



16th July 2013

Agenda Item:

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

RUSHCLIFFE DISTRICT REF. NO.: 8/13/00432/CMA

PROPOSAL: CHANGE OF USE OF LAND TO A METAL RECYCLING FACILITY

**LOCATION: FORMER LANGAR COMPOST SITE, COACH GAP LANE, LANGAR-
CUM-BARNSTONE**

APPLICANT: CHRIS ALLSOP METAL RECYCLING LIMITED

Purpose of Report

1. To consider a planning application for the change of use of land to a metal recycling facility at the former compost site, Coach Gap Lane, Langar-cum-Barnstone. The key issues relate to HGV movements, ecology, noise and surface water run-off and contamination. The recommendation is to grant planning permission subject to the planning conditions at Appendix 1.

The Site and Surroundings

2. Langar Industrial Estate comprises a number of discreet areas of employment land to the south east of the village of Langar, accessed off either Coach Gap Lane or from the entrance to Langar Airfield, both private roads.
3. The application site itself is a roughly square shaped piece of land measuring approximately 115 metres by 110 metres and covering an area of some 1.2 hectares. The site has recently been used as a wood recycling facility.
4. The site, as with its immediate surroundings, is on fairly flat topography. It is surrounded by a variety of other industrial uses, including premises on the southern boundary which have the benefit of planning permission for wood shredding/demolition waste crushing/screening, and a paper recycling company to the immediate north east. To the west of the site (on the opposite side of the access road) is a mature hedgerow with trees, beyond which is an agricultural field.
5. The closest residential property is a permanent caravan sited on industrial land approximately 350 metres north-west of the application site on Coach Gap Lane.

The nearest permanent residential property is 'Fairfield', approximately 475 metres to the east. The village of Barnstone is just over one kilometre to the north of the site, and the village of Langar is just over one kilometre to the north-west. The site location is shown on Plan 1.

6. There are three permanent buildings on the site. The main building is a portal framed metal clad industrial building measuring 50m by 22m located adjacent to the north-western boundary of the site. The site also contains a Nissen hut in the southern corner of the site and a small sub station. The site is predominantly surfaced with concrete, and some hardstanding, and is enclosed by 2m high concrete post and wire mesh fencing.
7. The site is accessed from the public highway (Harby Road) via Coach Gap Lane which in turn joins onto an established private industrial access road. Access into the application site is obtained from this private industrial access road via a gated access located in the western corner of the site.
8. The nearest statutorily designated site is the Barnstone Railway Cutting, a Site of Special Scientific Interest (SSSI) approximately 1.3km to the north-east. There is a Site of Importance for Nature Conservation (SINC) 260m to the south-west and another 330m to the east, both of which are areas of grassland supporting notable populations of County rare butterfly and calcareous flora. To the north, approximately 330m distant, is the Langar Quarry SINC which is a disused quarry incorporating areas of open water, grassland and scrub of zoological note.

Proposed Development

Site History

9. The application site has previously been used for green waste composting activities by virtue of a planning permission originally granted in 1995. The site was last used for this purpose in 2004 and was then vacant for some time.
10. Planning permission was granted for a similar process involving the processing of waste wood and inert crushing/screening on the site immediately to the south of the current application site in December 2011. A planning application was submitted by Smart Recycling who vacated the premises to the south and then moved their activities onto the site relating to this application. Planning permission was granted by this Committee for wood shredding on the application site on 8th May 2012. Smart Recycling has since vacated the site leaving behind stockpiles of waste wood.

Proposed Development

11. Planning permission is sought to change the use of the site from a waste wood recycling facility to a metal recycling facility with vehicle storage, de-pollution and dismantling. The site would have a throughput of up to 25,000 tonnes of metal based wastes per year.

12. The facility is proposed to serve householders; small businesses; local plumbers; local tradesmen; manufacturing companies; logistics companies; the construction and demolition industry; waste management facilities and blue chip companies.
13. The proposed development would use the existing buildings and external yard space within the site and no new buildings are proposed. The only new development would be the introduction of a weighbridge adjacent to the south-eastern side of the main building in the north-west corner of the site.
14. With regard to site layout, a staff and visitor car park would be formed in the northern corner of the site to the north-east of the main site building. This building would be used for ferrous and non-ferrous processing, the de-pollution of End of Life Vehicles (ELV) and administration and welfare facilities. Located along part of the south-east and south-western boundaries would be the ferrous metal and de-polluted vehicle storage areas, which would comprise open storage. The Nissen hut in the southern corner of the site would be used for the storage and processing of non-ferrous metals. It would also be used as a secure storage area for maintenance oils and fluids. The existing substation would remain centrally within the site around which vehicles visiting the site would operate a clockwise circulatory system. The proposed site layout is detailed in Plan 2.

Waste accepted on site

15. The applicant states that they would be operating under a standard rules permit issued by the Environment Agency which allows for metal recycling, vehicle storage, de-pollution and dismantling (Permit No. SR2012No14). The applicant lists the wastes that would be managed at the site, which is replicated in Table 1 below. The site, and the wastes accepted, would have to work within the confines of the Permit. A copy of the appropriate standard rules is attached at Appendix 2.

Table 1 - Waste Types	
Waste Code	Description
02 01 10	Waste metal
12 01 01	Ferrous metal filings and turnings
12 01 03	Non-ferrous metal filings and turnings
15 01 04	Metallic packaging
16 01 03	End of life tyres
16 01 04	End of life vehicles
16 01 06	End of life vehicles containing neither liquids nor other hazardous components
16 01 07	Oil filters
16 01 11	Brake pads containing asbestos
16 01 12	Brake pads other than those mentioned in 16 01 11
16 01 17	Ferrous metal
16 01 18	Non-ferrous metal
16 01 22	Discarded components not otherwise specified
16 06 01	Lead batteries
16 06 05	Other batteries and accumulators
17 04 01	Copper, bronze, brass
17 04 02	Aluminium
17 04 03	Lead

17 04 04	Zinc
17 04 05	Iron and Steel
17 04 06	Tin
17 04 07	Mixed metals
17 04 11	Cables other than those mentioned in 17 04 10
19 01 02	Ferrous metals removed from bottom ash
19 10 01	Iron and steel waste
19 10 02	Non-ferrous waste
19 12 02	Ferrous metal
19 12 03	Non-Ferrous metal
20 01 33	Lead batteries
20 01 40	Metals

16. The site would have the capacity to store up to 3,000 tonnes of scrap ferrous metal at any one time. Non ferrous metals would be limited to 50 tonnes. Batteries would be removed from site regularly and the applicant states that there would be no more than 50 tonnes of lead acid batteries on site at any one time.

Site Operations and Method of Working

17. The applicant states that ferrous metals would be stored externally in the outdoor storage areas as shown on Plan 2. The height of stockpiled metal would not exceed 5 metres.
18. Vehicles entering the site would be directed towards the weighbridge and the driver will then be required to submit the necessary documentation for the waste and orally describe their load. Only permitted waste as outlined in the Environmental Permit would be accepted and staff would be trained in the types of waste allowed. All waste would be visually inspected to ensure that the waste complies with the Permit conditions and to ensure it matches the description on the waste transfer notes. Non-compliant loads would be rejected or stored in a quarantine area and removed off site within 72 hours. Where necessary the Environment Agency would be notified.
19. Once it has been established that the waste can be accepted on site, vehicles would be directed towards the relevant waste reception area. The ferrous metals would either be handled manually or with a loading shovel, 5 fingered grab or electromagnetic grab as required. The material if necessary would be processed by a range of permitted equipment and loaded into a storage bay or waiting vehicle as required.
20. Non ferrous metals would be processed using small alligator guillotine shears as necessary and may be handled manually or with a 5 fingered grab. This material has a higher value and would be securely stored within the main building or Nissan hut.
21. Any lead acid batteries received at the site would be directed to a battery storage area. Batteries would be either stored in impermeable lidded battery containers, or would be undercover within a bunded area at all times. These would then be removed from site and taken to an authorised facility for recycling.

22. The site is secured by a 2m high concrete post and chain link fence and the entrance is gated. The fence would remain in place and the gates would be locked when the site is not in use.

Vehicle movements

23. The proposed development would operate at up to 25,000 tonnes of waste per year. Based on a 5.5 day working week and a 50 week working year the site would accept a maximum average of 90 tonnes of waste per day.

24. The applicant states that based on a sister metal recycling site, skip deliveries average 6 tonnes per skip and flat bed deliveries average 3 tonnes per load. It is estimated that there would be a maximum of 25 vehicles delivering waste to the facility per day.

25. Once the material has been processed it would be shipped out of the facility in articulated lorries, with payloads averaging 25 tonnes. It is estimated that once working at full capacity there would be 20 articulated lorry HGVs visiting the site per week.

Table 2 – Estimated Vehicles Per Week When Operating at Maximum Capacity			
	Flat bed lorry and skip vehicles	Articulated lorries	Total vehicles per week
Incoming vehicles loaded with waste	126	0	126
Outgoing vehicles loaded with product		20	20
Staff Vehicles			36
Total number of vehicles entering the facility per week			182

26. The applicant states that deliveries of waste would occur throughout the day, with a slight emphasis on deliveries in the morning. Product leaving the facility would likely occur in the afternoons and the majority of car journeys would be travelling employees and would occur at the start and end of the working day.

Hours of operation

27. It is proposed that the metal recycling facility would operate 07:00 to 18:00 hours Monday to Friday and 07:00 to 14:00 hours on Saturdays. No operations would take place on Sundays, Bank or Public Holidays.

Staffing

28. The applicant states that there would be six full time employees working at the site. It is anticipated that this would be made up of one site manager, two ELV de-pollution specialists (also operating the loading shovel and grabs), two labourers, and one site office administrator.

Consultations

29. **Rushcliffe Borough Council** – *No objection subject to the completion of a legal agreement providing for a contribution towards the upkeep of Coach Gap Lane and conditions relating to the approved details and site operations.*
30. *Additional comments have been received from a Rushcliffe Borough Council Property Services Officer who states that there would be a six fold increase in heavy HGVs using the road and that the current road structure is sub-standard for this new proposed level of road traffic. There is concern that where vehicles are turning this would lead to extreme stress. The Officer considers that if planning permission is granted the road at Coach Gap Lane would need to be significantly improved to a higher level of construction, otherwise it would disintegrate and cause nuisance. The cost cannot be attributed to other users, as it currently serves its purpose, therefore, all costs would be attributable to the new use. A Section 106 Agreement is recommended to cover the Borough Council's maintenance costs.*
31. **Langar-Cum-Barnstone Parish Council** – *Objection on the grounds that there is an existing metal recycling facility on the same site, the access from Coach Gap Lane is heavily trafficked with HGVs and there would be additional HGV traffic passing through Langar.*
32. **Environment Agency Midlands Region** – *No objection. The development will require an Environmental Permit unless an exemption applies. The Agency recommends that an informative is attached stating that waste shall be stored and treated on hardstanding or on an impermeable surface with sealed drainage.*
33. **NCC (Planning Policy)** – *The application site lies on a long established industrial estate with a history of waste processing. The site is identified under Policy E8 of the Rushcliffe Local Plan 1996 for employment use, a designation which is carried through on a non-statutory basis in Policy EMP6 of the Rushcliffe Non-Statutory Replacement Local Plan 2006. Both state that employment type development would be permitted if the scheme arises as a business expansion or makes beneficial use of existing buildings.*
34. *Part of the industrial estate, further to the west on Coach Gap Lane was previously identified as an area of search suitable for the development of a waste transfer station under Policy W9.1 of the Nottinghamshire and Nottingham Waste Local Plan.*
35. *The National Planning Policy Framework (NPPF) seeks to support sustainable economic growth, including in rural areas and encourages the reusing of previously developed land. Waste development, although not explicitly covered by the NPPF, can be assessed as an economic/employment use.*
36. *The Waste Core Strategy (WCS), at the examination stage, is sufficiently advanced to be afforded weight in determining applications and is currently subject to modifications. Policy WCS2 gives priority to new or extended waste recycling facilities.*

37. *Policy WCS3 (as modified), supports the development of smaller/medium sized waste facilities in, or close to, the built up area of Nottingham and Mansfield/Ashfield, Newark, Retford and Worksop. It should be noted that at the proposed 25,000 tonnes per annum, the development falls as a medium sized scale scrap metal facility under Appendix 2 of the Waste Core Strategy (as modified by change 71). The medium scale threshold is now classed as that between 21-99,000 tonnes per annum.*
38. *At a local level Policy WCS6 directs new metal recycling facilities towards existing employment land, subject to there being no unacceptable environmental impacts.*
39. *Policy WCS 12 (Protecting and Enhancing our Environment) as modified states:
“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.”*
40. *Policy WCS14 (Design of Waste Management Facilities) seeks high standards of design and landscaping for new or extended facilities.*
41. *Having examined the information submitted in support of the planning application against the NPPF, the Nottinghamshire and Nottingham Waste Local Plan 2002 and the Nottinghamshire and Nottingham Waste Core Strategy, the application is considered acceptable within planning policy terms, and no strategic planning objection is raised.*
42. *The site lies on an established employment area, part of which has been previously identified for a waste transfer station and which has a history of waste type operations. Due consideration should be given to appropriate design and landscaping and all relevant environmental impacts in accordance with Policy W5.10 of the Waste Local Plan and the Waste Core Strategy as a whole.*
43. **Natural England** – *There is no objection to the proposed development, but the Authority is referred to Natural England’s standing advice in relation to Bats.*
44. *It is highlighted that the application has not been assessed for Badgers, Barn Owls and breeding birds, Water Voles, widespread reptiles or White Clawed Crayfish. These are all species covered by domestic legislation and Natural England’s standing advice should be used to assess the impact on these species.*
45. **NCC (Nature Conservation)** – *Proposals will not directly affect any nationally or locally designated nature conservation sites; the nearest SSSI (Barnstone Cutting) lies 1.3km to the north-east, whilst the nearest SINC/LWS (Langar Airfield) lies to the south-west.*

46. *The application is supported by a Bat and Barn Owl survey. In relation to Bats, no evidence was found that bats are using the building and no potential impacts are identified. It should be noted that a large Bat box is present within the main building, but this is not used by roosting Bats and is considered to be of a design which does not suit Bat species in Nottinghamshire. In relation to Barn Owls, evidence was found that this species had previously nested within the Bat box, but it is unclear how recently. Two alternative boxes installed along the northern boundary have not been used. In terms of mitigation, it is vital that access to the Bat box is maintained for Barn Owls via the grille in the north-eastern corner of the industrial building.*
47. *The Bat and Barn Owl Survey report states that occupation and activity should recommence within the building without delay, to avoid impacting upon any repeat nesting by Barn Owls within the building. This is because Barn Owls are a Schedule 1 species protected under the Wildlife and Countryside Act and receive species protection from disturbance during the nesting season. By way of mitigation a number of conditions are recommended to protect Barn Owls.*
48. **Nottinghamshire Wildlife Trust** – *It is disappointing that the applicant has not undertaken at least a desk top survey of the site. The applicant has identified the location of two SINC's in close proximity to the site but has not undertaken an assessment of any potential indirect impacts on those sites such as effects from dust deposition or water pollution.*
49. *The provision of a Bat and Barn Owl survey is welcomed and the conclusion that there is no evidence of use of the main building by bats for roosting is noted.*
50. *There is evidence of the continued use of the building by Barn Owls, which appear to have nested in the 'bat house'. The adjacent Barn Owl boxes do not appear to have been used to date by this species so it cannot be assumed that they would be used, were the Barn Owls to be displaced from the building.*
51. *Currently the site is not in use, so ambient noise levels in the area do not include any machinery noise from the site, and the birds will be acclimated to this relatively quiet environment. It is noted that a noise survey has been undertaken from the perspective of residents of dwellings over 500m from the site, but not from the perspective of the Schedule 1 species. Given the known noise levels for this type of machinery it is not possible that this site could operate without affecting this species. There are also extreme noise events predicted such as manual handling of metals (up to 101.8 dB LA max at 5m) and metal ducting being unloaded off a flat bed lorry by 360 grab (103.7dB LAmax at 1m).*
52. *These loud percussive noise events are likely to deter Barn Owls (and other birds) from successful breeding and so should be considered a serious negative impact. It is expected that a proper ecological impact assessment should be submitted for this species, demonstrating how these effects may be avoided or mitigated. Clearly, the provision of Barn Owl boxes on site would not be effective or adequate.*
53. *Great Crested Newts (GCN) are known to occur at the Wildflower Farm and nearby ponds at Barnstone. There does not appear to be suitable habitat of*

GCN on-site, so direct effects are unlikely. Assurance is required that there would not be any detrimental water quality effects. The drainage plan shows discharges to surface water, but does not appear to show where that surface water runs beyond the site boundary. The ponds may be too distant or not connected, so there may not be an effect, but the applicant has not provided sufficient information to be able to determine this.

54. **NCC (Noise Engineer)** – *The noise assessment concludes that the noise generated by this facility will not result in adverse noise impacts at surrounding noise sensitive residential receptors. It is recommended that noise conditions are attached relating to hours of operation, the amount of material to be processed at the site, HGV movements, other noise mitigation measures and the process to be undertaken in the event of a complaint.*
55. **NCC (Highways) Rushcliffe** – *The information submitted indicates that at its maximum capacity there will be an estimated 182 vehicles entering the site per week, consisting of 146 lorry/skip/articulated vehicles, and 36 staff vehicles. The Highways Authority is satisfied that the estimated increase in vehicles will not have a detrimental impact on the adopted highway network in the vicinity of the site.*
56. *Notwithstanding the above, the proposal would result in additional HGVs accessing/exiting the site via Coach Gap Lane, which is not an adopted Highway. It is recommended that the owners of the road are consulted regarding the proposal.*
57. **NCC (Countryside Access)** – *Coach Gap Lane has been visited and there is already significant traffic travelling along the lane. There are wide grass verges to allow pedestrians to keep off the road and concrete chicanes at several points to slow traffic to a single lane. The additional traffic is not considered to have too much impact.*
58. **Severn Trent Water Limited** – *No objection subject to a condition requiring the submission of plans for the disposal of surface and foul sewage.*
59. **Langar Airfield, Western Power Distribution and National Grid (Gas)** have not responded. Any response received will be orally reported.

Publicity

60. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. Three letters of representation have been received, which raise issues to be noted but do not object to the development.
61. UK Shred, the company that occupies the site to the north-east states that there are no objections to the use provided that there are no fires on site and no vehicles (i.e. scrap vehicles) are left outside the site compound and on the approach road to UK Shred.

62. One resident has highlighted that Coach Gap Lane is privately owned by Rushcliffe Borough Council and businesses on the road pay towards its maintenance. Concern is raised that lorries have previously caused potholes on the road which took some time to repair due to costs. It is suggested that some form of payment should be secured to cover any repair costs.
63. One further resident has drawn attention to problems in the past with drainage from the site. It is suggested that it is ensured that a properly sealed drainage system is in place to ensure oils, diesel and fluids do not escape the site. The operating times are also noted, and a request is made that they are strictly adhered to.
64. Councillor Richard Butler has been notified of the application.
65. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

66. Planning permission is being sought to change the use of a wood recycling facility to a metal recycling facility with a throughput of up to 25,000 tonnes per annum. The facility would involve vehicle storage, de-pollution and dismantling operations.

Planning Policy Assessment of the Proposed Site

67. The application site is located within designated employment land as identified on the proposals map of the Rushcliffe Borough Non-Statutory Replacement Local Plan (RLP). RLP Policy EMP6 specifically applies to the area. This policy states:

'Planning permission will be granted for employment development proposals at Langar within the areas defined on the proposals map provided that they arise from the reasonable expansion of existing firms or the beneficial use of suitable existing buildings.'

68. Nottinghamshire and Nottingham Waste Local Plan (WLP) Policy W5.10 relates to the siting and development of new scrap yards and extensions to existing ones. The policy states that these facilities are usually most appropriately located on employment land. The policy identifies five areas of search which are particularly suitable for scrap yards. Although the site is not located within one of these specific areas of search, the policy also supports the development of scrap yards on existing employment sites which are designated within district local plans subject to there being no unacceptable environmental impacts. The application site is located within an employment location by virtue of Policy EMP6 of the RLP and would bring a currently non-operational site back into beneficial use. Furthermore, the site already has planning permission for a waste use having recently been an operational wood recycling facility, and before this the site was used for composting.

69. The emerging Nottinghamshire and Nottingham Waste Core Strategy (WCS) does not yet form part of the development plan, although it is a material consideration which should be taken into account in determination. Policy WCS2 (Future Waste Management Provision) of the WCS provides support for recycling facilities and states that their development should be given priority. Policy WCS3 (Broad Locations for Waste Treatment Facilities) of the WCS states that small scale waste treatment facilities will be supported in all locations where these will help to meet local needs and fit in with local character. Small/medium sized waste treatment facilities will be supported in or close to the built up areas of Nottingham and Mansfield/Ashfield. Medium sized facilities are identified as those with a throughput of 21-99,000 tonnes per annum. Based on this, the proposed site is at the bottom end of the medium sized facility category. Policy WCS6 (General Site Criteria) guides metal recycling facilities to employment land, specifically areas which are already used for, or allocated for, employment uses such as industrial estates, business or technology parks. In light of the above, the location of the proposed facility is deemed to be generally in accordance with the policies contained in the WCS, although when the site is operating at maximum capacity (i.e. 25,000 tpa) its throughput is marginally higher than the types of facility that are normally guided to such a location.
70. Government policy as set out within Waste Strategy for England 2007 (WS2007) and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) is also relevant to the choice of site. Chapter 4 of WS2007 supports the recycling of metals stating that the recycling of all metals yields significant greenhouse gas benefits because large amounts of energy are needed to extract and process them. It goes on to say that high recycling of aluminium already occurs in some industries and for some products, but there are areas where more can be achieved. Small increases in recycling tonnages would yield extensive greenhouse gas benefits.
71. PPS10 Paragraphs 20 and 21 identify that industrial sites, and in particular previously developed or redundant industrial sites, are suitable for the development of new waste management facilities subject to there being acceptable environmental and transport impacts. Since the development supports recycling and recovery of waste and is located on a previously developed industrial site, the location of the development within Langar Industrial Estate is considered to be suitable in terms of Government policy.

Ecology

72. The site is not designated as having any nature conservation interest and is generally hard surfaced with very small areas of vegetation offering negligible habitat for protected or notable species. There are unlikely to be any direct impacts on habitats as a result of this development.
73. Nottinghamshire Wildlife Trust (NWT) highlight the potential for indirect impacts upon nearby SINCs due to effects such as dust deposition or water pollution. It is recognised that there are provisions in the supporting statement to reduce fugitive dust and proposed measures to prevent water pollution, although concern is raised that there is not explicit explanation as to how the SINCs would be protected. In addition, NWT has highlighted that Great Crested Newts (GCN)

are known to occur nearby. It is accepted that there does not appear to be suitable habitat on site, although, they seek assurance that water quality would not be affected.

74. The nearest SINC in question is approximately 260m away. Whilst the view of NWT is noted, it must be recognised that as a metal recycling facility the potential for dust is not great. In fact, the potential for dust from a metal recycling facility is lower than that from a wood recycling facility with shredding operation, as the site currently has permission for. In relation to water pollution potentially impacting on nearby SINC's or GCN habitat, this is considered unlikely as the site is required to have, and already has, a sealed drainage system in line with Environmental Permit and exemption requirements. Finally, the potential for indirect impacts on the nearby SINC's or GCN have not been raised as issues by NCC Ecology.
75. In the interior eaves of the north-east corner of the main building there is a boxed section which is labelled as 'The Bat House'. Access into this box is via a large opening on the external elevation which is gridded. The feature is not considered ideal for any of the Bat species found in Nottinghamshire, but is typical of features used by Horseshoe Bats which are confined to the west and south-west of the British Isles. A survey has been conducted and there is no evidence of Bat activity within the building.
76. There is, however, evidence that the Bat box has been used by Barn Owls, including the presence of Owl pellets, although the level of pellets suggests that over recent seasons there has only been occasional roosting in the building by adults. There are also two external specialist Barn Owl boxes that have been installed along the tree-line boundary abutting the northern elevation of the building. These boxes have also been surveyed, although the search failed to identify any sign of usage, which mirrors a previous survey from 2011. Both the boxes were in use by Grey Squirrels which is likely to deter their use by Barn Owls. The Owl survey recommends that 'The Bat House' box is retained and the external grille is undisturbed. It also recommends that the building is re-occupied without delay to avoid impacting upon any nesting that may occur.
77. NWT notes the nesting of Owls in the Bat House and state that disturbance of a Schedule 1 bird or its nest is an offence and this would occur if the recycling plant were to operate whilst these birds are building or using the nest. Attention is drawn to the fact that the adjacent nesting boxes have not been used and there is no guarantee that they would be should Barn Owls be displaced from the building. Concern is raised over the loud percussive noises that are likely to be generated by the operation of the recycling site and are likely to deter Barn Owls from successfully breeding. As such, it is recommended that an ecological impacts assessment is submitted for this species, demonstrating how these effects can be avoided or mitigated.
78. NCC Ecology also acknowledge the potential for the recommencement of activities at the site could disturb nesting Barn Owls. However, a number of conditions have been suggested which would suitably mitigate potential impacts. The conditions cover the following:

- 1) The grille in the north east corner of the building being kept in an unobstructed state;
 - 2) The building does not become occupied and actively used for the first time during the period when Barn Owls might be nesting (March – August inclusive);
 - 3) The Barn Owl boxes located on the northern tree-line are repositioned to make them more attractive to Barn Owls and less likely to be used by squirrels.
79. The comments made by NWT are acknowledged, however, it must be recognised that the wider area is an existing industrial estate and the planning application site has permission for wood recycling, including shredding operations, which could recommence at any time (subject to not disturbing Barn Owls during their nesting period). As such, the further investigations are considered unnecessarily onerous in this instance. The conditions recommended by NCC Ecology are sufficient to ensure protection of the Barn Owls and the relocation of the Owl boxes provides a degree of biodiversity enhancement in line with the NPPF.

Landscape and Visual Impact

80. WLP Policy W3.3 seeks to minimise the visual impact of waste management facilities by locating them in positions which minimise impacts to adjacent land, achieve appropriate screening and minimise building and storage heights.
81. The applicant seeks to operate a metal recycling facility on an existing site which comprises a large portal framed industrial style building, a Nissen hut, a small substation and external areas of hardstanding. The site is of an industrial character, as is the surrounding land to the south and east. The land to the north and west is of a more rural character. The site and the associated operations would be of an 'operational appearance', however, given the context of the site within the industrial area this is considered acceptable.
82. The only additional element of built development would be the installation of a weighbridge. The operation of the facility would involve the storage of waste metal and ELVs in two external stockpiles as shown on Plan 2. The external storage of waste metal will have a degree of visual impact. This is, however, balanced against the fact that there is already planning permission for the storage of stockpiles of processed and unprocessed timber in storage bays and stockpiles on the site.
83. It is considered that whilst the nature of the proposed waste is different, its external storage will have no additional visual impact over and above that of the existing planning permission, provided that the stockpiles remain within designated areas and do not exceed the height of those granted under the existing planning permission.
84. Within the supporting statement the applicant states that stockpiles of ferrous metals would not exceed 5m in height. The extant planning permission allows

unprocessed timber to be stored in stockpiles of up to 4m in height. It is considered that to ensure that visual impact on the surrounding area does not exceed that which already has planning permission a condition to maintain storage heights to 4m would be appropriate, and would be in accordance with Policy W3.3 of the WLP.

Noise

85. WLP Policy W3.9 seeks to ensure that when planning permission is granted for waste management facilities, conditions should be imposed to reduce potential noise impacts. Such conditions may include the enclosure of noise generating facilities, stand-off distances between operations and noise sensitive locations, restrictions over operating hours, using alternatives to reversing beepers and setting maximum operational noise levels.
86. The site is located within an industrial area and not directly adjoined by noise sensitive development, the nearest residential property being a caravan located approximately 350m north-west of the application site on Coach Gap Lane, and the nearest permanent residential property is 'Fairfield' approximately 475m to the east. A noise impact assessment to assess the significance of noise on residential properties has been undertaken in line with guidance provided in BS4142 'Method for rating industrial noise affecting mixed residential and industrial areas'.
87. When dealing with potential noise impact BS4142 outlines that against background noise levels an increase of +10dB indicates that noise complaints are likely; an increase of + 5dB is of marginal significance; and a difference of - 10dB or more is a positive indication that noise complaints are unlikely.
88. The noise assessment measured background noise at Fairfield. It was considered that the ambient noise levels at Fairfield would be lower than at the caravan on Coach Gap Lane which is located close to other industrial units. The monitoring took place over a 24 hour period and the daytime background (LA90) results between 07:00 and 18:00 ranged from 27-41 dB(A), giving an arithmetic average of 32dB(A).
89. The assessment identifies the specific noise level at the nearest receptor as 32dB(A). A character correction value of 5dB added to this (to take account of the intermittent tonal character of the noise) takes the level to 37dB(A). This is 5dB above the background level at Fairfield which indicates, in accordance with BS4142, that the likelihood of complaints is of marginal significance. This noise level includes a 5dB soft ground attenuation adjustment.
90. The NCC Project Engineer (Noise) is satisfied with the conclusions of the noise assessment report which states that noise generated by the facility would not result in adverse noise impacts at surrounding noise sensitive residential receptors. Specific planning conditions are suggested to control the operating hours of the site; limit the throughput of the facility; control the number of HGV movements; ensure that all mobile plant are fitted with 'white' noise broadband reversing devices; control the plant used on site to those detailed in the planning application; and set out measures in the event of a

justified noise complaint. The suggested planning conditions are in line with Policy W3.9 of the WLP which seeks to minimise noise impact from waste facilities through the use of suitable conditions

Traffic and Access

91. When working at maximum capacity the proposed development would result in approximately 182 vehicles per week, of which 146 would be HGVs. Based on a 5.5 day working week there would be an average of 27 HGVs visiting the site per day (delivery and collection). This equates to 292 HGV movements (in and out) per week, or 54 per day.
92. The extant planning permission for wood recycling restricts the number of vehicle movements under Condition 5 to 46 incoming delivery HGVs entering the site each week and 15 outgoing delivery HGVs leaving the site each week. This is a total of 61 HGV visiting the site per week or 11 per day. This equates to 121 HGV movements (in and out) per week, or 22 per day.
93. Langar-cum-Barnstone Parish Council have objected to the proposed development on the grounds that Coach Gap Lane is already under pressure from heavy HGV use and that there would be additional traffic on the C28 (Harby Road/Musters Road) through Langar.
94. Compared to the existing planning permission, the proposed development would result in an additional 85 HGVs (170 HGV movements) per week, or 16 HGVs (32 HGV movements) per day. It is recognised that Coach Gap Lane is already well trafficked, and the congregation of industrial and employment premises in the locality results in a higher than normal level of vehicular movements for a rural area. Nevertheless, the proposed development would not generate a level of vehicular movement that the immediate roads or wider highway network would be unable to accommodate. This view is supported by the consultation response from the NCC Highways Team. In addition, it should be noted that Coach Gap Lane is privately owned by Rushcliffe Borough Council and they do not have any concerns relating to highway capacity. The development is therefore considered to be in accordance with Policy W3.14 which seeks to prevent development which would result in vehicular movements that could not be accommodated by the highway network.
95. Notwithstanding the above, in light of the concerns of the Parish Council and the fact the wider area has a high level of traffic, it is considered appropriate to place a condition restricting the proposed development to the traffic movements as described in the planning application.
96. Access from the public highway to the application site is obtained along a section of private road known as Coach Gap Lane. As well as serving the application site Coach Gap Lane serves a number of other industrial premises. Refurbishment works to the Coach Gap Lane were undertaken in 2008 by its owners Rushcliffe Borough Council. Within their planning response Rushcliffe Borough Council has requested that a legal agreement be secured providing for a contribution to the upkeep of Coach Gap Lane. The response highlights that Rushcliffe Borough Council will need to undertake remedial work to discrete

areas of the carriageway over the next few years and businesses benefiting from access over this carriageway are expected to make a fair and proportionate contribution towards on-going upkeep. Given that the application would result in an increase in vehicle movements Rushcliffe Borough Council consider it reasonable to request a contribution for upkeep. This issue is echoed in one representation which highlights that local businesses pay Rushcliffe Borough Council money towards maintaining the area, which it is presumed includes road maintenance. Attention is drawn to the road having had pot holes in the past and it is suggested that there should be some mechanism within the planning determination to secure money for the maintenance of Coach Gap Lane.

97. The County Council has sought advice from Rushcliffe Borough Council regarding the level of maintenance payments and whether it is a one off or regular payment that is being sought. A response to this request has not yet been received. Investigations have not identified any other companies on Coach Gap Lane that have road maintenance agreements placed on them through either County Council or Rushcliffe Borough Council planning permissions.
98. The possibility of road maintenance payments has been discussed with the applicant and they have no objection to paying a fair and reasonable amount for the upkeep of Coach Gap Lane on the condition that all parties that use the road pay a contribution. However, they consider that a Section 106 Agreement is not the appropriate tool for securing this payment. The applicant has also highlighted that Rushcliffe Borough Council have made similar requests in relation to this site in the past and Nottinghamshire County Council have deemed such an approach as not appropriate.
99. The application site has a longstanding waste use, utilising access along Coach Gap Lane and the application does not seek to alter these access arrangements. Taking into account the above, it is concluded that it is not appropriate to request payment towards a Coach Gap Lane maintenance programme unilaterally on the back of the current development and the matter would most appropriately be progressed privately through Rushcliffe Borough Council's land ownership interest.
100. Rushcliffe Borough Council have been informed of this view and, as highlighted in the above Consultations section of the report, a Borough Council Officer from Property Services maintains that a Section 106 Agreement is an appropriate tool for securing maintenance payments. For the reasons stated above, however, it is considered that any maintenance payments for a privately owned road (i.e. Coach Gap Lane) should be made through land ownership interest and not a Section 106 Agreement, for which the extent of maintenance payments have not been identified.
101. It is also of note that the Borough Council Officer states that there would be a six fold increase in heavy HGVs using the road. As highlighted earlier in this section, the extant planning permission allows for 61 HGVs to visit the site per week. This permission would allow for 146 HGVs to visit the site per week. This does not represent a six fold increase and is closer to a two-three fold increase. In addition, prior to the wood shredding facility being granted planning permission in 2012 there were no conditions restricting vehicular movements to and from

the site. It is also noted that the completion and restoration of the Barnstone Landfill Site, situated at the northern end of Coach Gap Lane, will have had a positive impact on reducing HGV movements along this stretch of highway.

Surface Water and Contamination

102. WLP Policy W3.5 states that planning permission should not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water or where there is the potential to affect the integrity or function of a floodplain. WLP W3.6 sets out a number of conditions which can be imposed to minimise potential pollution including using impermeable areas for waste receipt/processing areas with appropriate drainage systems and controlling oil storage.
103. The site is not within an area at risk of flooding. The application site is not underlain by an aquifer or within a groundwater source protection zone. The site benefits from hardstanding and impermeable surfacing which the applicant proposes to retain. The applicant, in the submitted plans and planning statement demonstrate that the site is hard surfaced and drains towards an existing sump with culvert to collect surface water run-off. From the sump an out-pipe leads to a three stage settlement tank which discharges to foul / surface water drainage systems which serve the Langar Industrial Estate.
104. A letter of representation highlights that the drainage system from the site discharges to a dyke which runs along the side and front of their land and that there have been problems in the past. The letter suggests that a suitable means of collecting runoff which may contain oil, diesel and other fluid is in place, such as a bound drainage system.
105. NCC has no records of complaints relating to water pollution from the site. The Environment Agency has also been contacted and they also are not aware of any issues relating to impacts upon water quality.
106. Notwithstanding the above, the Environment Agency has no objection to the proposed development, but does recommend that an informative is placed on any permission granted highlighting that the development would require an Environmental Permit or an exemption, and that in line with this the waste would have to be stored on impermeable surface with sealed drainage.
107. Severn Trent Water Ltd have requested that a condition be placed on any planning permission granted that development does not commence until drainage plans have been submitted to and approved by the County Council to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem. This consultation response does not appear to take into account that the proposal is for a change of use for a site that already has a drainage system in place and would not result in any increase in hard surfacing. Such a condition is not considered necessary.
108. Based on the information submitted, there is satisfactory provision in place to ensure that surface water run-off is unlikely to be an issue although, should any

incidents occur, it will be the remit of the Environment Agency to regulate. Notwithstanding this, it is recommended that conditions relating to waste accepted at the site and storage methods are attached to any planning permission to minimise the potential for risk. This approach is in line with WLP Policy W3.5.

Public Rights of Way

109. Coach Gap Lane, the private road which the site is accessed off, is a public bridleway. In this regard the NCC Countryside Access Team has been consulted on the application and acknowledges that the road already serves a number of industrial units and is relatively heavily trafficked. In addition, it is highlighted that there are concrete chicanes to slow traffic and wide verges to allow public users to move off the road. Overall, there would not be a material impact on the bridleway and no objection has been raised. As such, the development is in accordance with Policy W3.26 of the WLP which seeks to protect public rights of way from being disrupted by waste management facilities.

Other Amenity Issues (Dust, Litter and Odour)

110. As a metal recycling facility the types of material accepted at the site would be unlikely to result in any odour or dust impacts at nearby sensitive receptors. In addition, the proposed facility is located within an industrial area and is therefore remote from sensitive residential properties. Notwithstanding this, odour could potentially arise from non-compliant wastes and dust could occasionally become an issue from vehicle movements during dry conditions. Therefore, conditions relating to odour and dust in will be attached in line with Policy W3.7 and W3.10 of the WLP.
111. Policy W3.8 of the WLP looks to impose conditions on waste management facilities to prevent litter nuisance. Waste sites can sometimes result in litter spreading to the surrounding area, particularly where wind blow picks up lighter waste such as card, paper or light plastics. As a metal recycling facility the potential for this type of waste escaping from the site is low and the site is surrounded by wire mesh fencing which should act as a perimeter litter catching fence. Notwithstanding this, waste delivered could occasionally contain non-metal waste. As such, a condition relating to litter will be attached in line with Policy W3.8 of the WLP.

Other Material Considerations / Other Issues

112. One letter of representation does not object to the development, but states that they object to any fires occurring on site and no vehicles should be left outside of the compound on the access road off Coach Gap Lane. It is recommended that a condition is attached to any planning permission prohibiting fires on site.
113. The access road off Coach Gap lane is shown as being land under the control of the applicant. As such, it is considered reasonable to also place a condition preventing the storage of scrap vehicles on this approach road.

114. The applicant has identified that any batteries received at the site would be stored in a designated battery storage area, although this has not been identified. It is recommended that a condition is attached requiring the identification of a suitable battery storage area before any operations commence.
115. As highlighted by the Parish Council there is already an existing metal recycling facility on Langer Industrial Estate (B. Allsop and Sons). However, policy in the WLP directs this type of development to employment land and there are no unacceptable environmental or amenity impacts. The proposal is therefore in accordance with the Development Plan, and that there is a similar facility nearby is for the market to decide and not a material planning consideration to warrant a refusal of this application.

Other Options Considered

116. 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

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

Crime and Disorder Implications

118. The development is located on an existing industrial estate. The site is secured by concrete post and wire mesh fencing and security gates. The gates are locked shut when the site is not operational. The applicant intends to limit non-ferrous metals stored on site to 50 tonnes at any one time which will be securely stored within buildings.

Human Rights Implications

119. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, the development has the scope to introduce impacts of noise and traffic but these considerations need to be balanced against the wider benefits of providing sustainable waste management facilities.

Implications for Sustainability and the Environment

120. The application has been considered against the National Planning Policy Framework, the Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire and Nottingham Waste Core Strategy, all of which are underpinned by the objective of achieving sustainable development. The development would provide a facility for the recycling of metal, which will minimise disposal and assist in the movement of waste up the waste hierarchy.

Conclusions

121. The proposed metal recycling facility supports sustainable waste management by providing a facility to recycle and reuse waste thereby diverting it from disposal at landfill. The facility is therefore supported by Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) and the Waste Strategy for England 2007.
122. The Nottinghamshire and Nottingham Waste Local Plan (WLP) Policy W5.10 identifies employment land such as that at the Langar Industrial Estate as being suitable for the development proposed. Support is also provided within PPS10 for the development of waste facilities on previously developed land such as the application site. The site is located on designated employment land as identified on the proposals map of the Rushcliffe Borough Non-Statutory Replacement Local Plan and is supported by Policy EMP6 insofar that the development would return a currently non-operational site back into beneficial use.
123. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) is not yet an adopted document, although having undergone examination it does hold weight as a material consideration. Policy WCS2 gives priority to new or extended waste recycling facilities; Policy WCS3 directs smaller to medium sized facilities towards Mansfield/Ashfield, Newark, Retford and Worksop; and Policy WCS6 directs new metal recycling facilities towards existing employment land. There is general support for a metal recycling facility in this location in principle.
124. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the Waste Local Plan and relevant Government guidance. Subject to the use of appropriate planning conditions, significant adverse impacts would not result.
125. The site is located within an industrial estate and served by an established industrial access route. The privately owned Langar industrial estate road is of a suitable standard to serve the traffic volumes generated by the development. The development is therefore compliant with WLP Policy W3.14 (Vehicle Movements).
126. The development utilises an existing site and buildings and subject to controls over external storage heights and location visual impacts are considered to be low therefore ensuring compliance with WLP Policy W3.3. Noise emissions would not adversely affect residential amenity therefore ensuring compliance with WLP Policy W3.9. The categories of waste processed at the site are

unlikely to generate significant odour releases thus ensuring compliance with WLP Policy W3.7. The site construction ensures satisfactorily drainage and minimises pollution risks in accordance with WLP Policy W3.5 and W3.6.

127. The Conditions attached ensure protected species and their habitat are not harmed and the relocation of Owl boxes will provide a degree of biodiversity enhancement in line with the Nation Planning Policy Framework.
128. The County Council is of the opinion that the proposed development is in accordance with the abovementioned Policies and there are no material considerations that indicate that the decision should be made otherwise than in accordance with the above. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Statement of Positive and Proactive Engagement

129. 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 have been received. Issues of concern have been raised with the applicant in relation to ecology, specifically the provision of owl nesting boxes, and have been addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

130. 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

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference (NAB 03.07.13)

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report [SEM 03.07.13]

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

Cotgrave – Councillor Richard Butler

Report Author / Case Officer

Oliver Meek

0115 9696516

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

RECOMMENDED PLANNING CONDITIONS

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 of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

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

Approved Plans

3. The development hereby permitted shall be carried out in accordance with the following plans and documents, unless otherwise required pursuant to other conditions of this planning permission:

- a) Drawing No. CAM03 titled 'Site Location Plan' – received by the WPA on 14 February 2013;
- b) Drawing No. CAM04 titled 'Planning Boundary Application' – received by the WPA on 14 February 2013;
- c) Drawing CAM05 titled 'Site Layout' – received by the WPA on 14 February 2013;
- d) Drawing CAM06 titled 'Site Details' – received by the WPA on 14 February 2013;
- e) Drawing CAM10 titled 'Boundary of Chris Allsop Land in Relation to Planning Application Area' – received by the WPA on 14 February 2013;
- f) Planning Application Forms – received by the WPA on 14 February 2013;
- g) Document Reference CAM02: Supporting Planning Statement – received by the WPA on 14 February 2013;
- h) Document Reference CAM07: Design and Access Statement – received by the WPA on 14 February 2013;
- i) Noise Assessment Report: Metal Recycling Facility, Langar Industrial Estate, Coach Gap Lane – received by the WPA on 14 February 2013;
- j) Follow-up Bat and Barn Owl Survey of the Industrial Unit, Langar Industrial Estate, Coach Gap Lane – received by the WPA on 14 February 2013.

Reason: For the avoidance of doubt.

4. Only the waste identified in Section 3.1.1 of the document titled 'CAM02: Supporting Planning Statement' received by the WPA on 14 February 2013, shall be accepted at the site.

Reason: To ensure that the site only deals with acceptable waste.

Storage of Oils and Batteries

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan (WLP).

6. Before the development hereby permitted is brought into use, details of the location and nature of battery storage shall be submitted to, and approved in writing by, the WPA. Batteries shall be stored in accordance with the approved details for the life of the development.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the WLP.

7. Waste shall only be stored and treated on hardstanding or on impermeable surface with sealed drainage, and this shall be maintained for the life of the development.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the WLP.

Access and Parking

8. There shall be a maximum of 126 incoming vehicles loaded with waste entering the site each week and a maximum of 20 outgoing vehicles loaded with product leaving the site each week. There shall be no more than 25 vehicles delivering waste to the facility per day. Written records shall be maintained of all HGV movements including the time of day such movements take place and registration number. 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: To limit HGV movements in accordance with Policy W3.14 of the WLP.

Hours of Operation

9. The site, including associated vehicle movements, shall only be operated between the hours of 07:00-18:00 hours Mondays to Fridays and 07:00-14:00 on

Saturdays. Outside of these hours including Sundays, Bank or Public Holidays the site shall be closed and shall not receive, transfer, process or export waste.

Reason: To minimise noise and other impacts associated with the operation of the site, and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the WLP.

Capacity of the site

10. The maximum amount of waste material accepted at the site shall not exceed 25,000 tonnes per annum, and there shall be no more than 3,100 tonnes of waste on site at any one time. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the WLP.

Noise

11. All mobile plant operated on the site under the control of the operator shall utilise white noise (broadband) reversing warning devices.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the WLP.

12. Only plant and machinery which is listed within Paragraph 8.1 of the Noise Assessment Report (Ref: 1497 Langar – Allsops NIA) received by the WPA on the 14 February 2013 shall be operated from within the site at any time, unless the details of any new plant/machinery are first agreed in writing by the WPA. Any request to operate additional machinery shall incorporate details of the sound power output of the machinery to be operated. All plant and machinery operated within the site shall be fitted with effective silencers and regularly serviced in accordance with the manufacturers' specifications.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham WLP.

13. Noise levels from site operations shall not exceed a daytime noise criterion of 5dB(A) above the existing background noise level after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise (as advised in BS4142: 1997) at any residential property. In the event that a complaint is received regarding noise arising from the development hereby permitted which the WPA considers may be justified the operator shall, within one month of a request from the WPA, undertake and submit to the WPA for its written approval a BS4142: 1997 noise survey to assess whether noise arising from the development exceeds the daytime noise criteria of 5dB(A) above the existing background noise level after

the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997. The monitored noise levels are to be 'free field' carried out at a height of 1.2m to 1.5m above ground level and presented as a Laeq1hour, value. In the event that the noise survey indicates that the levels are in excess of 5dB(A) above background (as corrected by the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142: 1997), the submitted survey shall include further measures to mitigate noise impact so as to ensure compliance with the noise criterion. Any mitigation measures agreed in writing by the WPA shall thereafter be implemented throughout the operational life of the site.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the WLP.

Storage Heights and Locations

14. The ferrous metal and vehicle storage areas identified on Plan CAM05 titled 'site layout' shall be clearly marked out and identifiable on the ground before the site is brought into use. Thereafter all externally stored waste and material shall be contained within the designated areas only.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the WLP.

15. Waste and material stored in the ferrous metal and de-polluted vehicle storage areas, as marked out in accordance with Condition 14, shall not exceed 4 metres in height.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the WLP.

Dust Control Measures

16. Dust emissions shall be kept to a minimum and contained within the site. The operator shall take the following actions to ensure that dust emissions are minimised:
- a. A suitable and sufficient water supply shall be provided to the site at all times to enable the suppression of dust by water spray;
 - b. The use as appropriate of water bowsers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
 - c. The regular sweeping of haul roads;
 - d. The temporary cessation of waste processing during periods of extreme dry and windy weather.

In the event that dust emissions are not contained within the site the operator shall, within two weeks of a written request of the WPA, prepare and submit a mitigation strategy to remedy the nuisance. The mitigation strategy shall

thereafter by implemented as approved in writing by the WPA and the mitigation measures maintained throughout the operational life of the site.

Reason: To minimise disturbance from dust in accordance with Policy W3.8 and Policy W3.10 of the WLP.

17. The operator shall inspect all incoming loads upon delivery to the site. Any non-compliant wastes (i.e. those not approved in Condition 4) shall be rejected from the site. Any wastes not rejected shall, where necessary, be placed into a sealed airtight storage container/skip for storage and shall be removed from the site within 72 hours of its delivery.

Reason: To minimise potential odour emissions in compliance with WLP Policy W3.7

Litter

18. Measures shall be employed to ensure that any litter generated within the site is kept to a minimum. The site shall be kept in a clean and tidy state to the satisfaction of the WPA.

Reason: To minimise disturbance from windblown litter in accordance with Policy W3.8 of the WLP.

Ecology

19. Prior to development commencing details of the measures to protect existing vegetation along the northern boundary during site set up and operation shall be submitted to, and approved in writing by, the WPA. Such measures may include the use of temporary protective fencing. The operational protection measures shall be kept in place for the life of the development.

Reason: To protect habitat and biodiversity in line with Policy W3.22 of the WLP.

20. The external grille in the north east corner of the main building, as identified in Section 5.4 (Photograph 6) of the 'Follow-up Bat and Barn Owl survey of the industrial unit', shall be kept open for free and unimpeded access by Barn Owls for the life of the development.

Reason: To protect habitat and biodiversity in line with Policy W3.22 of the WLP.

21. Operations on site, as granted by this planning permission, shall not commence during the Barn Owl nesting period (March to August inclusive), unless a Barn Owl survey is submitted to, and approved in writing by, the WPA demonstrating that there are no Owls nesting, or that they will not be impacted upon.

Reason: To prevent impact upon a breeding Schedule 1 bird or its nest.

22. The two existing barn owl nesting boxes located along the northern boundary of the site, as identified in Section 5.2 of the 'Follow-up bat and barn owl survey of the industrial unit', shall be repositioned to make them more attractive to barn owls and less likely to be used by squirrels. Details of the reposition locations shall be submitted to, and approved in writing, by the WPA. The barn owl boxes shall be repositioned before operations commence on site.

Reason: To protect habitat and biodiversity in line with Policy W3.22 of the WLP.

Floodlighting

23. Floodlighting shall not be installed on the external elevations of the buildings or within the open areas of the site.

Reason: In the interest of amenity.

Fires

24. No fires shall be lit on site. Any fires on the site shall be treated as an emergency and extinguished immediately.

Reason: In the interest of safety.

Closure of the Site

25. In the event that the use of the site for the importation, transfer and processing of waste should cease for a period in excess of one month then, within one week of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the WLP.

NOTES TO APPLICANT

1. Your attention is drawn to the attached letter from the Environment Agency dated 26th April 2013. The letter highlights that the development will require an Environmental Permit (EP) or exemption. In line with an EP waste shall be stored and treated on hardstanding or on impermeable surfaces with sealed drainage. The applicant is advised to contact Graham Dixey on 0115 846 3641 to discuss water quality issues likely to be raised.
2. With reference to Condition 14 no End of Life Vehicles or waste metal shall be stored on the access road to the site.

STANDARD RULES SR2012 NO 14

Metal Recycling, vehicle storage, depollution & dismantling (authorised treatment) facility