



20<sup>th</sup> December 2016

Agenda Item:5

**REPORT OF CORPORATE DIRECTOR – PLACE**

**RUSHCLIFFE DISTRICT REF. NO.: 8/16/00059/CMA**

**PROPOSAL: SECTION 73 PLANNING APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 8/12/01028/CMA, CONDITION 7 OF PLANNING PERMISSION 8/96/79/CMA AND CONDITION 9 OF PLANNING PERMISSION 8/94/00164/CMA TO EXTEND PERMITTED OPERATIONAL HOURS FROM 0730 HOURS TO 0600 HOURS MONDAYS TO SATURDAYS TO ALLOW FOR 12 OUTBOUND PRE-LOADED HGV MOVEMENTS FROM THE SITE**

**LOCATION: BUNNY MATERIALS RECYCLING FACILITY, LOUGHBOROUGH ROAD, BUNNY**

**APPLICANT: MR STEVE JOHNSON**

**Purpose of Report**

1. To consider a planning application to extend the permitted delivery hours at the Bunny Materials Recycling Facility (MRF), Loughborough Road, Bunny to allow up to twelve pre-loaded HGVs to leave the site between 6am – 7:30am Monday to Saturday.
2. This planning application was originally reported to 28<sup>th</sup> June 2016 meeting of the Planning and Licensing Committee where after debate Members resolved to defer a decision. The reason for this deferral was to formally request an amendment to the requested operating times to 7am Mondays to Saturdays rather than 6am as originally requested and to also seek some further clarification regarding the need for the development. The operating hours have not been revised and continue to be requested to allow deliveries from 6am.
3. Because there has been a significant period of time since the application was originally reported to planning committee and new information has been provided, Members are requested to consider the planning application afresh without reference to the papers, presentations and debate which informed the June Committee Meeting.
4. The key issues relate to the capacity of the local highway network to accommodate the vehicular movements and the associated health and amenity impacts (air pollution and dust, light and noise) on local residents and two nearby care homes (Greenwood Lodge and Hillside Farm) resulting from the

earlier movement of HGVs out of the site. The site lies within the Green Belt. Accordingly the application has been treated as a 'departure' from the Development Plan.

5. The recommendation is to grant planning permission subject to the conditions in Appendix 1 and the operator entering into a Section 106 legal agreement to control lorry routeing and prohibit HGVs associated with the business travelling along Gotham Lane between 6am – 7:30am.

## **The Site and Surroundings**

6. The MRF site lies on the southern side of Nottingham approximately 10.2km from the city centre, and approximately 11.5km to the north-east of Loughborough. It is located 0.75km to the south of the village of Bunny, and is situated on the western side of Loughborough Road (A60), to the south-west of its junction with Gotham Lane, just beyond the former Bunny Brickworks. It is situated within the Nottingham-Derby Green Belt.
7. The nearest residential properties to the site are Woodside Farm, which is situated approximately 120m to the east of the MRF, albeit separated from the site by the A60 (see Plan 1); and Chestnut Farm and Hillside Farm Care Home approximately 160m to the south-west, beyond the boundary of a former landfill site. Broadly to the north of the site beyond the former Bunny Brickworks is residential development fronting Gotham Lane including Greenwood Lodge Care Home which is the nearest sensitive receptor within Gotham Lane, at a distance of 220m from the site. More distant residential development is situated beyond Gotham Lane within Bunny Village on Main Street, approximately 750m to the north of the site.
8. To the west and south lies the former Bunny Landfill site which has been restored to grassland. Beyond the former landfill site to the west and south-west lies arable land, with further agricultural land to the east beyond the A60.
9. The MRF site comprises approximately 1.06 ha. of operational land, and is an established recycling/recovery facility for the crushing and screening of inert construction and demolition waste, and non-hazardous commercial and industrial waste, including incinerator bottom ash (IBA) material.
10. There is bunding to the south-eastern boundary of the site, providing screening along Bunny Hill. The MRF site is accessed off the A60 Loughborough Road.
11. The MRF site layout comprises two areas, one of which is a dedicated waste transfer area for the receipt, storage and processing of commercial and industrial waste and includes a waste transfer building which is currently used for the indoor storage and processing of IBA. This area occupies the south-eastern part of the site. The IBA storage bays occupy the most southerly sector of this part of the site and have an overall footprint of 2,300sq.m.
12. A separate area for the crushing and screening of construction and demolition waste occupies the western part of the MRF site. It comprises separate stocking areas for raw and processed aggregate, with stockpiles up to 7m in height.

13. There is no fixed plant except in the waste transfer building which contains a feed hopper and conveyor belt system with mobile plant including a crusher, loading shovels, hydraulic grab, and stockpile conveyors. The MRF site also contains site offices, vehicle parking, wheel-wash facilities and a weighbridge.
14. The site is substantially screened from view from the nearest receptors by the topography of the land, earth bunds, concrete fences, material stockpiles and mature, dense vegetation comprising tree belts, hedgerows and mature trees.
15. The nearest designated nature conservation sites are Bunny Works Grassland Local Wildlife Site (LWS) to the north of the site, and Bunny Old Wood LWS and Nature Reserve which lies approximately 400m to the south-east on the opposite (eastern) side of the A60 (Loughborough Road).

### **Relevant site history and background**

16. The application relates to an established MRF which operates under a number of planning permissions granted by the County Council as Waste Planning Authority over the years.
17. Planning permission (Plg. Ref. 8/94/00164/CMA) was originally granted in September 1994 to Safewaste (UK) Ltd, for a recycling centre on land adjacent to Bunny Brickworks, for the receipt and processing of a range of inert construction and demolition wastes. An annual operational throughput of 100,000 tonnes of inert waste material was established under this planning permission.
18. In December 1996, a further planning permission (Plg. Ref. 8/96/79/CMA) was granted for a change of use on buildings and land in the south-eastern part of the MRF site, to allow for the receipt and processing of non-hazardous commercial and industrial wastes.
19. Two further planning permissions (Plg. Ref. 8/00/976/CMA and 8/00/973/CMA) were granted in December 2001 and November 2002 respectively, for the storage of secondary recycled aggregates and storage of skips and wood associated with the recycling operations.
20. March 2013 saw retrospective planning permission (Plg. Ref. 8/12/01028/CMA) being granted for the erection of outdoor IBA storage bays, and a change of use on land to extend the commercial and industrial waste transfer/processing area to accommodate IBA storage.
21. Finally, two temporary planning permissions were granted in March 2014 (Plg. Ref. 8/13/01494/CMA) and June 2015 (Plg. Ref. 8/15/00050/CMA) to use land to the immediate north of the MRF site for reclaimed aggregate storage, initially for twelve months and then for a further 6 months (time limiting the permission until 31<sup>st</sup> August 2015). The March 2014 permission also permitted a temporary relaxation of working hours to allow IBA to be processed until 8pm on weekdays, with this expiring on 31<sup>st</sup> August 2015. A variation to conditions 7 and 9 of planning permissions 8/96/79/CMA and 8/94/00164/CMA respectively, allowed for these extended working hours.

22. With regards to existing operations, and following on from the temporary permissions expiring, planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA are the three main planning permissions that the MRF operates under, and which the applicant seeks to vary by way of the current planning application to allow HGVs to leave the site from 06:00am onwards. These applications collectively authorise the importation, storage, processing and transfer of inert construction and demolition wastes, and also non-hazardous commercial and industrial waste materials, involving primarily the acceptance and processing of IBA.
23. IBA recycling operations have now been carried out for approximately four years at the Bunny MRF. HGVs (articulated tipper lorries) bring in raw material to the site where it is unloaded onto raw material stockpiles and left to mature. On receipt into the MRF, the raw IBA is unloaded into the open air storage bay where it undergoes a cooling, crushing and weathering process. Outdoor operations involve the crushing of the raw IBA using a loading shovel to both feed the unprocessed IBA into a hopper and remove processed materials. Following the outside storage and partial processing of the raw IBA material, the matured IBA is fed into the 'in-feed' hopper by a front end loader shovel and is then transferred to the waste transfer building where it is blended with other inert waste to make a secondary aggregate (IBA aggregate).
24. The MRF also carries out aggregate and soils recycling operations. This involves soils, stone and masonry products being brought to the site to be crushed, sorted and stored, prior to being dispatched to customers as aggregates and graded soils.

### **Proposed Development**

25. The current planning application seeks to regularise intermittent early morning lorry movements, with this activity initially having been brought to the WPA's attention through a complaint from a member of the public in February 2015 regarding noise from HGV movements travelling outside permitted hours, specifically relating to the use of the A60 and singling out Johnson's HGVs. Initial investigations revealed that HGV movements were largely unrelated to the site, however a number of out of hours movements from Johnson's lorry fleet were observed involving up to 10 HGVs. The County Council's Monitoring and Enforcement Senior Practitioner observed vehicles leaving the Bunny site on the mornings of the 5<sup>th</sup> and 19<sup>th</sup> of March 2015, on both occasions from as early as 5.45am. Whilst 100 HGVs were observed in an hour, only 8-10 were Johnson's HGVs, with 90 per cent not connected to the site at all, but largely related to the nearby gypsum works. On both occasions HGVs were also seen entering the site before the permitted start time.
26. The applicant was instructed to cease these out of hours operations or risk enforcement action being initiated without further notice. Further discussions were then pursued between the County Council and the applicant resulting in the current planning application.
27. Planning permission is sought to vary operational hours on extant planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA, to extend

the permitted operational hours from 7.30am to 6pm Mondays to Saturdays to allow twelve pre-loaded HGVs to leave the site before the early morning peak hour. It is anticipated that the majority of these lorry movements would occur between the hours of 6am and 7am and a noise report (addendum October 2015) in support of the planning application has been based on this assumption.

28. It is proposed to have a designated parking bay within the existing waste transfer compound for the fleet of early-start lorries (see Plan 2). This dedicated area would make use of existing surfacing (compacted hard-core) within the yard area, where HGVs would be parked overnight in a forward facing direction ready to drive off site the following morning with minimal noise and disturbance to the nearest sensitive residential receptors. Vehicles would be pre-loaded and pre-wheel-washed during operational hours on the previous day.
29. No other operations, except for the movement of up to twelve pre-loaded HGVs outbound from the site would take place during the extended morning hours, and all other permitted waste operations (screening and crushing operations and the acceptance of waste including IBA material into the site) would remain unchanged. No vehicles would enter the site during the extended early morning hours.
30. The proposed development would not result in any increase in annual throughput of waste materials (100,000 tonnes per annum), and similarly there would be no change to existing traffic movements in terms of actual daily vehicle numbers (100 movements per day, 550 movements over the working week). The proposals would simply involve a relaxation in the start time of the site to allow flexibility to dispatch existing HGVs earlier than currently permitted.
31. The applicant is prepared to enter into a legal agreement to ensure that none of the HGVs leaving the site between 6am and 7:30am would travel along Gotham Lane.
32. The applicant states that the company's transport and logistics policy would regulate the movement of vehicles from the site. The policy sets out both the company's responsibilities and the responsibilities of those working for Johnsons Aggregates. Staff and suppliers are made aware of their responsibilities under this policy, enabling the company to conduct its transport and logistics in a safe and efficient manner with minimal impact on others. This policy would ensure that HGVs do not leave the site in convoy or wait for another vehicle unless authorised to do so by the Transport Manager. All drivers leaving the site before 7:30am are given a specific time at which to leave the site, at a minimum of five minute intervals between vehicles and it is a disciplinary offence to miss the designated slot. In practice, the applicant has drawn attention to the fact that it is a rare occurrence for all HGVs to be dispatched from site before 7:30am and that often no lorries leave at this time.
33. The applicant states that the fleet of HGVs are modern, efficient vehicles that do not require a period of idling to warm up. All drivers are provided with defrosting equipment so that on cold mornings they can defrost the windscreens without needing to use the heat from the engines.

34. In terms of economic implications arising from existing controls which limit deliveries to after 7:30am, the company state they have lost one significant contract with a major mineral operator within the last six months due to the company's inability to supply HGVs into one of its quarries for 7am. It has also impacted on some 15 smaller contracts.
35. Whilst formal feedback from prospective clients has not been received, the applicant nevertheless considers the company's inability to service industrial and development sites for 7am when the building trade tends to start work is significantly affecting the business and its 50 plus employees. Reference is made to the fact that the industry tends to require materials and HGVs for when the workforce start work at 7am and not 30 to 60 minutes later. Therefore the ability of the company to send out up to 10 pre-loaded HGVs from 6am would enhance the company's ability to tender for contracts.
36. The applicant has confirmed that there is no intention at the current time to permanently cease IBA importation into the Bunny MRF when the Stanton facility becomes operational at the end of this year. The applicant states that whilst the new facility may well reduce or periodically stop the flow of IBA into the Bunny site the company needs to maintain flexibility with regards to its business.
37. On previous experience the applicant has stated that whilst the split between HGVs heading north towards Nottingham or heading south varies on a daily basis, the average represents a 60/40 split favouring the south.
38. The applicant states that compliance with planning and permitting conditions is a matter of priority for the business. This is reflected by the recent appointment of a director within the company with specific responsibility for ensuring procedures are in place to minimise the risk of non-compliance. An internal audit has placed a requirement on all drivers to sign up to a pledge that they both understand and will adhere to the company's new Transport and Logistics Policy. The relevant director has direct responsibility for ensuring compliance with this policy and assurances are given that the policy will be kept under review, as and when necessary.
39. With regards to the operator accepting a 7am start as opposed to a preferred 6am start by way of a compromise, the following reasons have been given by the applicant as to why this is not acceptable.
  - a. Whilst accepting that the majority of waste operators within the county are restricted in terms of operating hours, the company's main competitors are not restricted to Nottinghamshire. Examples given by the applicant are namely Ballast Phoenix, a company which apparently has no controls over operational hours at its Castle Bromwich IBA recycling facility and similarly FCC at its Lincoln IBA recycling site.
  - b. It is considered that the noise assessment is clear in its conclusion that there would not be unacceptable impacts upon local residents as a result of undertaking deliveries from 6am. The applicant states that the A60 is an extremely busy route for HGVs well before 7:30am and the proposed additional HGVs which are now proposed to be 10 rather than 12 would

introduce only a marginal increase in terms of vehicle numbers and associated impacts.

- c. Since the June Committee, the applicant has reappraised the Company's transport needs and has stated that the company would obtain benefit from a lower limit of 10 HGVs being permitted to leave the site between 06:00am and 07:30am Mondays to Saturdays. Nevertheless, the description of the development has not been formally amended and therefor remains at a request for 12 HGVs during this time period.
- d. The applicant would be amenable to a temporary permission to afford the WPA the opportunity to assess fully the impacts of the change in operational hours and early hour lorry movements. It is requested that planning conditions be used to control both HGV numbers and the duration of the proposed development.
- e. The applicant therefore does not favour a 7am start, but the company consider this could nevertheless be imposed by way of a planning condition.

## Consultations

- 40. **Rushcliffe Borough Council (RBC)** *No objection.*
- 41. *The Borough Council has had sight of the draft planning conditions and has no objection subject to their imposition.*
- 42. **Bunny Parish Council** *Object to the planning application.*
- 43. *The Parish have forwarded a petition from local residents signed by 268 local residents, objecting to the planning application stating that the dispatch of 12 pre-loaded vehicles between the hours of 6:00am and 7:00am would create unreasonable noise and disruption for residents at an unsuitable hour of the day, to reinforce the earlier objections to the application. During the process of compiling the petition, the Parish Council state that many residents expressed concern and anger at the activities of the applicant in relation to the operation of the site, particularly with regards to breaches of the existing planning and regulatory requirements in relation to working hours, noise, dust and odour. Residents have no faith in the Company observing current requirements and are sceptical that the Company would abide by any conditions in the event that the application is approved. It is noted that this reinforces the views expressed by several Councillors at the earlier planning meeting.*
- 44. *The measures proposed by the applicant in relation to the control of activities between 6am and 7:30am and the reduction in the number of vehicle movements do not overcome the fundamental objection to any earlier start in activities at the site. In addition, given the applicant's previous record in relation to ensuring that the existing planning conditions and regulatory requirements are implemented, there is no confidence that the proposed conditions would be adhered to.*

45. *The responses to the request for further information in relation to lost contracts due to the later start and the division of north/south movements are interesting however the prime responsibility of the Parish Council is the well-being of the residents and not the commercial interests of an individual or company.*
46. *Confirmation that the processing of IBA at the Bunny site would continue should the proposed new facility at Stanton become operational whilst not surprising is unwelcome. As indicated by the petition and the views received during its compilation, residents would like to see an end to processing at the Bunny site. As long as it continues and under whatever planning conditions and regulations apply, it will continue to attract complaints and adversely affect the lives of Bunny residents.*
47. **Bradmore Parish Council:** *have requested that the concerns of Bradmore residents be recorded and taken into consideration when a decision is finally made. Local residents presented their concerns to the Parish Council, considering that to allow HGV vehicles to leave the site as early as 6am in the morning would cause disruption to residents living along the A60 at Bradmore. It is noted that Councillor Adair reported to a Parish Council meeting on 29th June 2016, the outcome of the 28th June Planning & Licensing Meeting and the decision to defer a decision to a subsequent Committee. It was also reported that the Company would reconsider a start time of 7am as opposed to 6am.*
48. **RBC Environmental Health Officer (EHO)** *No objection.*
49. *The applicant is seeking to have existing conditions amended to allow a limited number of early morning HGV movements from the site that are prepared the previous day and would not have any reversing or other movements associated with them. These would access the A60, a main road used by traffic (HGV and cars) throughout the day and night periods, directly from the site. There is limited concern in relation to the noise from this aspect of the proposals due to the road being a major traffic route and with the 'Design Manual for Roads and Bridges' (DMRB) 2011 noise assessments indicating negligible noise impacts.*
50. *It is noted that the County Council's Noise Officer has recommended certain planning conditions to ensure mitigation and controls are in place. These would cover aspects such as the pre-loading and sheeting of early morning HGVs the day before; and the parking of vehicles in a position whereby they can be driven in a forwards motion out of the yard without the need for reversing. Aside from these lorry movements, no HGVs would be permitted to enter the site until after 07:00hrs; and no other plant would be operated between 06:00hrs-07:00hrs.*
51. *These recommendations are supported and provided they are implemented there would be no objection to the proposal on environmental health grounds.*
52. **The Environment Agency (EA)** *No objection.*
53. *Johnsons Aggregates and Recycling Ltd hold an environmental permit which they must comply with. The operator is required to control the on-site activities through an Environmental Management System (EMS) which takes account of the environmental risks posed by the activities on site, including those brought*



*to the attention of the operator through complaints. This would include any noise complaints.*

54. **NCC (Landscape)** *No objection.*
55. *There are no comments to make on this planning application.*
56. **NCC (Nature Conservation)** *No objection.*
57. *The proposed variation of conditions is unlikely to give rise to a significant ecological impact.*
58. **NCC (Planning Policy)** *No objection.*
59. *There are no specific planning policy comments to make on the proposal, but comment on the environment and amenity impact of the proposed changes to site operations (particularly in relation to noise impact) should be sought from relevant teams within the County Council and other statutory bodies. In relation to this, attention is drawn to Policies WCS13 and 15 of the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS) and the more detailed policies and development management considerations set out in the saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP).*
60. **NCC (Highways) Rushcliffe** *No objection.*
61. *It is noted that whilst the proposal would result in an overall increase in traffic from the site in the morning, this traffic would access the highway network at a time when background traffic flows are relatively low. Therefore its impact in terms of capacity and safety should be no greater than the existing peak hour flows associated with the site.*
62. **NCC (Noise Engineer)** *No objection subject to planning conditions regarding controls over other plant not operating between 06:00 hours-07:00 hours; and controls over HGVs departing the site between these hours to ensure that vehicles are pre-loaded the day before, sheeted and parked in a position which enables them to drive in a forwards motion out of the yard without the need for reversing. Furthermore, no HGVs would be permitted to enter the site until after 07:00 hours.*
63. *All other noise conditions shall be carried forward from the extant permissions covering site operations, and existing noise conditions shall be varied to allow up to 12 preloaded HGVs to depart the site between 06:00 hours and 07:00 hours.*
64. *It is noted that the impact from 12 preloaded HGVs leaving the site has been assessed using BS4142, a standard not considered appropriate for assessing noise from HGV movements particularly in a noise climate already dominated by road traffic. A subsequent assessment was therefore made using the impact methodology for change in road traffic noise contained in the DMRB. This compares the road traffic noise levels before and after change in traffic composition and determines the impact from the change in noise level.*

65. *The A60 is a principal road into Nottingham City Centre so traffic levels are already relatively high between 06:00 hours and 07:30 hours and therefore the change in noise level attributed to the additional 12 HGVs is negligible.*
66. *It is important that there is no loading of HGVs and that HGVs avoid any reversing manoeuvres in the yard before 07:00 hours. In addition, there should be no permitting HGVs to enter the site until after 07:00 hours.*
67. *The above controls are recommended in addition to the proposed variation in condition, in order to minimise any potential noise impact.*
68. **Nottinghamshire Wildlife Trust** has made no response. Any comments received will be reported orally to Committee.

## **Publicity**

69. The application has been publicised as a departure application by means of site notices, and a press notice. Twenty-six neighbour notification letters have been sent to the nearest occupiers on Gotham Lane, Bunny Hill, Bunny Hill Top, Main Street and Loughborough Road, Bunny; Fleming Gardens, Clifton; and Burton Walk and De Ferrers Close, East Leake; including Hillside Farm Care Home and Greenwood Lodge Care Home, in accordance with the County Council's adopted Statement of Community Involvement Review.
70. 11 letters of representation objecting to the proposed development have been received from nine separate households, including six on Gotham Lane, Bunny, and single households on Fleming Gardens, Clifton, Loughborough Road, Bradmore, and Bunny Hill Top, Costock.
71. The grounds of objection can be summarised as follows:

### Noise impact

- a) Noise impact from transport to and from the site is already considerable and infringes on residential life, the noise being clearly audible outdoors and even indoors when windows are open;
- b) the hours of operation are already in excess of a 'normal' working day and to extend them further would mean the noise being audible whilst residents are still in bed;
- c) A 7.30am start is early enough in the morning for residents especially on Saturdays;
- d) on the busiest weekdays, the normal traffic noise does not become noticeable until after 7.30am but the proposals would change this;
- e) lorries covering this site are already a noise nuisance to those living on the A60, and an earlier start would mean the noise nuisance starting earlier;

- f) lorries branded with the site name already travel to access the site from 5.30am along the A60, even if they cannot actually access the site upon arrival;
- g) a 6am start involving movement of HGVs is unreasonable because of the noise of the vehicles, and a 7am start would be much more reasonable;
- h) as Gotham Lane has numerous residents parking along it, this results in stopping and starting of vehicles when travelling up and down the lane, and braking/accelerating further adds to the noise pollution;
- i) to extend the hours when residents suffer from extreme noise pollution from HGVs is not something residents would ever agree to. In fact, if anything, residents of Gotham Lane would like to reduce the hours to prevent babies and young children being woken up by HGV traffic;
- j) Whilst the County Council states that the noisy part of the loading HGVs would be completed the day before during the normal working day, this is a misnomer as the additional noise comes from road noise particularly on Gotham Lane where Johnsons vehicles have been recorded at noise levels ranging between 90 and 100 decibels, which is similar to having the noise of a live rock concert in your front garden;

#### Residential amenity impacts

- k) there are numerous children living within residential property along Gotham Lane, and the disturbance the site can cause to their sleep (despite double glazing) is yet another reason not to allow earlier operational hours;
- l) Young families will be sleeping during the new proposed hours and the HGVs create a lot of noise as they are loaded, unloaded and travel by residential property in Gotham Lane;
- m) lorries will be coming past residential properties when children as young as one and three years old are sleeping, in properties that are not particularly well insulated, and do not prevent much of the road noise, let alone lorries, and 12 additional lorries will considerably add to the problem;
- n) The needs of residents and their right to enjoy a quieter environment should outweigh the commercial aspects on this occasion;

#### Odour impacts

- o) living so close to the site (Gotham Lane) residents are already acutely aware of odour coming from the operations;

#### Traffic impacts and access

- p) Gotham Lane is not meant for heavy traffic and the residents suffer enough already;

- q) there has been a noticeable increase in road traffic to and from this site, since it originally opened much of which speeds past the front of houses along Gotham Lane;
- r) Gotham Lane is a restricted road with street lamps less than 200m apart and therefore subject to reduced noise between 11:30pm and 07:00am. Moving operational hours to 6am is clearly outside of this. Furthermore, the use of horns is prohibited on restricted roads during these hours, and a horn or ability to flash lights is important to negotiate with oncoming traffic given the on-street parking;
- s) overall considering Gotham Lane is a rural road, the WPA is urged to consider the appropriateness of this proposal and the impact it would have on all residents;
- t) this particular lane already experiences a large volume of lorries not only from Johnson Aggregates but also from the British Gypsum plant at East Leake and from general haulage through the village, which run at all hours of the day;
- u) the volume of lorries is exacerbated by their speed, with vehicles travelling down Bunny Hill on Loughborough Road (A60) at speeds of at least 50 mph, and speed limits are rarely observed by the aggregate lorries which seem to travel faster than the articulated lorries. Speed cameras which are already in use at the Victoria and Albert Road end of the village should be installed at the Gotham Lane end, where the problems seem worse;
- v) it is suggested that Johnson Aggregates connect their access road to the works, which would provide a long-term solution to this problem;
- w) extending the HGV operating hours at the Bunny Recycling Facility from 6am Mondays to Saturdays is clearly unacceptable and inconsiderate;

#### Cumulative impacts

- x) these continuous applications are leading by stealth to 24/7 operations, which should not be allowed;
- y) concerns over the need to increase hours of working because the site is already working to full capacity;
- z) local residents are already suffering from an increase in noise, odours and traffic levels;
- aa) some sort of balance needs to be maintained between site operations and the residents of Bunny and the growing child population;

#### Health issues

bb) there are already concerns over the health implications that the dust from the site operations may cause and the increase in traffic volume due to the extra hours only adds to resident worries;

cc) noise, air and dust pollution from the lorries will have a huge detrimental effect on families and their general health and well-being;

#### Light pollution

dd) lorries and heavy vehicles cause significant and impacting light pollution as they drive along Gotham Lane;

#### Air and dust pollution

ee) air and dust pollution from the lorries will have a huge detrimental effect on family life and general health and well-being;

#### Safety issues

ff) in a number of places (sections of Loughborough Road between Gotham Lane and the petrol station) the pavements are unsafe and barely wide enough to safely walk in one direction. The pavement is not up to current DDA standards for wheelchair users and added to this there are other vulnerable residents at Greenwood Lodge, all of which would not be helped by increased traffic and road noise throughout the evening, night and early morning;

#### Other considerations

gg) operations would seem better and more sustainably located within an inner urban industrial area;

hh) why encourage the 'carting' of incinerator waste material out to a village;

ii) these operations have unsettled communities in Ruddington, Bradmore and Bunny.

72. Bunny Parish Council and the nine objectors referenced above were subsequently informed by letter of the amendment to the proposals which removed the proposal to operate the IBA waste transfer area from 7am.

73. Councillor Reg Adair has been notified of the application.

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

### **Observations**

#### Need for development

75. The application has been submitted by Johnsons Aggregates to improve operational practices with regards to the supply and delivery of secondary aggregates and to regularise existing unauthorised movements of lorries departing the Bunny site before the current permitted 7:30am start time.
76. The need for the application and reasoning behind the proposal is to overcome current restrictions on early-morning lorry movements which limit the ability of the company to make timely deliveries to its customers for the start of the working day. It is pointed out that the construction industry tends to require materials by 7am for when the workforce actually start work and not 30 to 60 minutes later. The company's inability to service industrial and development sites for 7am is significantly affecting the business and its workforce of over 50 employees. Therefore the ability of the company to send out up to 10 pre-loaded HGVs from 6am would enhance the its ability to tender for contracts.
77. Furthermore vehicles leaving the Bunny site at 7:30am coincide with the early morning peak hour traffic. Peak hour congestion can add between 1-1½ hours onto the journey time since delivery vehicles get caught up peak hour traffic. This has resultant implications to the business, its economics and the delivery times of products to its customers.
78. The early morning start requested in this planning application would allow Johnson's HGVs to avoid some of the congestion of the early-morning peak hour traffic and enable its first deliveries of the day to be made to coincide with the start of the working day.
79. Paragraphs 19 and 20 of the National Planning Policy Framework (NPPF) direct that socio-economic impacts should be given due consideration, particularly with regards to planning decisions which seek to proactively drive and support sustainable economic development, as well as assisting businesses to expand. The NPPF places significant weight on the need to support economic growth through the planning system.
80. Johnsons Aggregates is one of the largest suppliers of recycled aggregate in the East Midlands, being an established supplier and primary provider of quarried and recycled aggregates (including IBA) for the construction and engineering industries.
81. The proposals would beneficially support the economic viability of the MRF site by improving delivery times for customers. This would enhance the company's ability to meet its aims and objectives including the supply of quality sustainable products (secondary aggregates) to its customers, and contribute towards the economic sustainability objectives of the NPPF. The MRF site provides reasonable levels of local employment within what is a semi-rural location and therefore benefits the local economy.
82. The relaxation of operational hours, allowing up to twelve outbound HGVs to operate outside core operating times would ensure that Johnson Aggregates has the capability to provide an effective service and maintain flexibility in terms of service delivery. The improved operational practices would better support a sustainable waste management facility which has driven waste up the waste

hierarchy, including the beneficial treatment of IBA waste to a recycled aggregate.

83. The NPPF makes clear that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan comprises the key strategic policies in the Waste Core Strategy (WCS) and relevant saved policies in the Waste Local Plan (WLP) and the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006 (RLP).
84. Overarching policy direction is set out in the NPPW with the presumption in favour of sustainable development and resource efficiency (including supporting local employment opportunities and wider climate change benefits), and supporting activities which drive waste up the waste hierarchy.
85. Of particular relevance is Section 1 of the NPPF '*Building a strong, competitive economy*' Paragraph 19, which directs that the planning system does everything it can to support sustainable economic growth. In this respect, planning should operate to encourage and not act as an impediment to sustainable growth, with significant weight being placed on the need to support economic growth through the planning system. To help achieve economic growth Paragraph 20 directs that local planning authorities should support the development needs of business. This policy offers weight to the proposals under consideration in this planning application.
86. There is therefore justification in business and economic terms for allowing HGV's to leave the site at earlier times than the currently permitted 7:30am start of the extant planning permission, however this needs to be balanced against the environmental and residential amenity impacts that could potentially be generated by extending operational hours to allow a 6am start.

#### Consideration of environmental and amenity impacts

87. Of relevance is WCS Policy WCS13 which supports extended waste treatment facilities 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 unacceptable environmental impacts.
88. NPPW Appendix B (locational criteria) sets out the potential environmental considerations that could arise from waste developments and their associated activities. Of particular relevance in the context of this application are matters relating to traffic impact and any associated noise, air emissions including dust, vibration and light impacts.
89. The potential environmental impacts associated with the proposed change to site operations (particularly in relation to noise impact) are material considerations in determining the acceptability of this application; and the more detailed policies and development management considerations set out in the saved policies of the WLP are particularly relevant.

### Green Belt Policy considerations

90. Central Government guidance on National Green Belt policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF. In terms of the local development plan the RLP remains a material consideration when determining planning applications, with due consideration continuing to be given to Policy EN14 which sets out local Green Belt policy.
91. There is a general presumption against inappropriate development within the Green Belt and in this respect 'very special circumstances' would need to be demonstrated to justify the granting of planning permission.
92. The NPPF sets out what would constitute appropriate development in the Green Belt (Paragraphs 89 and 90). Under the criteria based listings as set out in both the NPPF (Paragraphs 89 and 90) and RLP Policy EN14, Green Belt policy is silent on operational development such as that contained in the current planning application. The proposals are not identified as being appropriate development in the Green Belt, however various aspects of the development suggest there is a case to be made under the 'very special circumstances' test. In this respect, the proposed development needs to be considered in a proportionate manner given the nature of what is being proposed. The proposals relate to operational development which is ancillary to an established waste management facility, and which it is considered would have a neutral impact in terms of implications for the Green Belt.
93. In terms of definition, the development would simply involve a change to site operations, involving the parking up of a fleet of up to twelve HGVs (pre-loaded and pre-washed) in a designated part of the site overnight for an early morning start the following day. These vehicles would ordinarily already be parked up within the MRF site and there are no additional lorries being added to the existing fleet. The parking bay would be contained within an established waste recycling site, and whilst it would involve the block parking of a fleet of up to twelve HGVs within a permanently designated area, which is not insignificant in terms of visual impact, it is considered that the HGVs would be substantially screened from the surrounding area by a combination of attenuation bunding and mature perimeter vegetation, and the topography of the land. This would mitigate impact on the Green Belt.
94. The planning application originally involved extending waste operations on the IBA processing area, as well as seeking to regularise early morning outbound lorry movements. As such, the application was advertised as a departure application in the Green Belt. However, with the removal of that part of the proposals relating to the IBA processing area, it is considered that the early morning lorry movements including their parking up on-site overnight in a designated parking bay would have extremely limited implications in terms of the appropriateness of the development in the Green Belt. In this respect, the proposals would involve no fixed plant or structures and propose nothing other than allocating a limited amount of space within the yard area to vehicle parking; there is no built development associated with the proposals. It is not proposed to hard-surface the parking area, and there would be no alterations to the existing surfacing (compacted hard-core). The proposals would involve no physical alterations to the existing waste materials recycling site.



95. Given that there would be no physical change either in terms of the appearance of the site or how the compound is used other than running an existing fleet of up to twelve lorries out of the MRF site in the early hours of the morning, it is considered that there are extremely limited implications in terms of Green Belt policy. Whilst the proposals relate to a waste facility in an area of washed over Green Belt, the proposals would not affect either the openness or character of the Green Belt, and would not conflict with the purposes of including land in the Green Belt, namely:
- *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and*
  - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
96. Whilst the proposals may not technically be listed as appropriate development in the Green Belt under either RLP Policy EN14 or the NPPF, the proposals are ancillary to an existing waste operation, and as detailed above would have a neutral impact on the Green Belt. The aspects of the proposed development set out in paragraphs 90 to 93 of this report could provide the 'very special circumstances' which would justify allowing what is technically inappropriate development in the Green Belt. As such, it is considered that the proposed operational development would not be unacceptable for the purposes of Green Belt policy as set out in the NPPF.

#### Visual impact

97. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities and associated activities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4 seeks to secure both the retention and protection of existing features which have value in terms of screening, and the appropriate use of screening and landscaping to minimise visual impacts, including earth mounding, fences, and/or tree and shrub planting.
98. The visual impact of the development is assessed as being low to insignificant. With regards to surrounding sensitive receptors, it is anticipated that there would be no views of the parked up fleet of lorries from Woodside Farm, the nearest residential property. Views to other sensitive receptors, notably property at the western end of Gotham Lane, the residential care home (Hillside Farm) and the edge of Bunny Old Wood LWS, especially the bridleway along its northern edge, are filtered by existing vegetation, the topography of the land, and the fact that the lorries would be parked up set against the industrial elements of the MRF works. As such, the development accords with WLP Saved Policies W3.3 and W3.4 in terms of visual amenity impacts, being substantially mitigated by

the existing character of the surrounding landscape, the industrial nature of the site and substantial screening of the site from existing mature vegetation and bunding. It is noted that the County Council's Landscape Officer has no comments to make regarding the proposals.

### Traffic considerations

99. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated on the highway network or where such movements would cause unacceptable disturbance to local communities. This is the key policy against which to assess the traffic impact of the development. The NPPF (paragraph 32) states that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts arising from the proposals are severe.
100. The MRF site benefits from direct access to the A60 which forms part of the counties strategic highway network being the main access route from Loughborough to Nottingham.
101. The variation of the operating hours requested in this planning application would not increase the overall daily number of HGVs on the A60 accessing the MRF site which would continue to be regulated by an existing planning condition limiting daily HGV numbers to 100 movements per day, subject to a maximum of 550 HGV movements in any single week (Mondays to Saturdays). It would however increase the number of HGVs on the A60 in the 6:00am to 7:30am period by up to an additional 12 HGVs.
102. Traffic counts undertaken on the A60 show that the road carries a significant volume of daytime traffic reflecting its status. Traffic flows are lower during the early morning period, but it still carries a volume of traffic as evidenced by data recorded during a traffic count undertaken on Friday 24th June 2016 which identifies that a total of 800 vehicles were recorded travelling on the A60 between 6:00am and 7:30am of which 28 (3.5%) were HGVs. The addition of a further 12 HGVs during this period would result in a very minor increase in overall traffic numbers on the A60. Consequently the County Council's Highways Officer is satisfied that the impact of these early morning lorry movements in terms of capacity and safety along the local highway would be relatively insignificant and readily accommodated. A planning condition is recommended to regulate the staggering of lorry departures with a minimum five minute time between deliveries between 6am and 7:30am to ensure that lorries do not leave in a convoy.
103. By undertaking deliveries in the early morning period the development would access the public highway during a quieter period of the day when there is less congestion and potentially reducing vehicle numbers on the public highway from busier periods including the peak morning period when there would be much higher potential for congestion. This is a material consideration in terms of assessing the potential traffic impact on the local highway network associated with the proposals.

104. It is considered that the proposed early morning lorry movements would not impact on the safety of pedestrians using the pavements alongside the A60.
105. Overall, the material impact of the proposals in terms of highway capacity is neutral to beneficial and the the proposed development is considered to accord with WCS Policy WCS13, WLP Saved Policy W3.14 and the NPPF.
106. Residents living along Gotham Lane are concerned about an increase in heavy goods vehicles trafficking along their road, particularly in the early hours of the morning. However the applicant has stated that these early morning deliveries would not travel along Gotham Lane and is prepared to enter into a legal agreement to prohibit such movements before 7:30am, thereby protecting residential amenity along Gotham Lane during this early morning period.
107. It is considered that issues relating to the speed of HGVs and more generally speed restrictions along the local highway network are outside the scope of this planning application.

### Noise

108. The representations from the local community which include a 268 signatory petition, letters from residents of Bunny and surrounding areas along the route of the A60 as well as those received from Bradmore and Ruddington Parish Councils highlight the concern of the local community to the potential for noise and disruption that the additional lorry movements could potentially cause in the early hours of the morning when residents consider they have a right to enjoy a quieter environment.
109. Saved Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over aspects such as operating hours, which is particularly relevant in the case of this application; sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
110. A Noise Assessment (NA) has been undertaken in support of the planning application to calculate the noise impact from varying the operational hours at the MRF site to allow twelve pre-loaded HGVs to exit the site between 06:00hrs-07:00hrs Mondays through to Saturdays. The noise assessment has been undertaken in line with technical national guidance contained in the Design Manual for Roads and Bridges (DMRB), essentially comparing existing road traffic noise levels on the A60 to the elevated level of road traffic noise that would result with an additional twelve HGV movements on the road.
111. Background noise measurements at the nearest sensitive receptors to the MRF site, namely Woodside Farm, Hillside Farm Care Home, and Greenwood Lodge Care Home were taken and calculations were then carried out to determine the highest likely noise contribution from the additional HGVs travelling along the A60 at the nearest façade or elevation to the identified sensitive properties.
112. Using the DMRB methodology, the comparative figures for the current and predicted LAeq,1hr noise levels arising from the proposed twelve HGV

movements indicates a 0db noise change at Woodside Farm, 0.4db increase at Hillside Farm and 0.3db increase at Greenwood Lodge Care Homes. These calculations enable it to be concluded that there would be no change in the magnitude of noise impact between 6am and 7am either over the short or long term at Woodside Farm and a negligible but not significant increase in noise at both Hillside Farm and Greenwood Lodge Care Homes.

113. The applicant has confirmed that there is a north/south split in lorry routeing with the most recent survey indicating that 60% of early morning HGVs head southwards along the A60. Whilst recognising vehicle routeing is dependent upon contracts that are being serviced at any one time, a split in routeing would further disperse the level of predicted noise impacts further since the DMRB calculations are based on all twelve lorries passing the façade of each property.
114. The County Council's Noise Engineer and Rushcliffe Borough Council's Environmental Health Officer (EHO) have considered the noise assessment and are satisfied that its methodology is appropriate and therefore the conclusion reached insofar that the proposed lorry movements would not result in any appreciable noise and vibration impacts on the nearest residential properties at these earlier times of the day is reasonable. This conclusion acknowledges the fact that HGV noise is more distinctive than that of normal traffic flow, but in this instance the existing flows of traffic on the A60 between 6:00am and 7:30am which includes existing HGV movements means that the additionally traffic would be barely discernible.
115. Overall the indications are that the change in noise level attributable to the additional twelve HGVs would be negligible and there would be no appreciable noise impact on the nearest sensitive residential receptors at the earlier time of 6am to 7am. This is largely due to the fact that the A60 is a principal road into Nottingham City Centre and has a steady flow of traffic between 6am and 7am (albeit lower compared to the core day-time flow of traffic).
116. With regards to ancillary operations such as the loading of vehicles which have the potential to generate associated noise impacts, such noise levels would be managed by ensuring that vehicles are pre-loaded the day before during normal working hours. Other measures being proposed by the applicant would include parking vehicles in a forward facing direction so that there is no reversing or manoeuvring required to move lorries off site; observing the site speed limit of 15mph, and the regular spacing out of lorry movements throughout the hour.
117. The County Council's Noise Engineer has stressed the importance of tightly controlling procedures, with an emphasis on no loading of HGVs or reversing manoeuvres in the yard before 7am. It is also recommended that no HGVs are permitted to enter the site until after this time. Planning conditions as advised by the Noise Engineer and supported by the Borough Council's EHO would ensure that these measures are implemented to minimise any potential noise impact arising from the proposals. All other noise conditions on existing permissions would be carried forward. It is also noted that the applicant has taken on board concerns raised by the Borough Council for the provision of a designated parking area on the MRF site. The scheme has been amended and allocated parking has now been provided within the existing yard area to enable

HGVs to be suitably parked up in a forward facing direction for ease of transit off-site the following morning.

118. It is considered that these attenuation measures would build in sufficient protection to ensure that operational noise associated with early morning lorry movements would not be significant. As such, the proposed development subject to conditions would accord with WCS Policy WCS13 and WLP Saved Policy W3.9. It is considered that any noise impact is capable of being suitably controlled so that it would not increase significantly to unacceptable levels.

#### Climate change, dust and mud

119. The NPPF paragraph 30 encourages solutions which support reductions in greenhouse gas emissions and reduce congestion. Paragraph 005 of the supporting Planning Practice Guidance (PPG) makes reference to a number of considerations which need to be taken into account when deciding whether or not air quality is relevant in determining a planning application. In particular, and of relevance to this proposal, it states that consideration should be given to the implications of the development in terms of whether it would significantly affect levels of traffic (and hence emissions from vehicles) in the immediate vicinity of the proposed development site or indeed further afield, by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or by significantly altering the traffic composition on local roads. These are material considerations which need to be given due diligence with regards to the determination of the current application.
120. In respect of these proposals, it is considered that the low volume of outbound traffic proposed to leave the site in a single hour between 6am to 7am would not significantly affect existing traffic levels within the immediate vicinity of the MRF site at this time of the morning. There are relatively high levels of traffic associated with the nearby gypsum works at this time of the day, and that the additional traffic associated with the MRF site would be insignificant when set against such baseline traffic movements. Indeed, transporting HGVs offsite before the early morning peak hour would ensure that these vehicles do not add to peak hour traffic movements, thereby avoiding the higher levels of carbon emissions (and fuel consumption) associated with potential traffic congestion at peak times of the day.
121. As such, the proposals would accord with WCS Policy WCS14 (Managing Climate Change), given that it would deliver improved operational practices that would lead to HGVs being operated in a manner that would reduce potential impacts on climate change.
122. Waste operations including associated HGV movements have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices.
123. Further policy direction is provided under Appendix B (Locational Criteria) of the NPPW where it states that the extent to which adverse air emissions, including

dust, is capable of being controlled through the use of appropriate and well-maintained and managed vehicles, is a material consideration. It is considered that subject to planning conditions covering dust mitigation measures, such as the sheeting of HGVs and the use of wheel-wash facilities, adverse dust emissions from the proposed HGV movements are capable of being suitably controlled in line with the NPPW and WLP Policy W3.10.

124. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated and the pollution control authorities (Environmental Health and the EA) have not raised any concerns relating to environmental impacts such as dust and air quality that could potentially affect public health.

#### Mud

125. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway. In line with this policy, all HGVs leaving the MRF site are required to use existing wheel-wash facilities and this procedure would continue to be followed, with the early morning vehicles being wheel-washed the day before. This would minimise the potential for HGVs to transport mud and debris onto the surrounding road network, which could be a source of potential fugitive dust emissions. Existing planning conditions would continue to secure the appropriate use of on-site wheel-wash facilities by drivers exiting the MRF site from 6am in the morning.
126. It is therefore considered that the potential for mud and detritus to be transported onto the public highway from these early morning lorry movements would be appropriately controlled. As such, the proposals fully accord with WLP Saved Policies W3.10 and W3.11.

#### Odour

127. WLP Saved Policy W3.7 seeks to reduce the impact of odour associated with waste management activities. It encourages the use of controls to reduce the potential for odour impacts from waste management facilities, and identifies a series of mitigation measures. Such measures could include: the sheeting of HGVs, restrictions on temporary storage of waste, enclosure of waste reception and storage areas, and the use of contingency measures such as odour masking agents or removal of malodorous material.
128. With regards to the early morning deliveries being sought under these proposals, it is noted that attenuating measures are already in place to address the potential for fugitive odour releases during the transportation of secondary aggregate products. It is standard practice to employ the sheeting of all HGVs entering or leaving the MRF site, and the proposed outbound HGVs would be pre-loaded and sheeted in readiness for next day deliveries. This should be adequate to contain any odour emissions within the moving vehicles.
129. Overall, it is concluded that fugitive odours from the transportation of materials (including recycled IBA) would not be significant and subject to existing planning controls remaining in place the delivery of materials would not cause nuisance to the nearest residential receptors (or indeed those along the route) thus satisfying the requirements of WLP Saved Policy W3.7.

### Lighting

130. The potential for light pollution is a material consideration. The NPPW makes reference to the potential for light pollution at Appendix B (locational criteria) and the need for this aspect to be considered along with the proximity of sensitive receptors. In respect of these proposals, any light associated with HGV traffic using the local highway network would be intermittent, transient and directional towards the highway so that light spillage towards any nearby residential development would not be unacceptable. As such, this element of the proposals would accord with the NPPW, as there would be no significant risk of light pollution from the early morning lorry movements to the nearest sensitive receptors.
131. The proposals would involve extending operational hours into the early hours of the morning, and during the winter months the MRF's existing lighting could potentially be switched on from 6am in the morning, although it is anticipated that this would relate to that part of the site designated for parking and not the entire site. However in mitigation the MRF site is relatively distant from the nearest residential property and the site is well screened by attenuation bunding along the site perimeter and supplemental mature boundary vegetation. No additional lighting is being proposed. A planning condition controlling existing lights would be carried forward to ensure that all external lighting continues to be suitably shielded and angled downwards into the site to minimise any attendant light spillage. As such, the proposals would accord with the NPPW.
132. It is noted that the pollution and nuisance control authorities and agencies (Environmental Health and the EA) raise no objections over potential light pollution. The Borough Council's EHO has previously confirmed that there is no direct light spillage onto residential development, given the relative distance of the nearest sensitive receptors to the MRF site and shielding of the site by bunds and mature vegetation. No complaints have been received in relation to lighting nuisance by either the EHO or the County Council.
133. The relaxation of operational hours, allowing up to twelve outbound HGVs to operate outside core operating times would ensure that Johnson Aggregates has the capability to provide an effective service and maintain flexibility in terms of service delivery. The improved operational practices would better support a sustainable waste management facility which has driven waste up the waste hierarchy, including the beneficial treatment of IBA waste to a recycled aggregate. As such, the proposals are in accordance with the NPPF and the NPPW.

### Cumulative impact

134. WLP Saved Policy W3.29 indicates that waste management development will not be supported where it would result cumulatively in a significant adverse impact including on the amenity of nearby settlements.
135. A number of applications to extend operations have been approved by the County Council over the years, as referenced in the Planning History section of this report, and it is acknowledged that a stage may be reached when it is the

cumulative rather than the individual impact of a proposal that makes it unacceptable. With respect to the proposals under consideration in this report, whilst it would involve a relaxation in early morning operating hours and an earlier start time for outbound HGVs exiting the MRF site, there would no overall increase in vehicle numbers with lorry movements continuing to be controlled at 100 movements per day (550 over the working week of Mondays to Saturdays).

136. Whilst local residents have raised concerns over the proposals representing a move towards a 24 hour operation, the proposed variation in operating times would be limited to a marginal increase in the working day, extending morning hours only with no evening or night-time operations being proposed. It is noted that a temporary relaxation of hours into the evening (permitted under planning permissions 8/13/01494/CMA and 8/15/00050/CMA) which allowed IBA processing until 8pm at night (Mondays through to Fridays) ceased at the end of August 2015, so there is no cumulative impact in this respect from the current planning application. There are currently no extended operational hours in place.
137. Furthermore, operations would be strictly controlled, allowing only pre-loaded outbound lorries to exit the MRF with no other ancillary activities permitted including either loading of vehicles or use of on-site wheel-wash facilities, between the hours of 6am and 7:30am. Subject to planning conditions controlling what is permitted during the extended operating time, the proposals would not result in any cumulative, and by definition, unacceptable amenity impacts on the nearest sensitive receptors. As such, the proposals would accord with WLP Saved Policy W3.29.

#### Breaches of planning control

138. The WPA takes very seriously the alleged breaches of conditions on existing extant planning permissions pertaining to the Bunny site and also to the retrospective nature of the previous four planning applications that have been brought before Committee over recent years. This is evidenced by the fact that planning enforcement action has been taken against the operator on previous occasions. Furthermore, the background to this planning application is that it has arisen in response to a complaint received by the WPA regarding unauthorised out-of-hours lorry movements, which was duly investigated and substantiated by the County Council's Planning Enforcement Team.
139. It is also acknowledged that operating in this manner has undermined relations between Johnsons Aggregates and the local community, this is reflected in the representations received from local residents, the Parish Council and the Local Member. In particular the concerns are that the operator would not comply with planning conditions on any planning permission granted by the County Council.
140. The applicant's response to address these concerns is to appoint a member of staff to oversee procedural matters including the implementation of a transport and logistics policy to which all HGV drivers must sign up to. This indicates that the company are taking a more pro-active approach towards ensuring compliance with extant planning consents and conditions; and this is to be welcomed.



### Other issues

141. The principle of the acceptability of the processing of IBA waste at the Bunny MRF has been established under a previous planning permission (Plg.Ref. 8/12/01028/CMA).
142. Aside from the above controls, environmental and operational factors (including noise, dust, and odour impacts) associated with the MRF site are dealt with under an environmental permit authorised by the Environment Agency.
143. The issue of sustainability is covered in the Statutory and Policy Implications section of the report.

### Legal Agreement

144. In order to secure the routing of the 12 HGVs leaving the site to ensure that they travel along the A60 Loughborough Road and not along Gotham Lane, a legal agreement under Section 106 of the Town and Country Planning Act 1990 would need to be secured before any planning permission is issued. The applicant would cover all reasonable legal cost incurred by the County Council in the drafting of this agreement.

### **Other Options Considered**

145. 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**

146. 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

147. The existing MRF site including the new designated lorry parking area benefits from perimeter security fencing to restrict unauthorised access. Furthermore, existing bunding and mature vegetation offers a degree of protection to the MRF site, effectively screening the site from the A60 Loughborough Road.

### Human Rights Implications

148. 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 and may be affected. The proposals have the potential to introduce impacts such as traffic noise impact, dust, light and vibration impacts arising from vehicle movements in the early hours of the morning upon the residential amenity of the nearest residential occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of the recyclable waste operations at the Bunny MRF by enabling the operator to make deliveries (recycled aggregates) to the northern part of the county in a timely manner. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Implications for Sustainability and the Environment

149. The application has been considered against the NPPF, the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable development by indirectly supporting sustainable waste management operations by transporting the recycled waste materials (secondary aggregates, including IBA) more efficiently to customers in the north of the county.
150. By avoiding early morning peak traffic, the proposals would support a more efficient use of the public highway network, and promote a reduction in overall fuel consumption arising from more rapid and efficient transit of lorries. Whilst road transport may not in itself be an identified sustainable mode of transport, the development would in itself deliver benefits by supporting more efficient use of fuel and a reduction in carbon emissions.
151. The proposals broadly accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of supporting an existing waste materials recycling operation.
152. There are no service user, equalities, financial, human resource or safeguarding of children implications.

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

153. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and 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**

154. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the routing of those HGVs leaving the site between 6am and 7.30am so that they only travel along the A60 Loughborough Road and not along Gotham Lane.
155. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 20<sup>th</sup> March 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 20<sup>th</sup> March 2017, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

**Adrian Smith**

**Corporate Director – Place**

#### **Constitutional Comments (RHC 22/11/2016)**

Planning and Licensing Committee is the appropriate body to consider the contents of this report.

#### **Comments of the Service Director - Finance [SES 28/11/16]**

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

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

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

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

Councillor Reg Adair                      Ruddington

Report Author/Case Officer  
Deborah Wragg  
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For any enquiries about this report, please contact the report author.

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## RECOMMENDED PLANNING CONDITIONS

### Scope of Planning Permission

1. The development hereby permitted is for the retention of existing Incinerator Bottom Ash, aggregate and soil recycling operations and changes to operating hours to permit a start time of 06:00 hours Mondays to Saturdays to allow 12 pre-loaded, sheeted and pre-wheel washed outbound heavy goods vehicles (HGVs) to leave the site daily between the hours of 06:00 hours to 07:30 hours. For purposes of clarity, the pre-loaded, sheeted and pre-wheel washed outbound HGVs would be parked overnight in a designated parking area shown marked in orange on Plan titled 'IBA Processing and Early Start HGV Parking Areas' received by the Waste Planning Authority (WPA) on 9<sup>th</sup> March 2016.

*Reason: To define the development hereby approved and for the avoidance of doubt.*

2. The operator shall notify the WPA in writing of the date of commencement of this permission within 7 days of its occurrence.

*Reason: For the avoidance of doubt.*

3. The development hereby permitted shall only be carried out in accordance with the submitted application, and in the documents and plans identified below, other than where amendments are made in compliance with other conditions of the permission:

- (a) Plan titled 'Site detail plan of proposed recycling unit' Drawing No. 3a received by the WPA on 13<sup>th</sup> May 1994;
- (b) Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7<sup>th</sup> February 1994;
- (c) Plan B 'Site Plan' 8/94/00164/CMA dated July 1994;
- (d) Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8<sup>th</sup> July 1996;
- (e) Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8<sup>th</sup> July 1996;
- (f) Plan Drawing No. SSW/CS15596/04 Revision A received by the WPA on 26<sup>th</sup> June 1997;
- (g) Planning application form, Design and Access Statement and Planning Supporting Statement received by the WPA on 21<sup>st</sup> May 2012;
- (h) Site Location Plan Drawing No. BUNNY03A received by the WPA on 26<sup>th</sup> November 2012;
- (i) Plan titled 'IBA Storage' Drawing No. MS231-2B received by the WPA on 26<sup>th</sup> November 2012;

- (j) Drawing titled 'Water Collection Channel for IBA Storage Bays' Drawing No. MS231-9 received by the WPA on 26<sup>th</sup> November 2012;
- (k) Drawing titled 'Water Collection System' Drawing No. MS231-8A received by the WPA on 26<sup>th</sup> November 2012;
- (l) Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26<sup>th</sup> November 2012;
- (m) Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13<sup>th</sup> November 2013;
- (n) IBA Storage Bay Drainage Scheme titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the WPA on 3<sup>rd</sup> September 2013,
- (o) Addendum to Noise Assessment Report, by Acute Acoustics Ltd. Reference 1524 Johnsons – Bunny NIA, dated 7<sup>th</sup> October 2015 [Rev C] and the original report by Acute Acoustics Ltd, dated 14<sup>th</sup> October 2013, received by the WPA on 5<sup>th</sup> November 2015;
- (p) Planning Application Supporting Statement received by the WPA on 5<sup>th</sup> November 2015;
- (q) Planning application form with new description as amended 13/11/2015 received by the WPA on 13<sup>th</sup> November 2015;
- (r) Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9<sup>th</sup> March 2016, which is referenced only for the purposes of defining the parking area for 12 outbound pre-loaded, sheeted and pre-wheel washed early start HGVs, as shown marked up in orange on the plan. Plan MS231-32 shall not be used for any other purposes other than that described here;
- (s) New description as amended: 22/4/2016 received by the WPA on 25<sup>th</sup> April 2016.
- (t) Letter dated 26<sup>th</sup> August 2016 from Bond Planning Consultancy received by the WPA on 26<sup>th</sup> August 2016.
- (u) Document titled 'HR200 v0.1 Transport and Logistics Policy' by Johnsons Aggregates and Recycling Limited received by the WPA on 26<sup>th</sup> August 2016.

*Reason: To define the permission for the avoidance of doubt.*

4. The location of the crushing and screening plant for inert construction and demolition waste shall be maintained in the position shown on Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8<sup>th</sup> July 1996.

*Reason: To define the permission for the avoidance of doubt.*

5. The reclamation, recycling and transfer of materials from industrial and commercial wastes shall only be carried out on the permitted area edged in red

on Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8<sup>th</sup> July 1996, and on land, as shown in hatched red on Drawing No. MS231-2B received by the WPA on 26<sup>th</sup> November 2012.

*Reason: To define the permission for the avoidance of doubt.*

6. The recycling of inert construction and demolition wastes and soils shall only be carried out on the permitted area edged in red on Drawing No. 3a received by the WPA on 13<sup>th</sup> May 1994, and for purposes of clarity the area shown in block red on Plan No. 1 'Location Plan' 'Revised – Site Area' received by the WPA on 7<sup>th</sup> February 1994, and the area edged in black on Plan B 'Site Plan' 8/94/00164/CMA dated July 1994.

*Reason: To define the permission for the avoidance of doubt.*

7. The wood shredder shall be located in the position shown on Drawing No. SSW/CS15596/003 Revision B received by the WPA on 8<sup>th</sup> July 1996.

*Reason: To define the permission for the avoidance of doubt.*

8. The storage and processing of Incinerator Bottom Ash (IBA) shall only be carried out in a storage bay situated in the south-eastern part of the Materials Recycling Facility (MRF) on part of the waste transfer area permitted to accommodate the storage bay and its associated operations, as shown in hatched red on Drawing No. MS231-2B received by the WPA on 26<sup>th</sup> November 2012.

*Reason: To define the permission for the avoidance of doubt.*

9. Only materials which are inert, solid, dry, non-oily, non-hazardous and non-putrescible shall be processed and stored on the site; and stockpiled on site outside the building.

*Reason: To define the permission for the avoidance of doubt.*

### Hours of operation

10. Except in emergencies to maintain safety of the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), the site shall only operate between the following hours:

Operation	Monday to Friday (hours)	Saturday (hours)	Sundays, Public & Bank Holidays (hours)
Operation of crushing and screening plant; and wood shredding operations	08:00 to 17:00	08:30 to 12:30	Not at all
Waste deliveries, including acceptance of IBA waste and export of processed material; operation of any plant or machinery, and	07:30 to 18:00	07:30 to 13:00	Not at all

operations which involve the movement of materials			
IBA processing involving the internal use of the IBA processing building (excluding use of the dryer), and the use of 1 Front Loading Shovel and 1 Telehandler for IBA materials handling	08:00 to 17:00	08:30 to 12:30	Not at all
12 pre-loaded, sheeted and pre-wheel washed HGV movements outbound from the site (for purposes of clarification there shall be no loading, sheeting or wheel-washing of vehicles between 06:00 hours to 07:30 hours)	06:00 to 07:30	06:00 to 07:30	Not at all

For the avoidance of doubt, no other HGVs shall enter or leave the site except within the permitted hours detailed above.

*Reason: To safeguard the amenities of local residents in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Access and wheelcleaning**

11. All heavy goods vehicles leaving the site shall use the existing wheelwash facility. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the highway. In the case of the 12 pre-loaded outbound HGVs anticipated to leave the site between 06:00 hours and 07:30 hours Monday to Saturdays these vehicles shall be pre-wheel-washed the day before and at no time shall any vehicles be wheel-washed between the hours of 06:00 hours and 07:30 hours.

*Reason: In the interests of highway safety and to accord with Saved Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

12. All on-site vehicular movements shall be carried out in accordance with the approved vehicular routeing and turning arrangements as shown on Plan Drawing No. SSW/CS15596/04 Revision A, received by the WPA on 26<sup>th</sup> June 1997, as approved in writing by the WPA on 21<sup>st</sup> November 1997.

*Reason: To ensure the satisfactory working of the site.*

13. A visibility splay from the access road along the A60, shall be maintained in accordance with the details approved in writing by the WPA on 23<sup>rd</sup> November



1994. A suitable visibility splay shall be maintained to the satisfaction of the WPA at all times.

Reason: In the interests of highway safety.

14. Lorry departures between 6am and 7:30am shall be undertaken on a staggered basis timed a minimum of five minutes between each movement

*Reason: To avoid potential convoys of lorry movements on the public highway with resultant impacts on residential*

### **Environmental controls**

15. All vehicles to be used on site in the processing and movement of materials shall be fitted with effective silencers.

*Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

16. The site shall be kept clean and tidy and steps shall be provided to prevent any litter from the site being deposited on adjacent land.

*Reason: To safeguard the amenities of nearby residents and to accord with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted December 2006).*

### **Noise**

17. Noise levels associated with site operations, when measured at the northern boundary of Hillside Farm, Loughborough Road, shall not exceed 56dB(A) LA eq 1 hour at any time.

*Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

18. In the event that a complaint is received regarding noise associated with the operations on site, which the WPA considers may be justified, the operator shall, within one month of a written request from the WPA, undertake and submit to the WPA for its written approval, a BS4142:1997 noise survey, to assess whether noise arising from the development exceeds the daytime 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 the nearest residential receptor (if applicable). The submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria. The noise mitigation measures shall thereafter be implemented in accordance with the approved details, and the mitigation measures maintained throughout the operational life of the site.

*Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the*

19. All mobile plant used on site shall be fitted with broadband noise reverse alarms.

*Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

20. HGVs which depart the site between 06:00hrs-07:30hrs Mondays to Saturdays shall be preloaded, sheeted and pre- wheel-washed the day before, and parked overnight in the parking area shown on Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9<sup>th</sup> March 2016, in a position which enables them to drive in a forwards motion out of the yard without the need for reversing or manoeuvring.

*Reason: To safeguard the amenity of the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

## **Dust**

21. Dust emissions from all waste operations 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) the use as appropriate of a dust suppression system throughout all working areas, particularly during periods of unloading/loading, crushing, storage and transfer of waste products. A suitable and sufficient water supply shall be provided to the operations at all times to enable the suppression of dust by water spray as required;
- (b) the use as appropriate of water bowsers and/or spray systems to dampen stockpiles, the site area, access roads, haul road, vehicle circulation and manoeuvring areas;
- (c) regular cleaning of all hard surfaced areas of the site area, haul road and access onto the A60 Loughborough Road;
- (d) the temporary cessation of operations (waste importation, recycling operations and loading of recycled materials for export) in dry, windy conditions.

*Reason: To safeguard the amenities of nearby residents and to minimise dust disturbance at the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

22. The measures detailed in the approved Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13<sup>th</sup> November 2013, as approved in a letter sent by the WPA on 20<sup>th</sup> November 2013, shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. The mitigation scheme shall thereafter be

maintained throughout the operational life of the waste operations. Notwithstanding this, in the event that it is considered necessary and upon the request of the WPA, there shall be a temporary cessation of material importation, screening and crushing operations, and the movement of materials during periods of excessively dry and windy weather.

*Reason: To safeguard the amenities of nearby residents and to minimise dust disturbance at the site including the containment of IBA emissions within the site and to ensure compliance with Saved Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

## **Drainage**

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

*Reason: To avoid pollution of the land and any watercourse.*

24. There shall be no discharge of foul or contaminated drainage from the site, into either the groundwater system or any surface waters, whether direct or via soakaways.

*Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

25. All foul drainage shall be contained within a sealed and watertight tank, fitted with a level warning device to indicate when the tank needs emptying.

*Reason: To avoid pollution of the land and any watercourse and to accord with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

26. Drainage for the IBA Storage Bay shall be maintained in accordance with the approved drainage details titled 'IBA Storage Bay Drainage Scheme' dated March 2013 by Johnsons Aggregates & Recycling Limited, received by the WPA on 3<sup>rd</sup> September 2013, and approved by the WPA in writing on 20<sup>th</sup> November 2013

*Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution in accordance with Saved Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

## Operational matters

27. Within the Materials Recycling Facility site, except for within the IBA storage bay as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26<sup>th</sup> November 2012, stockpiles of raw materials shall not exceed 7 metres in height above ground level; and stockpiles of recycled materials shall not exceed 6 metres in height above ground level.

*Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.3 and W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

28. The maximum storage height of IBA (un-processed and processed) stored in the storage bay shall be 4.5m. At no time shall stockpile heights exceed the height of the storage bay, as shown on Drawing titled 'IBA Storage Bays' Drawing No. MS231-4A received by the WPA on 26<sup>th</sup> November 2012.

*Reason: In the interests of visual amenity and to control dust to ensure compliance with Saved Policies W3.3 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

29. During the times whilst the wood shredder is being used, within the operating hours set out in Condition 10 above, the three middle roller shutter doors on the southern elevation of the building shall be kept closed.

*Reason: To safeguard the amenities of nearby residents and to accord with Saved Policies W3.9 and W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

30. The internal lining of the Waste Transfer Building in concrete blocks on the northern, eastern and western elevations, shall be maintained in accordance with the details shown on Drawing No. SSW/CS15596/003 Revision B, received by the WPA on 8<sup>th</sup> July 1996.

*Reason: To safeguard the amenities of nearby residents and to accord with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

31. All external lighting required in connection with the operations hereby permitted shall be angled downwards into the site and suitably shielded so as to minimise light pollution.

*Reason: To prevent light pollution and to safeguard the amenities of the area in accordance with Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (adopted December 2006).*

## Boundary Treatment

32. The approved boundary treatment, including the means of materials containment within the site, shall be maintained at all times in accordance with the approved details as shown on Plan Drawing No. SSW/CS15596/04 Rev. A, received by the WPA on 26<sup>th</sup> June 1997, as approved in writing by the WPA on 21<sup>st</sup> November 1997.

*Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

33. The existing hedge screen that runs along part of the northern boundary shall be retained and protected from any damage to the satisfaction of the WPA.

*Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Traffic movements**

34. The number of HGVs entering or leaving the site for the purposes of depositing or collecting waste material/reclaimed aggregates shall not exceed an average of 100 movements per day measured over any week period and subject to a maximum of 550 such vehicle movements in any week. A record of all daily vehicle movements shall be kept at the site, which shall be made available to the WPA in writing within one week of a written request.

*Reason: In the interests of highway safety and to protect surrounding residential amenity and to accord with Saved Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Annual throughput**

35. The variation and change of use of land in the south-eastern part of the site to allow for the outdoor storage and processing of IBA, shown on Drawing No. MS231-2B received by the WPA on 26<sup>th</sup> November 2012 shall not result in the total throughput of all waste (inert construction and demolition waste, and non-hazardous commercial and industrial waste, including IBA waste) materials into the site exceeding 100,000 tonnes per annum. A written record of the tonnages of the waste materials shall be maintained by the developer. Records of the tonnages recorded shall be made available to the WPA in writing within two weeks of a written request from the WPA.

*Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers in accordance with Saved Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Buildings, fixed plant and machinery**

36. No buildings, fixed plant or machinery, other than that approved by this permission and any other relevant planning permissions, shall be erected or placed on the site in association with the outdoor storage and processing of waste.

*Reason: To enable the WPA to control the development and to minimise its impact on the Green Belt and amenity of the local area, in accordance with Saved Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Informatives/Notes to applicant**

1. Notwithstanding the fact that land is outside the control of the operator Johnsons Aggregates, it is advised that the applicant investigates the opportunity to undertake planting within the open land between the bund and the A60 Loughborough Road, as shown on the Location Plan Drawing No. BUNNY03A received by the WPA on 26<sup>th</sup> November 2012.