastic when this is not permitted by the waste permit for the site.
47. Councillor Nicki Brooks objects to the planning application. Councillor Brooks shares the concerns expressed by the residents regarding noise, dust, air pollution and drainage pollution in the nearby drainage ditch and the River Trent.

48. The issues raised are considered in the Observations Section of this report.

Observations

49. Retrospective planning permission is sought to retain a plastic recycling facility operated from land and buildings at the Chris Allsop Business Park, Colwick Industrial Estate. The development utilises existing buildings with all waste processing undertaken within and adjacent to Building B which already benefits from planning permission for waste transfer activities. The development would operate independently of the existing consented waste transfer station and therefore the planning application seeks to establish a new planning unit.
50. The planning consultation process has resulted in significant numbers of objections being raised from the local residents and Colwick Parish Council concerning the location of the site and its suitability for waste management having regard to its proximity to residential properties, concerns relating to potential environmental impacts from the operation of the site and concerns relating to alleged breaches of regulatory controls imposed on the applicant's existing waste processing facility at the business park including concerns that controls that may be imposed on this development would not be complied with. These matters are examined in the assessment of the merits of the planning application.

Planning policy concerning the establishment of new waste management facilities.

51. Policy WCS3 (Future Waste Management Provision) of the Nottingham and Nottinghamshire Waste Core Strategy (WCS) aims to provide a network of waste management facilities which assist with the movement of waste up the hierarchy. The policy promotes the development of new waste management facilities which contribute towards increasing the levels of waste recycling.
52. The plastic sheeting used on farms is single use, after it has served its purpose to cover crops for a month or two the plastic sheeting is removed from the land. This plastic cannot be re-used and traditionally has been disposed to landfill or sent to incineration.
53. The process sought planning permission seeks to shred, wash and granulate the plastic sheeting making it suitable for recycling and diverting it from disposal or landfill recovery. The development enables the waste plastic to be managed at a higher level in the waste hierarchy. The facility therefore is supported by WCS Policy WCS3.
54. In terms of the location of the site, the WCS does not make specific site allocations for waste management facilities, but Policy WCS7 (General Site Criteria) establishes the broad principles to assess the suitability of a potential site for the purposes of assessing a planning application. The policy incorporates a criteria-based approach to identify the character of locations that are likely to be suitable for different types of waste management facility. The criteria in Policy WCS7 sets out that employment land is an appropriate location for recycling waste management facilities.

55. The site selection approach incorporated within Policy WCS7 reflects policy within the National Planning Policy for Waste (NPPW) which gives preference to industrial sites and previously developed land for the development of waste infrastructure.
56. The planning application site is located within Colwick Industrial Estate which is an area identified for retention of employment under Policy LPD44 in the Gedling Borough Council Local Plan Part Two and its Policies Map (Adopted July 2018).
57. Overall, considering the location of the proposed waste management facility within employment land and that parts of the site already benefit from planning permission as an active waste management facility, the location of the site is supported by WCS Policy WCS7, subject to it being demonstrated that the environmental and amenity impacts of the development are not unacceptable.

Assessment of environment effects

58. WCS Policy WCS13 (Protecting and Enhancing our Environment) requires that all waste related development should take account of their surroundings and be located, designed and operated to minimise any potentially harmful impacts. The policy states:

Policy WCS13 Protecting and enhancing our environment

New or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

59. The representations received from the local community identify a series of concerns in relation to the development and its potential environmental impacts. These concerns have been examined against the saved environmental protection policies incorporated within chapter 3 of the Nottinghamshire and Nottingham Waste Local Plan (WLP). The matters are considered below:

Noise

60. Paragraph 170 of the NPPF states that planning decisions should prevent development that results in unacceptable levels of noise pollution to existing development. WLP Policy W3.9 (Noise) seeks to minimise noise emissions associated with waste developments through the imposition of planning conditions to reduce potential noise impacts including the enclosure of noise generating uses; stand-off distances between operations and noise sensitive locations; restrictions over operating hours; using alternatives to reversing beepers and setting maximum noise levels.

61. The planning application is supported by a noise assessment which has been carried out in compliance with the legislative requirements of BS.4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". The noise assessment has considered the full range of operational plant that will be used in the processing operations as well as haul routes used by vehicles to transport the material between the buildings and incorporates measurements of the 'as built' configuration of the operational plant which includes a shredding machine sited outside of Building B. The assessment provides a calculation of the level of noise emissions at the nearest residential properties at Fox Covert and Cottage Meadow.
62. The noise assessment has been reviewed by the County Council's noise engineer who is satisfied that the noise assessment has been undertaken using the appropriate methodology and therefore it accurately calculates the level of noise emission from the development and the magnitude of impact at the nearest noise sensitive residential properties.
63. The noise calculations indicate that there will be no overall change to the cumulative noise levels being emitted from the site and that the operations will comply with the currently conditioned noise limit for operations of L90+5dB including any penalties for tonal and impulsive noise. The Council's noise consultant agrees with these conclusions and recommends the inclusion of the following planning conditions to regulate the level of noise emissions in accordance with the approach set out within WLP Policy W3.9:
 - a. The noise level at any residential receptor shall not exceed the background noise level (L90) by more than 5 dB including the addition of penalties for tonal/impulsive when assessed in accordance with BS4142:2014.
 - b. No shredding and washing of plastic waste shall be undertaken anywhere on the site except inside or immediately adjacent to Building B.
 - c. A new 8m high noise barrier shall be installed around the perimeter of the reception and sorting area as shown on drawing no. J1472-009 and shall be free from gaps and maintained for the life of the development.
 - d. All vehicles/plant under the operator's control shall employ broadband reverse alarms.
 - e. Operating hours should be restricted to Monday to Friday 0700 to 1800, Saturday 0730 to 1230 with no operations on a Sunday or Bank Holiday.
64. The noise assessment therefore demonstrates that the predicted level of noise emissions would not result in significant noise emissions at the surrounding residential properties. Site inspections carried out by NCC staff confirm that the operation of the plastics recycling facility from the site boundary adjacent to residential properties at Cottage Meadow is barely audible and not intrusive. The predominant noise in this location was observed to be from traffic on the A52 to the south-west of the site in the direction of the prevailing wind.

Litter and Dust

65. Paragraph 170 of the NPPF states that planning decisions should seek to prevent development that results in unacceptable levels of dust and air pollution.
66. WLP Policy W3.8 (Litter) seeks to minimise nuisance from litter by imposing planning conditions on planning permissions to control litter including the use of perimeter litter catch fencing, the enclosure of waste storage areas, sheeting of lorries and collection of wind-blown litter.
67. WLP Policy W3.10 (Dust) seeks to minimise dust associated with waste development through the imposition of planning conditions to reduce potential dust emissions. Measures include the use of water bowsers on haul roads, enclosing dust generating fixed plant and machinery, siting dust generating operations away from sensitive areas and the temporary suspension of operations when necessary.
68. The management of plastic polythene sheeting has a significant potential to generate windblown litter, particularly when the waste has been shredded and the smaller size of the plastic is more liable to be picked up in the wind. The process therefore is most appropriately carried out within buildings which provide shelter and containment for the plastic and this is a requirement of the waste permit for the operation of the site. The planning submission has been amended to remove scope for the external storage of unbaled plastic waste which was originally proposed within the open yard area adjacent to Building A and it is recommended that this is regulated by planning condition.
69. The open yard would be used to receive plastic deliveries and carry out an initial sort. These activities would be undertaken in the open rather than within enclosed spaces and therefore potentially susceptible to wind blow. To minimise the potential for these activities to generate litter the applicant has confirmed that the sheet characteristics of the plastic deliveries minimises the potential risk of wind blow and deliveries will be managed to ensure they are moved into the building promptly upon receipt. These controls can be regulated by planning condition together with a requirement to temporarily cease the receipt of deliveries in windy conditions which pick up and disperse the plastic.
70. The scheme has also been amended to limit all plastic processing and shredding to Building B and its adjacent hardstanding, altering the original working scheme which incorporated an initial shred of the plastic waste in Building A and the transportation of shredded waste across the site to Building B. This will provide improved litter control by ensuring that plastics transported across the site are larger and bulkier and therefore less likely to become mobilised in the wind. A planning condition is recommended to regulate this.
71. The buildings to be used in connection with the development are of a brick construction with roofs. They provide good containment of waste materials from wind-blow, but they do incorporate a number of openings within their walls which compromise their potential to provide full containment for fugitive litter and dust emission. The applicant has confirmed that these openings will be repaired to close them up and this can be regulated by planning condition requiring the operator to submit a scheme for improvement works and their implementation.

72. The existing doorway openings in the buildings do not appear to be significantly compromising the dust and litter containment of the buildings, but a planning condition can maintain this under review with scope for further improvement works if considered necessary.
73. The initial shredder and feed conveyor for the processing plant is located outside Building B in the open. Although there is an existing litter catch fence installed on the south-western boundary and some shelter is provided by the Building A to the south east, these existing features provide only limited containment of waste and there is potential for fugitive windblown emissions from these area of the process. There is scope to improve the containment of waste in this area by installing additional catchfences including a fenced roof. The applicant has confirmed they are agreeable to making this modification to improve the containment of waste and this can be regulated by planning condition in the form of a submission of a scheme of works.
74. The proposed litter controls would generally minimise dust emissions from the site. The only additional dust control considered necessary relates to the site surfacing of the external areas of the site including the open area adjacent to Building A and the haulage route between the two buildings. These areas are surfaced in crushed stone and have potential to generate windblown dust. To minimise this risk it is recommended that these areas are dampened down during periods of dry and windy conditions to suppress dust emissions.
75. Subject to the implementation of the identified mitigation measures it is concluded the operation of the site would not generate significant levels of litter or dust therefore the development is compliant with WLP Policies W3.8 and W3.10.

Health Concerns

76. Public concerns have been raised about potential health risks from the inhalation of small plastic particles incorporated in any dust emission from the site and their potential implications in terms of residents developing chronic lung conditions and cancer.
77. To investigate these matters, advice has been taken from Public Health England and Nottinghamshire County Council Public Health. They state that the main concern from an environmental public health perspective is that the original planning submission did not incorporate an environmental risk assessment to consider the hazards of emissions to air from point sources such as machinery and the plastic process and fugitive emissions from particulate matter (dust) and from transport, for example potentially idling in public areas.
78. This information has now been submitted by the developer as part of an air quality assessment report. The report incorporates an assessment of dust emissions from the process including the collection of samples from inside and outside the two buildings and gives consideration to Nitrogen dioxide (NO₂) and Particle Mass – Dust (PM₁₀) levels in the area. The assessment of potential health effects of dust and NO₂ references National Air Quality Objectives and European Directive limits and target values for the protection of human health, which state:

- The UK objective and European Obligation for Nitrogen dioxide and PM10 are both the same at 40 micrograms per cubic metre of air (g/m³). There is a further National Air Quality Objective and European Directive limit and target values for the protection of vegetation and ecosystems. This is applied to Nitrogen dioxide at 30 g/m³.
 - The UK Environment Agency set Environmental Assessment Levels for Air (for the protection of human health). These are based on the Occupational Exposure Limits published by the HSE, the limit for nitric acid in air is 52g/m³, and the derived figure for nuisance dust as 100g/m³. The World Health Organisation reviewed their Air Quality Guidelines for Europe in 2005, and their figure for nitrogen dioxide is 40g/m³ and for PM10 their figure is 20g/m³.
79. The highest recorded figure of total inhalable dust in the open air outside the industrial estate was 10g/m³, when the plastic reclamation plant was working. This would disperse to a much lower level at Crossland Meadow. The effect of the increased traffic flows taking an extreme worst case scenario would be to increase the concentration of nitrogen dioxide at Ozier Holt from 15.96 to 16.94 g/m³, and to increase the concentration of PM10 at Ozier Holt from 14.58 to 14.87g/m³. Increases at other locations would be much less. The report concludes that the plastic reclamation plant does not represent any significant hazard to human health at residential receptors.
80. Public Health England and NCC Public Health have reviewed the findings of the report. Whilst the health agencies note that the modelling has been informed from published DEFRA data on background concentrations rather than actual field samples, they are satisfied with the methodology used and agree with the report's conclusions that particulate matter – Dust (PM10) and nitrogen dioxide (NO₂) would be within UK Air Quality Standards in the vicinity of the site and therefore the process does not raise any significant health concerns. The health agencies encourage the operator to take any actions they can to reduce emission levels further and encourage the company to more proactively engage with the local community. This advice can be provided to the applicant as an informative note as part of the decision notice.

Drainage and Flood Controls

81. Concerns have been raised that plastic waste could enter the local drainage system and cause environment damage. There are two potential pathways for this to occur, either by windblown litter/dust or by drainage discharges from the site.
82. Environmental controls to manage litter and dust will ensure that the risks of plastic emissions beyond the site boundary by airborne releases are low.
83. The Environment Agency has confirmed that the level of risk from plastic entering a watercourse is low in respect of its impact on the aquatic environment. It also confirms that if plastic was released beyond the site boundary this would be classed as pollution and would be in breach of the permit authorisation. The Environment Agency would be the regulatory authority for controlling and enforcing this matter.

84. In terms of concerns relating to potential contaminated drainage discharges from the plastic washing plant, this facility utilises a closed water system which recycles the process water for reuse and ensures there is no liquid discharges from this process to the wider water environment.
85. Improved flood defences have been made as part of the Nottingham Left Bank Flood Alleviation Scheme to provide additional flood protection for the site. In the interests of business continuity, efficiency and staff safety the Environment Agency request a planning condition is imposed at a level which is either 300mm above the 1 in 100 year plus 50% climate change flood level or 300mm above the 1 in 100 year plus 30% climate change breach flood level, whichever is highest.

Highway Considerations

86. WLP Policy W3.14 (Road Traffic) states that planning permission will not be granted for waste management facilities where vehicle movements cannot be satisfactorily accommodated on the highway network or where they would cause unacceptable disturbance to local communities.
87. WLP Policy W3.15 (Road Traffic) states that when planning permission is granted for a waste management facility controls will be imposed, if appropriate, to regulate the routeing of delivery traffic to and from the site.
88. Deliveries of plastic to the site are distinctly seasonal, happening when the plastic is stripped off the fields between May and July. During the plastic delivery season it is estimated that a maximum of 20 vehicles per day arrive on site carrying plastic (40 movements). At other times of the year the number of delivery vehicles would be around half this level.
89. The application site is located within the wider Colwick Industrial Estate area. Colwick Industrial Estate is served by a network of purpose-built industrial roads which in turn provide access to the A612. A weight restriction on Mile End Road to the west prohibits vehicles over 7.5 tonnes using this road and provides regulatory control to ensure that all HGV delivery traffic associated with the development does not travel by residential properties on Mile End Road and therefore ensures levels of residential amenity in this area are not adversely impacted by HGV traffic.
90. WLP Policy W3.11 encourages the hard surfacing of haul roads within waste sites to minimise the potential for mud and other deleterious material contaminating the highway network. The development site is predominantly hard surfaced. Vehicles would enter and leave the site using demarcated roadways therefore minimising the potential for mud and detritus to get dragged onto Private Road No. 2. The regular sweeping of haul roads to ensure they are kept clean can be secured by planning condition. A planning condition can also be imposed to require further measures to minimise nuisance from mud in the event that the above steps prove inadequate.

Odour

91. The plastic waste processed at the site incorporates a small quantity of soil from the agricultural land it originates from. These materials are not odorous and therefore the development would not impact on the level of odour in the local area.

Fire Risk

92. Whilst the concerns regarding potential fire risk are noted, these matters are regulated for within the Environmental Permitting regulations and not through the planning system since they relate to process control rather than land-use matters. The Environment Agency provide guidance on the preparation of fire prevention plans to support environmental permits on their website.

Visual Impact

93. WLP Policy W3.3 and W3.4 seek to minimise the visual impact of waste management developments by siting all plant, buildings and storage areas in locations which minimise impacts on adjacent land, grouping facilities together to prevent sprawl and providing landscaping/screening to reduce visual impacts.
94. The operation of the site has been amended to ensure that the storage and processing of waste is undertaken within the existing buildings at the site and external storage is limited to baled waste and delivered waste prior to its loading into Building A. The area used for these activities would be enclosed by steel containers stacked three high to an overall height of 7.8m, and therefore screen views of these activities from residential properties to the west, subject to a restriction on external storage heights to a maximum 6m.
95. There is some visibility of the screen containers from residential properties on Fox Covert and Egling Croft, but views are filtered by the presence of mature landscape screening. The containers are located on industrial land and would not be out of context with the character of the area. Nevertheless, the containers would benefit from being painted a dark green colour to assist in reducing their visual impact further and this can be regulated by planning condition. The containers could arguably be lawfully placed on the land if they were stored in connection with the existing open storage use of the site.
96. The external works adjacent to Building B are limited to the siting of a shredder and associated small stockpile. This area is located centrally within the existing waste transfer station and would be fully screened from residential properties by the adjacent building.
97. Vehicles servicing the site would have a limited and transient visual impact.
98. Overall it is concluded that the development would not result in any significant visual impacts and the waste development benefits from satisfactory screening and landscaping to ensure compliance with the requirements of WLP Policy W3.3 and W3.4.

Publicity of Planning Application

99. Concerns have been raised regarding the extent of the publicity carried out in connection with this planning application and previous development at the Chris Allsop Business Park.
100. The Council's publicity of the planning application has met its statutory consultation requirements and has been undertaken in compliance with the adopted Statement of Community Involvement. The County Council has consulted the public on the application by press advert, the erection of site notices and the posting of 51 letters sent to the nearest occupiers on Cottage Meadow, Crosslands Meadow, Egling Croft and Fox Covert, Colwick, and the nearest business in Colwick Business Park, LEEC Development Site, Road No. 2, Colwick. This has resulted in the receipt of 31 letters being received from the local community. The County Council is satisfied that its consultation requirements have been met.

Breaches of Planning Permission

101. The concerns raised by the local community in respect of the retrospective nature of the planning submission and alleged non-compliance issues at the adjacent metal waste transfer station which is also operated by the applicant are noted. It is understandable why this has undermined confidence with the local community in any future proposals for waste related development at the site. Officers take these non-compliance issues very seriously and have sought to work with the operator to resolve this matter through the submission of this planning application.
102. The decision of officers to request a planning application in an attempt to regularise unauthorised works on the site is consistent with the approach set out in the Government's Planning Practice Guidance (PPG) 'Ensuring Effective Enforcement'. This document sets out national policy and expectations in terms of planning enforcement policy. It advises that planning authorities have discretion to take enforcement action when they consider it is reasonable to do so and any action taken should be proportionate to the breach of planning control. Paragraph 011 of this PPG states that '*local planning authorities should usually avoid taking formal enforcement action where... development is acceptable on its planning merits...and in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.*' This approach is reflected in the County Council's adopted Local Enforcement Plan (May 2015) which identifies retrospective planning applications as being an appropriate method of dealing with breaches of planning control to regularise unauthorised works.
103. The National Planning Policy Framework (NPPF) (paragraph 80) states that planning decisions '*should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity*',
104. The submission of this planning application to regularise unauthorised development gives no guarantee that a planning permission will be forthcoming.

The planning application needs to be considered on its own merits and follow the same procedures as a normal planning application. But, the fact that this planning application is retrospective should not affect the judgement of the Council in this case.

105. The assessment of this planning application identifies that satisfactory environment controls can be put in place through the recommended planning conditions and Environmental Permit issued by the Environment Agency to ensure the site operates in an environmentally acceptable manner.
106. In terms of breaches of the planning permission at the adjacent metals recycling facility, there have been compliance issues with the operation of this site principally concerning the phasing of the development and the requirement to undertake prescribed works before entering new phases. Officers have investigated these matters and changes have been made to the working practices at the site. The situation has also been addressed by the granting of a minor material amendment planning application which regularised issues in respect of the configuration of the site layout, an amended drainage scheme, alterations to car parking facilities, alterations to plant and machinery used on the site, increasing the storage heights and phasing for providing boundary enclosures. Further discussions are ongoing with the developer regarding the construction of boundary enclosures adjacent to the River Trent and industrial units to the east and the floodlighting of the site which currently are not compliant. Concerns expressed about breaches of operating hours, excessive noise and bonfires have been investigated but there is no evidence that the site is currently breaching these controls.
107. Concerns have been raised that the business is utilising an alternative access which runs adjacent to residential properties in Crosslands Meadow and not using the access route identified in the planning application submission. The site inspection identifies that it is not possible to obtain access to the application site from this access route and all deliveries are made following the approved route.

Other Issues

108. There is concern that the development would affect house prices. Planning is concerned with land use and the protection of private interests such as the sale of property is not a material consideration.

Other Options Considered

109. 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, but the working practices of the scheme have been modified during the processing of the planning application to ensure its environmental impact is minimised .

Statutory and Policy Implications

110. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

111. The development would be located within an established industrial estate benefiting from perimeter security fencing and site security.

Data Protection and Information Governance

112. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

Financial Implications

113. None arising.

Human Resources Implications

114. None arising.

Human Rights Implications

115. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce impacts such as noise and dust upon adjacent residential properties. However, these potential impacts would be minimised by environment controls exercised at the site and regulated through the planning conditions and need to be balanced against the wider benefits the proposals would provide in terms of providing sustainable waste management. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

116. None arising.

Safeguarding of Children and Adults at Risk Implications

117. None arising.

Implications for Service Users

118. None arising.

Implications for Sustainability and the Environment

119. These have been considered in the Observations section above.

Conclusion

120. The development contributes to the sustainable management of waste by diverting single use plastic from disposal/incineration and enabling this waste to be recycled, thereby managing the waste at a higher level in the waste hierarchy in compliance with WCS Policy WCS3.
121. The location of the site being on allocated employment land is supported by WCS Policy WCS7. The development also utilises part of a site already benefiting from planning permission as an active waste management facility.
122. Although the planning consultation process has resulted in a significant number of objections from the local community in terms of the proximity of the site to residential properties and the potential for adverse environment effect, the examination of these issues has identified that the design of the site and the environmental controls that would be implemented ensure that no significant adverse environmental effects would result from the development.
123. A series of planning conditions are recommended in Appendix 1 to ensure appropriate regulation for the site.

Statement of Positive and Proactive Engagement

124. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework, including the accompanying technical guidance. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with

the applicant, such as impacts from dust, litter and air quality and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

125. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 19/11/2019]

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [SES 15/11/19]

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

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

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