



2 June 2015

Agenda Item:10

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

RUSHCLIFFE DISTRICT REF. NO.: 8/15/00050/CMA

**PROPOSAL: TO VARY CONDITION 1 OF PLANNING PERMISSION 8/13/01494/CMA
TO EXTEND THE USE OF LAND ADJACENT TO THE EXISTING SITE
FOR A FURTHER 6 MONTHS FOR THE TEMPORARY STORAGE OF
RECLAIMED AGGREGATES**

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

APPLICANT: JOHNSONS AGGREGATES AND RECYCLING LIMITED

Purpose of Report

1. To consider a planning application for an extension of time on a temporary use of land for aggregate storage, on land to the immediate north of an existing materials recovery facility (MRF) off Loughborough Road, Bunny; and to continue with a temporary relaxation of working hours on weekdays only, for processing Incinerator Bottom Ash (IBA). The key issues relate to the appropriateness of the development in the Green Belt, visual amenity impacts, dust, noise, odour and traffic impacts, and ecological effects on the Bunny Old Wood Local Wildlife Site (LWS) and Nature Reserve. As the area of land, which is the subject of this planning application, lies within the Green Belt, it has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to conditions, as set out in Appendix 1.

The Site and Surroundings

2. The MRF site lies on the southern side of Nottingham approximately 10.2 km from the city centre, and approximately 11.5 km to the north-east of Loughborough. It is located 0.75 km 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.
3. The nearest residential properties to the site are Woodside Farm, which is situated approximately 100-120m to the east of the proposed temporary extension area and the existing MRF respectively, 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, and beyond the former Bunny Brickworks site, is residential development within Gotham Lane, together with 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, situated on Main Street, at a distance of approximately 750m to the north of the site.

4. To the west and south, lies the former Bunny Landfill site, now restored to grassland, beyond which lies arable land to the west and south-west, with further agricultural land to the east, beyond the A60.
5. The existing 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 IBA material.
6. The proposed temporary extension area comprises 1.5 hectares of brownfield land directly adjacent to, and adjoining the northern site boundary of the MRF site, and is part of the former Bunny Brickworks site. The temporary site currently comprises large reclaimed aggregate storage mounds, approximately 7 m high, together with the concrete and brick footprints of the former brickworks and associated colonising scrub on the eastern part of the site. The A60 Loughborough Road passes the site to the east, separated from the application site by a mix of acoustic bunding approximately 3m high, hedgerows and tree blocks and lines. The derelict footprints of the brickworks extend to the north, beyond which a wood and field separate the industrial works from residential development on Gotham Lane.
7. There is bunding to the south-eastern boundary of the existing MRF site, providing screening along Bunny Hill. The MRF site is accessed off the A60 Loughborough Road, with access between the existing site and the temporary extension area being gained via an access point situated along the northern boundary to the MRF site, adjacent to the IBA processing building.
8. The MRF site layout comprises two distinct 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, and is used for commercial and industrial waste operations, including the storage and processing of IBA. The IBA storage bays occupy the most southerly sector of the south-eastern part of the site, and have an overall footprint of 2,300 sq.m.
9. 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.
10. There is no fixed plant except in the waste transfer building, which contains a feed hopper and conveyor belt system. Mobile plant includes a mobile crusher, loading shovels, hydraulic grab, stockpile conveyors, and an externally mounted dryer. The MRF site also contains site offices, vehicle parking and a weighbridge.

11. The site is largely 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.
12. The nearest designated nature conservation sites are Bunny Works Grassland LWS to the north of the proposed extension site, and Bunny Old Wood LWS and Nature Reserve, which lies approximately 400m to the south-east on the eastern (opposite) side of the A60 (Loughborough Road).

Relevant site history and background

13. As stated, the application site relates to both an existing MRF, which currently operates under a number of planning permissions granted by the County Council, as Waste Planning Authority (WPA), and a temporary extension site made up of 1.5 hectares of brownfield land, which was formerly part of the Bunny Brickworks complex, and at the time of the previous time limiting application benefitted from an extant planning permission granted by Rushcliffe Borough Council, for the former brickworks redevelopment to Class B1 (Business), B2 (General Industrial), and B8 (Warehousing) uses.

Existing MRF site

14. Planning permission (8/94/00164/CMA) was originally granted in September 1994 to the then waste operator 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. At the time of the application, the site was being used for the storage of concrete products and as a bus storage area.
15. An annual operational throughput of 100,000 tonnes of inert waste material was established under this planning permission generating up to 80 vehicle movements per day. This was based on an average of 40 vehicles per day, delivering waste to the site and collecting processed material, although controls were never imposed on vehicle numbers or the routing of these vehicles.
16. In December 1996, a further planning permission (Plg. Ref. 8/96/79/CMA) was granted for a change of use of 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.
17. Under this permission, the hours of operation, which are still in force today, (albeit with a temporary relaxation of working hours for IBA processing) were set at 07:30 hrs to 18:00 hrs Mondays to Fridays, and 07:30 hrs to 13:00 hrs on Saturdays. Within these times, crushing and screening operations were only permitted to take place between 08:00 hrs and 17:00 hrs on weekdays, only.
18. The planning application also proposed an extra 15 vehicles per day entering and exiting the site, in addition to the 40 vehicles per day established under the previous planning application. It is noted that planning conditions covering lorry movements were never attached to either of the planning permissions (Plg. Ref. 8/94/00164/CMA and 8/96/79/CMA).

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 for the storage of skips and wood associated with the recycling operations.
20. A non-material amendment to planning permission 8/96/79/CMA was approved in March 2012 to allow the current operator, Johnsons Aggregates, to install two indoor storage bays, with an overall storage capacity of 1,200 tonnes, within the existing waste transfer building, so as to accommodate the processing of IBA.
21. In March 2013, retrospective planning permission (Plg. Ref. 8/12/01028/CMA) was granted for the erection of IBA storage bays, and change of use of land to extend the commercial and industrial waste transfer/processing area, to accommodate the storage of IBA material.
22. Finally, in February 2014, planning permission (8/13/01494/CMA) was granted to regularise the temporary storage of reclaimed aggregates on land to the immediate north of the MRF site (the land having been used since early 2013); and for a temporary relaxation of working hours to allow for an increase in IBA processing within the main processing building on the MRF site. This sought to vary Conditions 7 and 9 of planning permissions 8/96/79/CMA and 8/94/00164/CMA respectively to extend working hours. Planning permission 8/13/01494/CMA was subject to a suite of planning conditions, including Condition 1 which limited the permission until 1st March 2015.
23. The existing operations previously operated under three main planning permissions, 8/95/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA. On the expiration of any temporary planning permission, existing operations would revert back to being covered by planning permissions 8/94/00164/CMA and 8/96/79/CMA with planning permission 8/12/01028/CMA continuing to cover wider IBA operations within the main MRF site, including throughout the duration of any temporary permission.
24. The existing MRF site also operates under an Environmental Permit issued by the Environment Agency for waste management.
25. Since February 2014, the WPA has received 4 complaints relating to the MRF site. In February 2014, a complaint was received relating to 'petrol-like' odours, which upon investigation were traced to the exhaust fumes on a new dryer installed for IBA processing operations. The dryer was subsequently decommissioned and the issue resolved.
26. A general complaint was received in May 2014 via Bunny Parish Council, relating to odours, dust, noise and operating hours. These issues have been subject to ongoing monitoring by the County Council's Monitoring and Enforcement Officer, and all issues are actively checked at regular site inspections.
27. More recently, in February 2015, a complaint was received regarding noise from HGV movements outside permitted hours, specifically relating to the use of the A60, and singling out Johnsons lorries. Initial investigations revealed that HGV movements were primarily unrelated to the site, however, out of hours movements have been observed and are the subject of ongoing investigation.

The Monitoring and Enforcement Officer observed various vehicles leaving the Bunny site on the mornings of the 5th and 19th of March 2015, on both occasions from as early as 05:45 hours. This has involved a maximum of 10 HGVs. Whilst 100 lorries were observed in an hour, only 8-10 were Johnsons, with 90 per cent not connected to the site. In addition, HGVs were also seen entering the site before the permitted start time. The Monitoring and Enforcement Officer has requested that the applicant confirms how the Company intends to remedy the HGV movements which take place before the permitted start time of 07:30am. The applicant has been informed that this activity has resulted in complaints being made to the County Council, and that the development being carried out, in breach of planning controls, should cease. In the event of further operations being undertaken outside the permitted hours, it may result in enforcement action being initiated without further notice.

28. Following on from recent discussions with the applicant, it is anticipated that a planning application will be received shortly, seeking to regularise this activity.
29. Finally in March 2015, a complaint was made by Rushcliffe Borough Council advising that dust is considered to be an issue and requesting that this be looked into. The Monitoring and Enforcement Officer has written to the applicant to make them aware of this issue and requesting that there is a review of the dust measures and the dust mitigation scheme. It is also advised that the Company looks at dust monitoring on site, with the use of Frisbee gauges or sticky pads, to confirm that dust is being controlled, and if not, to identify the problem and take action to remedy it.
30. On a separate note, Condition 31 of planning permission 8/13/01494/CMA requires retained vegetation and undisturbed ground to be pegged out. This matter has been subject to checks, and the Monitoring and Enforcement Officer has confirmed that the area has been pegged out and has remained undisturbed during the lifetime of this permission. It has recently been suggested that the applicant refreshes the markers.
31. The site has a dust mitigation scheme in place as required under Condition 18 of planning permission 8/13/01494/CMA and whilst inspections of the site only give a 'snapshot' of the adequacy of dust control, dust control measures have been in operation whenever the site has been inspected. No significant dust issues have been identified by the WPA, although on one occasion, on a windy day, dust was observed being blown into the air and off site from the inert storage area, which was not in operation at the time. However, attempts were being made to dampen this down, but the strong wind meant that this was difficult.
32. The substance of any complaints relating to dust, noise, odours and HGVs operating outside permitted hours, remain under investigation and subject to review; and would continue to be subject to ongoing monitoring at subsequent site inspections.

Current operations

IBA Operations

33. IBA recycling operations have now been carried out for approximately three 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.
34. 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.
35. 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. The initial crushing allows magnets to remove metallic materials (Ferrous and Non-Ferrous metals). A large skip is located at the side of the crusher for the containment of ferrous metals removed by magnet. All metallic materials removed from these operations are then stored on part of the impermeable area within the storage bay. All mobile crushing operations are carried out within the storage bay area.
36. 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).
37. The IBA passes through the various processes within the building, followed by a dryer sited externally, adjacent to the processing building before exiting via conveyors into product bays. A front end loader moves the final graded product to reclaimed aggregate stockpiles.
38. Finally, the end product is tested for quality, under the EA's Regulatory Position Statement, before being stored on an area of hardstanding, prior to dispatch off site. It is this reclaimed aggregate product which is currently being stockpiled on the temporary extension site adjacent to the MRF, awaiting dispatch off site.
39. Processed material leaves the MRF, generally on rigid wheel tipper trucks, having been loaded by front end loaders.

Aggregate and soil recycling operations

40. 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 soils of different grades.

Former Bunny Brickworks

41. The proposed temporary extension area covers that part of the former Bunny Brickworks which originally comprised built infrastructure (brick kilns and ancillary structures), and served the associated former mineral extraction works (gypsum, clay and marl surface workings) on land to the west.
42. Production ceased in the late 1980s/early 1990s and the buildings were subsequently demolished. The ground conditions comprise brick rubble to a depth of 1.2m over most of the site. The ground had not been disturbed since

then and was at the time of the previous application deemed suitable for the storage of materials reclaimed from the processing of IBA and construction/demolition waste.

43. In 1994, outline planning permission (Plg. Ref. 92/540/OUT) was granted by the Borough Council on a site area of some 8.5 hectares at this location (including what has subsequently become the MRF) for the construction of buildings for Class B1 (business), B2 (general industrial), and B8 (warehousing) uses.
44. Three further planning applications were approved by the Borough Council in 1999 (Plg. Ref. 97/527/OUT), 2005 (Plg. Ref. 05/00390/OUT) and August 2010 (10/00777/EXT) extending the life of the outline planning permission.

Proposed Development

45. The application seeks planning permission to vary Condition 1 of planning permission 8/13/01494/CMA to allow for an extension of time for the temporary storage of reclaimed aggregates on land to the immediate north of the existing recycling facility, whilst works to establish an alternative facility at Stanton, Derbyshire are completed. A temporary relaxation in operational hours covering IBA processing in the main IBA processing building, and associated materials handling would remain in place for the duration of any temporary permission. This would continue to provide an extra 15 hours over the working week, based on a further 3 hours per day, Mondays through to Fridays (excluding Public and Bank holidays), with a daily finish time of 20:00 hours. The relaxation in working hours would be time-limited and would continue to run concurrently with the temporary use on adjacent land for aggregate storage. It would be restricted to processing operations contained inside the main building, together with the use of one loading shovel. There would be no use of the dryer during evening operations.
46. The current application seeks to extend the time limit of the permission for a further 6 months to 31st August 2015. The reclaimed aggregates awaiting dispatch off site would continue to be stored in open stockpiles to a maximum height of 7m, and any potential dust nuisance would be controlled in line with an approved dust mitigation scheme, (albeit one that is currently subject to review) already covering existing operations.
47. No other operations, except for the processing of IBA waste, would take place during the extended evening hours, and all other hours of operation would remain unchanged.
48. There would be no change to the operational hours associated with crushing and screening operations, with these remaining fixed at 08:00 hrs to 17:00 hrs, nor would there be any changes to the hours associated with the acceptance of waste including IBA material into the site, or its dispatch off site, with the hours remaining fixed at 07:30 hrs to 18:00 hrs on weekdays.
49. On reverting back to planning permissions 8/94/00164/CMA and 8/96/79/CMA upon cessation of any temporary planning permission, operating hours would be reinstated to those previously permitted under Conditions 9 and 7 of these two respective planning permissions. This would restrict site operations to between the hours of 07:30 hrs to 18:00 hrs Mondays through to Fridays and

07:30 hrs to 13:00 hrs on Saturdays, with crushing and screening operations restricted to between the hours of 08:00 hrs and 17:00 hrs on weekdays, and 08:30 hrs to 12:30 hrs on Saturdays.

50. The proposals would not result in any increase in annual throughput of materials (100,000 tonnes per annum), nor would there be any changes to existing traffic movements, associated with this planning application.

Consultations

51. **Rushcliffe Borough Council (RBC)** raises no objection to the proposals, subject to the conditions previously attached to 8/13/01494/CMA, and suitable mitigation measures to limit fly ash from the site impacting on the Bunny Nature Reserve. The decision has taken into account Government Guidance, any saved policies of the Rushcliffe Borough Local Plan 1996 and the Rushcliffe Borough Non-Statutory Local Plan 2006.
52. **Environment Agency Midlands Region (EA)** raises no objections to the proposed development from a planning perspective but has made the following comments. If any controlled waste is to be used on site, the applicant will be required to obtain the appropriate waste exemption or environmental permit from the EA.
53. IBA and associated aggregates made with IBA are a controlled waste and therefore subject to duty of care controls (as defined by the Environmental Protection Act). If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. An Informative to this effect would be attached to any decision notice.
54. **Nottinghamshire Wildlife Trust (NWT)** raises objections to the proposals. It is considered that a rigorous assessment of all potential ecological impacts of the proposed development should be undertaken, identifying the direct and indirect impacts of this development on habitats and species. It is noted that whilst the applicant has already stored material on the extension land, there has been no assessment of the ecological impacts of continuing this storage of materials. The land was previously one of natural regeneration on previously developed land (PDL), with grassland and scrub communities, which may have hosted breeding and foraging birds, reptiles and invertebrates. The habitat may potentially qualify as a BAP/Sn41 Habitat, 'Open Mosaic Habitat On PDL', but without more relevant information, on what has been left undamaged on site after the current storage activity, it is not possible to identify what further impacts, or not, there may be.
55. In particular, the impacts of dust and noise disturbance should be looked at in relation to sensitive habitats, including the prevention of dust deposition and the impact of noise on breeding birds or other sensitive fauna in the surrounding area, where suitable habitats (trees, scrub, grassland) exist, for a wide range of species. It is noted that the Noise Report does not consider noise impact on breeding birds or other sensitive fauna. There are anecdotal reports from NWT's Reserve Wardens at Bunny Wood of dust and odours in the wood emanating from the application site. Therefore, concerns remain regarding the potential impacts of dust deposition on Bunny Wood LWS and

Nature Reserve, and other surrounding habitats. It is reiterated that IBA can be damaging to habitats on which it is deposited, and as an absolute minimum the applicant should be required to undertake air quality monitoring, including recording and sampling of dust deposition on the Bunny Wood Nature Reserve.

56. **NCC (Nature Conservation)** *raises no objection to the proposal and is of the view that it would have no significant ecological impact.*
57. **NCC (Planning Policy)** *raises no waste policy objections to the proposal subject to other environmental considerations being acceptable. In planning policy terms the application must be considered in light of the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW). In line with paragraphs 215 and 216 of the NPPF, due weight and consideration should also be given to the saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) and the strategic policies of the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS).*
58. *In terms of national policy, the main driver of the NPPF is that of sustainable development, whereby proposals that accord with the development plan should be approved without delay, or where the local policy is absent, silent or out-of-date, permission should be granted subject to the policies of the NPPF, and subject to adverse impacts not outweighing the benefits. The NPPW introduces the concept of the waste hierarchy, whereby waste management should be planned to move waste as far up the waste hierarchy as possible (something this proposal would be in compliance with as a recycling operation).*
59. *In light of the criteria in the NPPF with regard to the application of weight to local policy documents, it is considered that the saved environmental protection policies in Chapter 3 of the WLP and the strategic policies in the emerging WCS are relevant in this case.*
60. *It is noted that the application site is part of an area of previously developed land (former Bunny Brickworks) within the Green Belt. NPPF policy (Para. 89) highlights the fact that built development will normally be inappropriate within the Green Belt but may be acceptable where this involves the partial, or complete, redevelopment of previously developed land and where this would not have any greater impact than the previous development. In this respect, Rushcliffe Borough Council has granted planning permission for light industrial and storage/distribution uses on the whole of the former brickworks site. Policy WCS4 of the WCS similarly restricts built waste management facilities within the Green Belt unless they can demonstrate 'very special circumstances'.*
61. *However, in policy terms the Planning Policy Team is satisfied that this proposal, although linked to an existing recycling operation, would not constitute built development as it is for the temporary stockpiling of material and does not involve any additional hardstanding or built structures. Subject to detailed landscape comments, the temporary nature of the stockpiles, and absence of any built development, means that there is unlikely to be any additional impact upon the openness of the Green Belt.*

62. *Policy WCS7 of the WCS directs aggregates recycling facilities to existing or proposed employment land.*
63. *The proposal must meet a series of environmental considerations and particular attention is drawn to Saved Policies W3.4 regarding visual impact and W3.9 regarding noise impact. Two further policies provide support for the proposals, Policy WCS2 of the WCS gives first priority to the development of new or extended recycling facilities and Policy WCS8 supports the extension of existing waste management facilities where it will increase capacity or improve waste management methods, and/or reduce existing environmental impacts.*
64. **NCC (Landscape and Reclamation)** *raises no objection to the proposals and in view of the limited visual impact of the development, it is considered that an extension of 6 months does not merit mitigative planting works. Previous observations made with regards to planning permission 8/13/01494/CMA concerning the landscape and visual impact of the development still holds. This made reference to the fact that due to existing land-use and vegetation/landform, the proposed development would have a minor impact on the landscape character of the area and limited visual impact for nearby receptors.*
65. *The short term nature of the proposals means that any mitigative measures involving additional screen planting would be irrelevant, and visual impact without mitigation is considered acceptable.*
66. *The Landscape and Reclamation Team support the application based on the transient nature of the proposals.*
67. **NCC (Highways) Rushcliffe** *raises no objection to the proposals and has confirmed that they are unaware of any highway safety problems caused by the existing permission and observes that no new alterations are proposed to the highway.*
68. **NCC Noise Engineer** *raises no objections and is satisfied with the extension to the time limit of working hours at the Bunny site until the end of August 2015 provided all existing planning conditions are carried forward.*
69. **Bunny Parish Council, National Grid (Gas), Severn Trent Water, Western Power and NCC (Countryside Access)** *have made no response. Any consultation responses received will be reported orally at Committee.*

Publicity

70. The application has been publicised by means of a site notice, press notice and twenty-four neighbour notification letters have been sent to the nearest occupiers in Bunny Hill, Gotham Lane, and Loughborough Road, Bunny, inclusive of Hillside Farm Care Home, Bunny Hill, and Greenwood Lodge Care Home, Gotham Lane, together with two further letters to Nos. 14 Fleming Gardens, Clifton and 44 Burton Walk, East Leake, in accordance with the County Council's adopted Statement of Community Involvement Review. Five letters of representation from five separate households have been received raising objections on the following grounds:

- (a) Increased traffic impacts, and whilst not implying that Johnsons are solely responsible for current levels, there is opposition to any development that would increase traffic along Gotham Lane. As a compromise, Gotham Lane should have a 'no drive zone' between the hours of 8pm and 8am to allow residents, particularly children, to sleep at night;
- (b) Health and safety impacts, with a lack of speed restrictions and high volume of traffic placing younger children at risk. Interventions are required to reduce speed/volume of traffic rather than doubling the current load that this proposal would bring;
- (c) Noise impacts, with noise pollution both day and night at unacceptable levels;
- (d) Increased odour impacts, (described as a 'malodour'), and any further deterioration in air quality is a concern;
- (e) Detrimental health impacts, on visitors to the Bunny Old Wood LWS, and particularly to very young children living along Gotham Lane, (five of whom are under 4 years of age and suffer a range of complaints, including asthma, chest infections and allergies);
- (f) Amenity impacts on the local community;
- (g) Visual amenity impacts, with the site being clearly visible from a public bridleway through Bunny Old Wood Nature Reserve, as well as from a nearby public footpath in the Silver Seal Mine area, from the A60, Gotham Lane and even Keyworth several miles away. An 'immense visual eyesore' in this part of the Nottingham Greenbelt;
- (h) Detrimental ecological impact on Bunny Old Wood LWS from the continual deposition of very fine particles of IBA;
- (i) Increased light pollution from the extended use of existing floodlights and security lighting into the evenings;
- (j) Increased impacts of ash dust/airborne particles including clouds of particle laden steam, with loss of local air quality caused by the processing of 'giant heaps' of IBA material;
- (k) The 'temporary' element to the storage is disputed, given the quantity of material on site, with concern that this could become a permanent use;
- (l) It is unclear if the land being used for 'temporary' storage of these 'vast heaps' of IBA actually conforms with the site boundary shown in red.

71. Councillor Reg Adair has been notified of the planning application.

72. The issues raised above are considered in the Observation Section of the report.

Observations

Introduction

73. The application has been submitted by the current operators, Johnsons Aggregates, a leading recycler of IBA material in the East Midlands, to establish a more realistic timeframe in which to clear the extension site of recycled aggregates, including secondary IBA aggregates. This is directly attributable to a second facility at Stanton, Derbyshire, not coming on stream as anticipated. A need has subsequently arisen to retain the additional storage capacity on adjoining brownfield land to the north of the MRF site for a further six months to allow the Stanton Works to become fully operational and give a more realistic timeframe in which to remove stockpiled aggregates from the Bunny site.
74. In January 2014 planning permission (planning reference CW8/0413/17) was granted by Derbyshire County Council for the Stanton Works subject to planning conditions and a Section 106 Agreement, with planning permission finally being issued on 22nd May 2014 for an IBA processing and aggregates/soils recycling facility.
75. Delays in drafting the Section 106 Agreement coupled with works required to comply with pre-commencement planning conditions have built in lengthy delays in bringing the Stanton Works on stream, with a projected commencement date of June 2015, when it is anticipated that the plant will become fully operational. At the time of the previous temporary application (planning ref. 8/13/01494/CMA), for reclaimed aggregates storage, it was indicated that if permission were granted for a second facility, part of the materials currently being processed at the Bunny facility would in future be processed at the Stanton Works, preventing a re-occurrence of the overstocking of IBA aggregates currently being experienced at the Bunny site.
76. In terms of assessing the proposals under consideration in this report, it is considered that the main issues relate to the principle of extending the time limit for the recycling facility in the Greenbelt, the impacts of the development on the visual amenity and character of the open Greenbelt, and impacts on the residential amenities of neighbouring properties with regards to the potential for dust, odour, noise and traffic impacts from the extended operations; together with ecological impacts on the Bunny Old Wood LWS and Nature Reserve.
77. Reference is now made to those material considerations relevant to the determination of this planning application.

Planning Policy considerations

78. In national planning policy terms, the proposed development is given due consideration in light of the NPPF and the NPPW, which provides national guidance for waste planning matters.
79. The NPPF sets out the overarching principle of sustainable development, which is a core policy objection, with reference being made to development that helps to '*improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*'. The NPPW sets out the concept of the waste hierarchy, whereby waste management should be planned, so as to move waste as far up the waste hierarchy, as possible. The proposal would

be in compliance with these principles, as a recycling operation, and one which seeks to maintain the site's extra capacity to beneficially manage IBA waste until the Stanton Works come on stream shortly.

80. The NPPF sets out the national policy approach towards development, and whilst it does not specifically make reference to waste, which continues to be covered by a separate waste policy document in the recently updated NPPW, it does set out guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
81. In line with this advice, due weight and consideration is now given to the saved policies of the adopted WLP and the strategic policies of the adopted WCS. Also of relevance are the statutory policies that form part of the Development Plan for Rushcliffe consisting of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) (RLP) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) (NSRLP) remains a material consideration, with due consideration be given to those policies, which are consistent with or amplify the aims and objectives of the Framework.
82. Whilst the recently adopted WCS (Adopted December 2013) replaces many of the existing saved waste policies contained in the WLP, the majority of the environmental protection policies will remain in force until they can be replaced by a separate site specific and development management policy documents.

Local Waste Policy considerations

83. Planning applications should be decided in accordance with the Development Plan as referenced in paragraphs 81 and 82 above, unless material considerations indicate otherwise, and this provides the key policies against which the application should be assessed.
84. Policies WCS3 and WCS8 of the WCS set out the policy approach towards developing recycling facilities. Policy WCS3 prioritises the development of new or extended waste recycling facilities, and Policy WCS8 provides an overarching supporting policy for the extension of existing waste management facilities, where it would increase capacity or improve existing waste management methods.
85. Both of these policies provide support for the principle of the proposed development provided it can be demonstrated that the proposals would not create any unacceptable environmental impacts. Key to the acceptability of this proposal, in terms of environmental impacts, is its compliance with Green Belt policy, and the significance of any associated visual impacts, together with potential dust, noise, odour and ecological impact on the nearest sensitive receptors.

Green Belt Policy considerations

86. There are implications in terms of Green Belt policy, for that part of the proposals relating to the temporary extension site on land to the north of the MRF, for the stocking of reclaimed aggregates. Central Government guidance on National Green Belt Policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF. Locally, Green Belt policy is set out under Policy EN14 of the NSRLP.
87. The NSRLP Proposals Map incorporates land use designations within the Rushcliffe area. It identifies the application site as being located within the Green Belt and therefore not identified for development. NSRLP Policy EN14 states that *'within the Green Belt as defined on the Proposals Map planning permission will only be granted for appropriate development for the following purposes:*
- (a) Agriculture and forestry;*
 - (b) For other uses which preserve the openness of the Green Belt, including essential facilities for outdoor sport and recreation and for cemeteries;*
 - (c) Alteration and limited extension or replacement of existing dwellings;*
 - (d) Limited residential infilling in existing settlements within the Green Belt'.*
88. Under the criteria set out under Policy EN14, the extension of a waste recycling facility, in this case for the stocking of reclaimed aggregates, albeit on a temporary basis, is not identified as being 'appropriate development' within the Green Belt. In the context of NSRLP Green Belt policy, the development must therefore be considered as 'inappropriate development', and as such, the proposal has been treated as a 'departure' from the Development Plan.
89. Direction is given under Section 38(6) of the Planning and Compulsory Purchase Act 2004, that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise.
90. Reference is now made to those material considerations considered relevant to the determination of this planning application, including Central Government policy as set out in the NPPF; national waste policy established under the NPPW and the fact that the planning application relates to a temporary extension to an established MRF site within the Green Belt, on land that is allocated for employment use, under Saved Policy E7 of the 1996 RLP.
91. The policy framework established under the NPPF seeks to ensure that urban sprawl is prevented, with the aim of preserving the openness and the permanence of the Green Belt. There is a general presumption against 'inappropriate development' in the Green Belt, and that such development should not be approved, except in 'very special circumstances'.
92. Paragraphs 89 to 90 of the NPPF establish a similar approach to the NSRLP in terms of listing appropriate forms of development in the Green Belt. As the proposed development does not fall within the categories of 'appropriate development' as defined in the NPPF, it is therefore deemed to be 'inappropriate development' in the Green Belt.
93. 'Inappropriate development' is deemed by definition as being harmful to the Green Belt. The NPPW indicates that waste development in the Green Belt in

most cases is 'inappropriate development' and should be assessed on this basis.

94. Where waste management development proposals in the Green Belt would result in 'inappropriate development' in terms of the NPPF, any wider benefits of the scheme may contribute to the 'very special circumstances' required by the Framework for the development to be granted planning permission. Therefore, it is necessary to determine whether or not this consideration provides Green Belt policy support for this proposal.
95. In accordance with this, there are a number of criteria that would suggest that there is a case to be made under the 'very special circumstances' test. With regards to the principle of extending the recycling facility in the Green Belt, the proposed extension area, whilst being washed over by Green Belt policy, is part of a wider allocated employment site (former Bunny Bricks) and has a previous extant planning permission for buildings associated with B1, B2 and/or B8 uses. Whilst the proposed use is not specifically listed under Policy EN14 of the NSRLP, nor under the NPPF listing, as being appropriate development in the Green Belt, the proposal nevertheless relates to a six month extension of time for a change of use of an area of brownfield land for the temporary storage of reclaimed aggregates in connection with an existing recycling operation to the immediate south. In this instance, it is considered that there are special circumstances for allowing such development in the Green Belt. It is considered that the previously established use of the land for light industrial/general industrial/storage uses, the short duration of time of the development, and the fact that the temporary use of land for open storage is not out of keeping with the established use on the site, and is also associated with an existing recycling operation, provides the 'very special circumstances' which justifies allowing 'inappropriate development' in the Green Belt.
96. Added to this, there is support for the proposal, in terms of WCS Policy WCS7, which directs aggregate recycling facilities to existing or proposed employment land, and which can be given some weight, when assessing the proposal under the 'very special circumstances' test.
97. It has been demonstrated that the proposal could meet the NPPF Green Belt Policy, under the 'very special circumstances' test provided no harm is caused to the open character of the Green Belt by the aggregate stocking, and the purposes of including that land in the Green Belt, as considered below, and subject to there being no unacceptable environmental impacts.
98. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer Green Belt departure planning applications to the Secretary of State. Since the planning application is for temporary, comparatively insubstantial development within the Green Belt which does not trigger the thresholds for referral set out within paragraph 4 of this Circular, there is not a requirement to refer this application to the Secretary of State should Committee be minded to approve it.

Impact on the open character of the Green Belt

99. 'Inappropriate development' can be acceptable where it can be demonstrated that the proposed development would have no greater impact on the open

character of the Green Belt, or the purposes of including the land in it, than the existing development. The NPPF places significant weight on 'inappropriate development', if permitted, maintaining openness and not conflicting with the purposes of including land in the Green Belt.

100. The purposes of including land in the Green Belt are:
 - *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.*
101. The extension site is presently part of an area of previously developed land (former Bunny Brickworks), and is set back from the public highway (Loughborough Road), at a relative distance from the nearest residential development. Any attendant visual amenity impacts would mainly be confined to more distant users of the surrounding land, most notably those using Bunny Old Wood for recreational purposes, and residential properties towards the western end of Gotham Lane. However, views towards the site from any sensitive receptors would be substantially mitigated by existing vegetation, the topography of the land, and the industrial character of the adjacent recycling operations.
102. WLP Saved Policy W3.3 seeks to minimise the visual impact of waste management facilities 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 landscape to minimise visual impacts, including earth mounding, fence, and/or tree and shrub planting.
103. In the context of WLP Saved Policy W3.3, the development's proximity to an existing recycling operation with a substantial waste transfer building and associated ancillary development, including mobile/fixed plant and stockpiles of raw and reclaimed aggregates, give it the appearance of being part of an existing operational site. It is considered that it would, to some extent, appear visually integrated into its setting, when viewed against the backdrop of the existing MRF. It is noted that the stockpiles of reclaimed aggregates comprise relatively low level development when compared to much of the existing operational plant, thereby minimising visual impact.
104. Policy WCS4 of the WCS restricts built waste management facilities in the Green Belt unless they can demonstrate 'very special circumstances'. Although linked to an existing recycling operation, the proposal would not constitute built development as it is for temporary stockpiling of material and does not involve any additional hard-standing or built structures. The temporary nature of the stockpiles and absence of any built development,

together with the short duration of the time extension being sought means that there is unlikely to be any additional impact upon the openness of the Green Belt. The County Council's Waste Policy Team is satisfied that in policy terms this proposal does not constitute built development.

105. The existing reclaimed aggregate stockpiles, when controlled at appropriate heights are no higher than existing landscape features, which predominantly consists of mature hedgerows and hedgerow trees, and blocks of woodland. It is considered that, subject to continuing restrictions on the height of the stockpiles, and given the adequate screening from bunding and existing vegetation, and the industrial backdrop, the development would not unacceptably harm the open character of the Green Belt. Planning conditions would ensure that storage heights continue to be limited to 7m in height, thus ensuring that these activities do not become visually intrusive. Subject to these planning conditions, the development satisfies the requirements of WLP Policy W3.3.
106. Due to the vegetation and landform, and given that the land in the immediate vicinity is in industrial use, the continuing temporary use of the extension site for open storage would not significantly impact on the landscape character of the area, and would have limited visual impact for the nearest sensitive receptors. As such, the proposal accords with WLP Saved Policies W3.3 and W3.4.
107. Overall, when set in the context of the existing works, associated plant and storage mounds, and filtered by vegetation, any views from medium and longer distances would not be significantly impacted upon. The development would not impact significantly on the openness of the Green Belt, given the transient nature of the proposals, the limited impact on the landscape and the absence of any built development.
108. It is noted that the Borough Council has not objected to the development on Green Belt grounds and the development does not give rise to any adverse impact on surrounding areas. Furthermore, the County Council's Landscape Officer has indicated that there are no environmental impacts in landscape and visual impact terms, and that the short term transient nature of the proposal means that any mitigative measures involving additional screen planting would be irrelevant, and visual impact without mitigation is considered acceptable.

Visual amenity impact of development

109. In terms of residential amenity impacts, it is considered that the nearest residential development would have only distant views of the site, or else be substantially screened from the proposed development by virtue of existing mature vegetation and bunding. The extension site is contained within a wider brownfield site, adjacent to an existing operational waste facility, and is relatively distant to the nearest residential property, Woodside Farm (100m).
110. An existing woodland block together with the A60 ensures that any storage mounds occupying the extension site, would be well screened from Woodside Farm, and no visual impact is anticipated at this property. Similarly, existing woodland mitigates views to the north of the site, providing substantial screening of the development from residential property along Gotham Lane.

The only exception to this would be those properties situated at the western end of Gotham Lane, which may be afforded some views of the development.

111. In mitigation, whilst the previous planning permission (8/13/01494/CMA) for temporary aggregate storage, did bring operational development closer to these properties, given the more northerly location of the proposed extension site, the views associated with these operational activities have not been significantly different to those already experienced by these properties. Existing views of the established MRF are limited by existing woodland, and visual impacts associated with the proposed development would continue to be insignificant.
112. In terms of other sensitive receptors, any impacts at Hillside Farm, a local care home, would be substantially mitigated by a combination of existing vegetation and the local topography of the land. Views of the aggregate stockpiles would be filtered by existing hedgerows to the fields situated between the site and Hillside Farm. These views are further restricted by the situation of the land as it rises up an escarpment, obscuring views of the extension site from the care home.
113. There is the potential for more distant views of the extension site aggregate stockpiles from the edge of Bunny Old Wood, which is situated at a distance of over 200m south-east of the proposed extension site, on the opposite (eastern) side of the A60. In particular, distant views would be evident from the bridleway edging the northern edge of the Old Wood. However, such views would continue to be acceptably mitigated by existing boundary treatment comprising a mixture of mature vegetation, hedgerows, tree blocks and bunding approximately 3m high to the eastern boundary of the existing site along the A60. Views from the northern edge of Bunny Old Wood would be filtered by existing mature vegetation, and the proposed development would be visually integrated into its setting when viewed against a backdrop of existing industrial elements of the existing MRF. As such, visual amenity impact on users of the Old Wood would be limited, and given the short duration of the time extension being sought, it is not considered that these impacts would be unacceptable.
114. 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 operational works and aggregate stockpiles on the extension site from Woodside Farm. 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 development is set against the industrial elements of the 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 and the industrial nature of the site.
115. As stated, WLP Saved Policy W3.4 encourages the use of screening and landscaping around waste developments. Any visual impact associated with the proposals is considered acceptable, and does not require further mitigation given the short term and temporary nature of the proposals. It is considered that no further landscaping is required to the site perimeter. The development

is capable of being acceptably visually integrated into its setting in accordance with Saved Policy W3.4 of the WLP, given the transient nature of the development.

116. Overall, there is sufficient compliance with Green Belt policy under the NPPF's 'very special circumstances' test, to indicate support for the proposal, subject to there being no unacceptable environmental impacts associated with the development.
117. The other potential environmental impacts associated with the proposed development are now considered.

Dust impact

118. Waste operations 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. Measures include the siting of facilities remote from sensitive receptors, the enclosure of dust generating operations within buildings and enclosed areas, and the use of water to dampen down stockpiles, and processing plant.
119. The proposed operations, involving increased rates of both IBA processing and outdoor stockpiling of reclaimed aggregates on a temporary extension site, have the potential to be a source of dust, particularly under dry and windy conditions, and local concerns have been raised over the potential for fugitive dust leaving the site, from increased operations. This is set against a background of alleged problems with dust from existing IBA recycling operations, to various residential properties within the vicinity and reportedly, at the Bunny Old Wood LWS.
120. The WPA considers that the approved dust mitigation scheme should be adequate to sufficiently control potential dust arising from temporary site operations, provided that the approved measures are appropriately and adequately deployed. However, whilst environmental controls are in place covering dust emissions under an existing permitting regime and an approved dust mitigation strategy, the WPA has requested that the applicant undertakes specific dust monitoring using measures such as frisby gauges or sticky pads to either substantiate or refute allegations of dust nuisance. In respect of this development, planning conditions would seek to ensure that the approved dust mitigation measures continue to cover the temporary extension site, and given the short extension of time being sought it is considered that on balance, the proposed development would be acceptable. Overall it is considered that the proposal is capable of being suitably controlled in accordance WLP saved Policy W3.10. There would therefore be adequate measures in place, to ensure that the proposed increase in IBA processing, and reclaimed aggregate storage, is capable of being suitably controlled, in accordance with WLP Saved Policy W3.10.
121. Within the proposed open storage area there are several potential sources of dust, including vehicles moving in the area, and dust being blown from stockpiles. Effective measures would be taken during drier weather to dampen

down the stockpiles, by use of a bowser fitted with a spray nozzle system, which would be in operation, as and when required.

122. This measure is contained within the approved dust mitigation scheme, and it is anticipated that when implemented, it would adequately control any potential dust emissions associated with the extension site. The dust mitigation strategy indicates that all stockpile surfaces are capable of being dampened down by the dust suppression systems, which would significantly reduce the potential for wind-blown dust during adverse weather conditions. It is stated that the Plant Manager or the Authorised Deputy, continually assesses dust blown emissions, and gives out the necessary instruction, to ensure that the storage area is bowsed when necessary.
123. Whilst the extension site has taken waste operations closer to residential property along Gotham Lane, and Woodside Farm, it is still relatively distant to these properties, and there is bunding and substantial vegetation, including tree blocks and mature hedgerow and tree lines, which substantially shelter the proposed extension site. It is considered that this provides a reasonable attenuation barrier to any fugitive dust emissions from the wider MRF site, including the extension site. It is noted that only processed, reclaimed aggregate is stored on the extension site, and bowsing of stocked material should be sufficient to suppress any fugitive dust emissions in accordance with WLP Saved Policy W3.10.
124. In terms of the extended working hours, and increased IBA processing, it is noted that any processing operations would be contained within a largely enclosed building. The IBA processing building has oscillating rain gun heads mounted at strategic locations along the front of the building. A series of spray nozzles have also been positioned inside the roof of the IBA processing building to reduce dust emissions. These measures would be employed during extended evening working.
125. The only other potential source of dust emissions would be during loading and unloading operations. Loading operations would be contained within the IBA storage bay, involving one loading shovel moving partially processed IBA. The height and structure of the bay walls provides sheltering of these operations from the wind, effectively reducing wind-blown dust emissions. Further mitigation is also provided by a sealed drainage system, whereby water collected in the IBA storage area drains via an engineered channel into a weir system. This involves water stored within the weir being pumped into a storage tank, and being used to feed two oscillating rain gun heads mounted on the concrete bay walls. This dampening down process would further suppress any dust emissions associated with IBA loading operations. The dust suppression system is manually operated by the Plant Manager or Authorised Deputy, and the spray system would be utilised, as and when required, during loading operations, including evening operations.
126. Previous investigations into complaints received by the County Council's Monitoring and Enforcement Officer has indicated that there are suitable controls in place, provided that the dust mitigation systems are both adequately used and correctly implemented. In general, the problems with dust have previously appeared to be occasional occurrences, coinciding with the operator failing to switch on the dust suppression systems. Previous findings have suggested that subject to the appropriate use of the suppression

measures, and controls over stocking heights, fugitive dust impact can be suitably controlled.

127. In terms of dust, the site has various dust suppression measures available and it is considered that operation of these and appropriate management of the site is capable of controlling dust. An appropriate dust suppression system is capable of being implemented throughout all the working areas on site, including on the proposed extension site. This system is used to combat dust emissions from the loading/unloading, transfer of IBA, and its storage, and would continue to be extended to cover the proposals under consideration in this report.
128. In accordance with previous EA recommendations, controls have been placed over the height of stocked material on the extension site, limiting stocking heights to 7m, which is the maximum stocking height permitted elsewhere on the MRF site. On balance, subject to controls over stocking height, and application of the dust mitigation scheme to the extension site, the open storage is not considered inappropriate, given the temporary and transient nature of the use; and the fact that appropriate dust attenuation measures are capable of covering the extension operations. It is considered that subject to their implementation, adequate controls exist to prevent fugitive dust from the extension pad becoming a nuisance, in compliance with WLP Saved Policy W3.10. As such, it is considered that the proposals would not cause any cumulative impact.

Noise impact

129. 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 operating hours, sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
130. Emissions from increased waste processing activities, under consideration in this report, must be free from noise and vibration at levels likely to cause pollution outside the site, and in order to ensure that these conditions are met, the County Council has a specified noise limit for this type of recycling operation, with a criterion of 10dB above background noise level during daytime hours (07:00hrs to 23:00hrs). Planning conditions imposed by the County Council are in place to control noise emissions from existing waste operations, including those temporary activities approved under the previous application (planning ref. 8/13/01494/CMA) and the EA has further controls in place under its permitting regime.
131. In terms of environmental concerns identified in relation to this proposal, at the time of the previous application, the EA identified that there was the potential for an increase in noise levels, through increased activity and extended working hours. However, the EA indicated that any noise impact associated with extended IBA processing, and increased working hours on the Bunny site, was capable of being suitably controlled in line with the regulatory controls established under the environmental permit.

132. The increased activities are covered by Condition 3.4.1 of the permit, and it is considered that these controls are sufficient to ensure that noise and vibration are acceptably controlled at appropriate levels. Indeed, the provisions set out under this particular condition, seek to ensure that activities are free from noise and vibration at levels likely to cause pollution to the surrounding area and nearest residential properties. Should any pollution nuisance arise, the EA has the capability to require the applicant to implement an approved noise and vibration management plan, to redress the situation. Coupled with this, a number of changes have been introduced on site, which has resulted in quieter operations, including using higher specification bearings in plant equipment, and lining the metal chute with plywood.
133. The Pollution Control Authorities have no evidence of recorded complaints relating to noise incidents, and an updated noise assessment report submitted with both the previous and current applications, indicates no additional concerns regarding the application, provided the extended working hours do not exceed 20:00 hrs. It has identified the road noise as the dominant noise source in the area, and highlighted the fact that the site has already implemented changes to reduce noise.
134. The BS4142 assessment, premised on predictive noise impact from the IBA Processing Plant and associated materials handling, at three selected receptors (Greenwood Lodge Care Home, Hillside Farm Care Home and Woodside Farm), as recalculated by the County Council's Noise Engineer at the time of the previous application (planning ref. 8/13/01494/CMA) using actual data readings, indicated that provided extended working hours did not extend beyond 20:00 hrs on weekdays (Mondays to Fridays), operations would meet the County Council's criterion of 10dB above background levels, and the likelihood of complaints from evening working would be no higher than of 'marginal significance' (and probably significantly lower). At that time, subjective observations made by the County Council's Monitoring and Enforcement Officers who attended Hillside Farm, during the operation of the site for evening monitoring, confirmed that the noise was barely audible.
135. Evening IBA recycling operations should not produce an unacceptable noise impact provided hours of working into the evening are not extended beyond 20:00 hrs and no further noise mitigating measures should be required, above and beyond those provisions of the permitting regime. In terms of the extended use of the IBA Processing Plant and associated materials handling, it is predicted that the likelihood of complaints would be no greater than of 'marginal significance' (and probably significantly lower), and would meet the County Council's criterion of 10dB above background levels. As such, it is considered that the proposed evening IBA recycling operations would produce an acceptable noise impact and no further noise attenuation would be required.
136. Nevertheless, planning conditions would remain in place to control operational hours, annual throughput, as well as placing a requirement on the applicant to submit a noise survey to the WPA, in the event of noise from the processing of IBA becoming a nuisance to surrounding sensitive receptors, and a justifiable complaint being received by the WPA. A suitably worded planning condition in line with the Noise Engineer's recommendation at the time of the previous application, would ensure that in the event of any verifiable noise nuisance

arising, the IBA processing is capable of being suitably controlled. This would accord with WLP Saved Policy W3.9.

137. Operational activity associated with the unloading and storage of reclaimed aggregates on the extension site to the north of the MRF, is associated with increased noise levels. It has also taken operations closer to sensitive receptors, in Gotham Lane and Woodside Farm, albeit still relatively distant. However, in mitigation, it is noted that there is a dominant source of road noise in the area, from Loughborough Road (A60) and Gotham Lane, giving relatively high background levels, within the locality. Therefore, given the site's location, in terms of its proximity to the A60, it is not anticipated that the proposed extension of time on the storage use on the extension site would generate any significant or cumulative noise impacts, and the development would continue to comply with the permitted noise criteria.
138. Whilst the temporary ancillary operations and the extension site are not covered by the environmental permit, appropriate planning conditions would ensure that noise levels are suitably controlled. The results of the noise assessment, indicates that there are no issues associated with the operational development on the extension site, and the proposals are capable of according with WLP Saved Policy W3.9.
139. The noise levels generated by the activities associated with the outdoor storage of aggregates on the extension site, would be similar to those generated by existing operational activities. The County Council's Noise Engineer is satisfied that the development would not give rise to any unacceptable change to levels of operational noise, to the nearest sensitive residential receptors, provided the conditions attached to the previous permission (planning ref. 8/13/01494/CMA) are carried forward to any subsequent planning permission.

Odour impact

140. WLP Saved Policy W3.7 seeks to minimise odour emissions from waste management facilities by imposing controls over operations, including sheeting of lorries, 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.
141. Emissions from increased waste processing activities, associated with these proposals, must be free from odour at levels which are likely to cause pollution outside the site. Controls are in place through the permitting regime, and under Condition 3.3.1 of that permit and, in the event that odour incidents are identified, the EA can require the operator to implement an approved odour management plan, so as to minimise any effect off site. Mitigation measures would seek to prevent, or where that is not practicable, to minimise the odour. There are therefore adequate measures in place, to ensure that the proposed increase in IBA processing, and associated aggregate storage, is capable of being suitably controlled, in accordance with WLP Saved Policy W3.7.
142. It is noted that the site has historically recycled inert construction and demolition waste, which is unlikely to generate odour but since importing IBA, a number of complaints have been received, in which the odour is described

as being 'obnoxious', as an unpleasant 'burnt-cement' like odour, and more recently as a 'malodour'.

143. Inspections of the site have been undertaken and it is acknowledged that when stood adjacent to the IBA stockpile there is a detectable odour, although this is not strong, and the smell does not meet the 'obnoxious' description given by complainants. To date, on occasion intermittent odour has been noted off site in Bunny Old Wood LWS, by the County Council's Monitoring and Enforcement Officer, and odour has been detected off site, which at the time was considered to be directly attributable to the volume of unprocessed IBA on the site, and the excessive stockpile heights.
144. It is considered to date that any odours associated with IBA processing are not sufficient to cause an odour nuisance. There is, however, the potential to detect odour off site under certain climatic conditions, and investigations continue to be on-going into this matter. Odour is controlled under the site's permitting regime, and should the County Council determine that there is an identifiable problem, any findings will be brought to the EA's attention, with a request that the Agency takes appropriate action.
145. The EA has in place appropriate pollution control measures, which seek to ensure that odour is suitably controlled, in accordance with WLP Saved Policy W3.7. The WPA considers that there is no benefit to be gained from duplicating the controls over odour, which already exist under the EA's waste permit. This complies with the NPPF, which advises against different regulatory authorities duplicating pollution controls.
146. In terms of cumulative impacts, it is considered that the increase in IBA processing could potentially generate odour, when the partially processed material is loaded and moved into the IBA processing building. However, this has to be balanced against the temporary nature of the relaxation of operations, which is time limited to the end of August 2015.
147. It is considered that there are sufficiently robust controls in place covering waste operations, put in place by an appropriate pollution control authority. It would appear reasonable to assume that any odour emissions associated with the proposals, would be occasional and intermittent, but in the event that an odour nuisance is detected, there is appropriate mitigation in place to ensure that it can be suitably controlled.
148. With regards to the extended stocking area, it is not anticipated that the reclaimed aggregate, (mixed IBA and construction and demolition waste) would be particularly malodorous, being an inert, relatively stable product. It is likely to be the least odorous element of the operational development.
149. It is noted that the pollution and nuisance control authorities and agencies (Environment Agency and Environmental Health Officer) raise no objections over potential odour emissions. Whilst odour incidents have been reported to the EA, these have not been substantiated, and as such there are no objections to extending the use of the land for a further six months for the temporary storage of reclaimed aggregates, or extending the working hours for IBA processing, subject to the permit conditions.

Ecological impact

150. Section 11 'Conserving and enhancing the natural environment' Paragraph 117 of the NPPF indicates that local planning authorities, when determining planning applications, should aim to conserve and enhance biodiversity. It states that planning permission should be refused if significant harm resulting from a development cannot be avoided, adequately mitigated, or compensated for.
151. It is recognised that the extension site has the potential to support reptiles and other protected species on the eastern part of the site, where to date, suitable habitat (grassland, and trees/shrubs) remains in situ. Whilst the majority of the proposed extension site is now in active use for storing material, the one exception to this, is an area of partially vegetated ground on the eastern side of the application area, which has been marked out, and the area avoided to the satisfaction of the County Council's Monitoring and Enforcement Officer.
152. The nature conservation bodies and organisations are not fully able to support the proposed development. Whilst the County Council's Nature Conservation Officer is able to support the development, NWT continues to object to the development on grounds that the site's current ecological status, and the ecological impact of using the land for storage, together with the wider impacts of dust deposition and noise disturbance on breeding birds and other sensitive fauna, cannot be ascertained, without more rigorous ecological assessment. There are concerns that the habitat may potentially qualify as BAP open mosaic habitat, given that the land was previously one of natural regeneration on previously developed land. Concerns are also expressed regarding the potential impacts of dust deposition on Bunny Old Wood LWS and Nature Reserve. It is considered that the ecological assessments being sought by NWT are not proportionate to the level of development being proposed, given its short duration (being time limited to the end of August 2015), and the transient nature of the proposals.
153. Contrary to the view taken by the NWT, the County Council's Nature Conservation Officer, is able to support the application, and is of the view that it would have no significant ecological impacts. On balance, given the short term transient nature of the proposals, it is considered reasonable to control any potential environmental impacts through the planning conditions attached to the previous planning permission (planning ref. 8/13/01494/CMA). It is judged acceptable to mitigate any potential impacts on sensitive fauna by way of appropriate conditions, in line with the NPPF.
154. This follows on from the County Council's Monitoring and Enforcement Officers working with the applicant to ensure that the extension site has been accurately pegged out, clearly defining the storage area, and identifying any retained vegetation/undisturbed ground, which could potentially be valuable habitat for sensitive fauna, and require further investigation, in the event that it is to be used for storage. Reviewing the area subject to the planning application, it has been demonstrated that the majority is now in active use, for storing material. The exception to this, is an area of partially vegetated ground on the eastern side of the application area. This area is covered in a mixture of soil and rubble, and supports a sparse covering of vegetation. The applicant advised that the area had been stripped of vegetation in the first half of 2013, and that existing vegetation has regenerated since then. The applicant also confirmed that this area had proven to be too soft to use for

storage, and as such would be unlikely to be used, and therefore would be retained in its current form.

155. Planning conditions would continue to ensure that the use of the area detailed above, is prohibited, unless an ecological survey is undertaken and appropriate mitigation provided. To date, this area has been marked out and maintained throughout the duration of the development; with the County Council's Monitoring and Enforcement Officer recently requesting that the applicant refreshes the markers.
156. The County Council's Monitoring and Enforcement and Nature Conservation Officers were satisfied at the time of the previous application that these proposed mitigation measures, would adequately identify and protect any potential habitat, and provide suitable mitigation measures, including any compensatory measures, in accordance with the direction of the NPPF. The County Council's Nature Conservation Officer was previously able to support the proposals, based on an understanding that planning conditions would prohibit the use of the retained vegetation area. In this respect, planning conditions attached to the previous planning permission (planning ref. 8/13/01494/CMA) would be carried forward to any subsequent decision notice, in accordance with the NPPF.
157. Whilst the NWT has raised the issue of potential noise disturbance to sensitive ecological receptors, most notably breeding birds, at the time of the previous application the County Council's Nature Conservation Officer was satisfied that results provided under the submitted Noise Surveys, demonstrated that any noise impact associated with extending working hours, would be marginal.
158. The indications are that both the modelled and measured noise levels (LA90) do not exceed 55dB, at those nearest residential receptors to the site. In this respect, both Woodside and Hillside Farms are somewhat closer to the site than the closest part of Bunny Old Wood, which is identified as the nearest sensitive ecological receptor. The closest part of Bunny Old Wood is at least a further 100m away from the site than these two properties. This enhanced distance from the site, would give further noise attenuation, in respect of Bunny Old Wood. Furthermore, subjective assessments detailed in the Noise Survey reports indicate that the site is not generally audible above existing background noise levels, which are dominated by the A60.
159. In terms of noise impact, the County Council's Nature Conservation Officer supported using the 55dB threshold, as the level at which noise may adversely affect the breeding behaviour of bird species, which are particularly sensitive to noise, such as the Nightjar and Woodlark. This threshold has been established as being acceptable, in relation to other major proposals, determined by the County Council, and it seems reasonable to use this figure in relation to the proposals under consideration in this report.
160. The County Council's Nature Conservation Officer confirmed at the time of the previous application, that it is unlikely that the proposals would give rise to any significant ecological impact within Bunny Old Wood, as a result of noise. It is considered that the proposed evening IBA operations have been demonstrated to be acceptable, and it is not anticipated that any further noise mitigation measures would be required. As such, it is considered that the proposals are capable of complying with the NPPF.

161. It is considered reasonable to expect that any dust impact is capable of being controlled in line with the existing dust suppression methods. Planning conditions have sought to ensure that where appropriate, the existing dust management measures have been extended to cover the temporary extension site. Suitable dust suppression measures are considered to be in place on the existing established site, both in terms of existing planning controls, and environmental controls established under the EA's permitting regime. However, it is acknowledged that a problem with fly ash deposition on Bunny Old Wood LWS has been alleged and in response to various complaints relating to dust the County Council's Monitoring and Enforcement Officer has requested that the applicant undertakes an element of dust monitoring to clarify matters. If a problem is substantiated then the dust mitigation scheme would need amending to reflect this fact in line with the attached planning conditions.
162. Both the pollution control authorities (Environmental Health and the EA) are satisfied that suitable mitigation measures exist to cover the extended operations, subject to controls over stocking heights on the extension pad, and appropriate dust mitigation measures. Planning conditions would seek to ensure that existing dust mitigation measures continue to cover the extension site, and the extended working. Any fugitive dust emissions are capable of being suitably controlled, in line with the existing dust mitigation scheme, or if necessary with an amended scheme if required.
163. Overall, the proposals to extend the time limit for working operations, both in terms of evening operations and storage on the extension site, are considered capable of being suitably controlled in terms of environmental impact on the local ecology, in accordance with the NPPF.

Highways implications

164. WLP Saved Policy W3.14 states that planning permission will not be granted for waste management facilities where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable disturbance to local communities.
165. A key issue raised by local residents relates to potential traffic impacts associated with the proposals. Specifically, there is concern that increasing rates of IBA recycling would inevitably lead to increases in HGV traffic along Gotham Lane.
166. These concerns would appear to be unfounded given that the proposal does not include any increases in the annual throughput of waste material, including IBA waste, above that already permitted. As such, the proposals should not give rise to any increases in traffic impact. However, it is considered prudent to control lorry movements in line with the HGV records, recorded over the previous twelve months.
167. It is considered reasonable to control lorry movements in line with the actual recorded figures, which reflect the levels at which the MRF site has historically worked to. This equates to an average of 100 two-way lorry movements per day. Access arrangements onto the A60 would remain unchanged, with access to the extension site being via an internal access route from the

existing MRF site. Planning conditions would secure that level of HGV movements in line with those previously secured under planning permission 8/13/01494/CMA.

168. The County Council's Highways Officer is able to support the application, and has highlighted the fact that no highway safety problems have arisen from the existing planning permission (planning ref. 8/13/01494/CMA).
169. The development accords with WLP Saved Policy W3.14, given that there would be no extra lorry movements, above and beyond those already permitted; and given that the existing highway network, which serves the site, has sufficient capacity to accommodate traffic associated with operational activities at the MRF.
170. It is considered that traffic calming methods along Gotham Lane, such as a no drive zone, and speed restrictions are outside the scope of this planning application.

Health impact

171. There is nothing to indicate that there are any health impacts associated with the IBA treatment. The IBA is dealt with as a non-hazardous waste stream. The outdoor storage and processing of IBA material is covered by a bespoke waste permit from the EA, which would ensure that pollution controls are firmly in place. The pollution control authorities (Environmental Health Officer and EA) have not raised any concerns relating to impacts on public health.

Surfacing and drainage

172. Saved Policy W3.5 of the WLP states that planning permission should not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water.
173. It is considered that the existing hard surfacing of the extension site is sufficient to contain the Incinerator Bottom Ash Aggregate (IBAA). Given that this is a stable finished aggregate product, it would not be expected to release polluting contaminants at this stage, and as such, it is not anticipated that the IBAA would pose a risk to local ground or surface water sources, and as such accords with WLP Saved Policy W3.5.

Other issues

174. Other general issues have been raised in relation to the development, which are set out in the following paragraphs.

Lighting

175. Whilst the MRF site is relatively distant to the nearest residential property, it is acknowledged that there is the potential for increases in lighting impact. The proposals would involve extending working hours into the evenings, for a further six months, and the use of external lighting up to 20:00 hrs at night. It is

noted that no extra lighting is being proposed as part of the works, nor is any lighting being proposed on the extension site.

176. Whilst no previous complaints have been received by the County Council in relation to lighting nuisance, it is nevertheless considered appropriate to place a requirement on the applicant, that in the event of light becoming a nuisance to surrounding land users and residential property, triggering a complaint to the WPA, then extra measures would be taken to mitigate these impacts. This might involve measures as simple as cowling to the lights or angling them differently. A suitably worded planning condition would ensure that the site's existing lighting is capable of being suitably controlled in the event of light becoming a localised nuisance to users of the surrounding land, including Bunny Old Wood, and the nearest residential development.
177. It is noted that the pollution and nuisance control authorities and agencies (Environment Agency and Environmental Health Officer (EHO)) raise no objections over potential light pollution. The site is shielded by bunds and other structures with residential property being some distance from the site and consequently there is no direct light spill onto residential development. The Borough Council's EHO has previously confirmed that it would not expect there to be issues with light nuisance.

Site Boundary

178. It is recognised that part of the land being used for temporary storage of reclaimed aggregates is outside the site boundary (shown on Drg. No. MS231-11). As well as being raised under a local neighbour representation, this had previously been identified during a routine site inspection by the County Council's Monitoring and Enforcement Officer, and highlighted with the applicant, who has been working to bring operational development back into the footprint of the site boundary.
179. Given the short duration of the time extension being sought, it is not considered expedient to pursue formal action against the applicant at this time.

Temporary Character of Development

180. The planning application is for a temporary extension of time for both reclaimed aggregate storage on the extension site and working hours for IBA processing, until the Stanton Works are operational. Despite local neighbour concerns, the application does not relate to a permanent development.

Conclusions

181. In conclusion, whilst the development is a 'departure' development in the context of the NSRLP Green Belt policy, material considerations including the NPPF Green Belt policy, which allows for development that meets the 'very special circumstances' test; the temporary nature of the development; and support provided through the NPPW and WLP saved environmental protection policies, argue in favour of extending the use on the extension site for a further six months for the temporary storage of reclaimed aggregates.

182. Whilst the site is located in the Green Belt, giving rise to an issue regarding the 'appropriateness' of the development in policy terms, on balance it is considered that the benefits of the development in terms of supporting existing recycling operations; the established use of the land (former Bunny Brickworks) for light industrial/general industrial/storage uses; the transient nature of the proposals; the fact that the temporary use of land for open storage is not out of keeping with the established use on the site; and a lack of harm to the openness and permanence of the Green Belt, all serve to provide the 'very special circumstances' which justify the proposal.
183. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the WLP and subject to the conditions, previously attached to planning permission 8/13/01494/CMA any adverse environmental/pollution impacts are capable of being controlled. In reaching this conclusion, consideration has been given to WLP Saved Policies W3.3 relating to visual impact, W3.7 relating to odour, W3.9 relating to noise, and W3.10 relating to dust.
184. As an established waste management facility, there is overarching policy support in terms of Policy WCS8 of the WCS, for the continuing temporary relaxation in operating hours, for processing IBA waste. It is considered that the proposals would give rise to no unacceptable environmental impacts, subject to appropriate planning controls; and would deliver benefits, in terms of maintaining the facility's increased capacity to process IBA waste, over the short term until the Stanton Works is operational. Overall, material considerations are sufficient to outweigh the conflict with Policy EN14 of the NSRLP. As such, the proposal can be supported for the temporary period being sought.
185. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

Other Options Considered

186. 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

187. 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

188. The existing MRF site benefits from perimeter security fencing to restrict unauthorised access, and the extension site would not be accessed from the

public highway, but internally via an access point from the main MRF site. The fact that the extension site is screened from Loughborough Road by bunding, and mature vegetation, offers a degree of protection to the proposed site.

Human Rights Implications

189. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life) and Article 1 of the First Protocol (Protection of Property) may be affected. The proposals have the potential to introduce impacts such as visual amenity, dust, noise and odour impacts upon the nearest residential occupiers, and recreational users of Bunny Old Wood LWS. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as enhancing the MRF's capability to beneficially treat a commercial and industrial waste through recycling rather than disposal to landfill; coupled with the ability to control amenity impacts by way of suitable planning conditions, and the short duration and transient nature of the proposed development. 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

190. 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 through recycling operations, which drive waste management up the waste hierarchy addressing waste as a resource and looking to disposal as the last option. In this respect, it would continue to support the capabilities of an existing MRF to beneficially treat waste, by improving recycling rates of IBA material, diverting it away from landfill, and promoting its re-use as a recycled secondary aggregate. In line with the principle of sustainable development, by re-using IBA waste, it also conserves raw materials and reduces the need for primary aggregates. The proposals accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of enhancing an existing recycling operation.

Human Resources Implications

191. There are no service user, equalities, financial, or safeguarding of children implications.

Statement of Positive and Proactive Engagement

192. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

193. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments – Planning & Licensing Committee is the appropriate body to consider the content of the report. [SLB 19/05/2015]

Comments of the Service Director - Finance [SES 11/05/15]

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

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