



**13 October 2020**

**Agenda Item: 7**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**BASSETLAW DISTRICT REF. NO.: 1/20/00544/CDM**

**PROPOSAL: TEMPORARY OPERATIONS FOR 10 YEARS FOR SOIL TREATMENT FACILITY INCLUDING ASBESTOS PICKING OPERATIONS**

**LOCATION: DANESHILL LANDFILL SITE, DANESHILL ROAD, LOUND, DN22 8RB**

**APPLICANT: FCC ENVIRONMENT (UK) LTD**

### **Purpose of Report**

1. To consider a full planning application seeking a 10-year permission for a proposed soil treatment facility (STF) to treat imported non-hazardous and hazardous soils, including those containing hydrocarbons and bound asbestos debris, on land forming part of the Daneshill landfill complex near Lound, north of Retford. The key issues relate to the principle of the development at the site and its relationship with the wider landfill site, including its restoration, and impacts to local amenity, ecology, and the concerns raised in relation to possible health effects from airborne emissions of asbestos fibres. The recommendation is to grant a 10-year planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. The proposed site is part of the vacant materials recycling area centrally located within the curtilage of the wider Daneshill landfill complex. This is currently closed as a general landfill and has ongoing restoration requirements.
3. Daneshill landfill site is situated in the open countryside 4.5km to the north of Retford between the villages of Torworth and Lound. It falls within the Parish boundaries for Lound with the village 1.5km to the east via Daneshill Road. The road continues past the site access road to Torworth 1km to the west of the site where it joins the A638 Great North Road. (see Plan 1).
4. Vehicular access is gained via the existing landfill haul road, leading off Daneshill Road. This haul road is also designated as a public footpath (Lound Footpath No. 2) which terminates at the gates to the landfill complex.
5. The surrounding context is a mix of agricultural land, extensive wooded areas, (some planted as part of an earlier rehabilitation project for the former Royal

Ordnance Factory that was once here), and former gravel pits, now forming part of the Daneshill Lakes and Woodland nature reserve and Local Wildlife Site (LWS). This LWS lies to the south-west of the site (370m at its closest point). Mattersey Hill Marsh Site of Special Scientific Interest (SSSI) is located to the north of the landfill (500m from the application site).

6. There are several outlying residential properties in the vicinity. The nearest residents occupy a travelling community site approximately 200m south of the site on Daneshill Road and separated from the site by a block of woodland. A ready-mix concrete plant is on the opposite side of the road. There are two cottages (Daneshill Cottages) situated 450m to the west fronting Daneshill Road, close to its junction with the landfill access road. There are also several properties and residential conversions within Loundfield Farm 600m to the east, which operates as an equestrian facility. A belt of woodland and the elevated, restored landfill area separates the site and the farm (see Plan 2).
7. The application site itself measures 2.1 ha (based on the application red line area) and comprises just under half of a 4.5ha open area of disturbed ground and remnant concrete hardstanding situated at the head of the access road. This is the former/disused recycling area, which has planning permission for the recycling of inert construction/demolition wastes until 2023 (as set out in the planning history below). This is located in the central-southern part of the complex, abutting part of the southern site boundary.
8. There is a smaller, adjacent compound area which was formally a Household Waste Recycling Centre but which now houses a landfill gas management facility. There are two elevated landfill areas: one to the east which has been restored, but still requiring management; and one to the west which requires further restoration after the tipping of waste ceased earlier than expected in 2017. Further restoration works are needed to bring these two areas together as part of the approved comprehensive site restoration scheme.
9. The materials recycling area is currently non-operational and clear of materials, except for some recently delivered clean soils and some remains of the historic site infrastructure, a leftover from the Royal Ordnance Factory. There are remnants of concrete slab floor down the centre of the site, but otherwise the surface appears to be broken and stony ground which is now being covered by short patchy and ruderal vegetation and some scattered shrub and self-set tree saplings. It has substantial screening and enclosure by surrounding mature trees and woodland.

## **Background and Planning History**

10. Daneshill is a long-standing general/non-hazardous landfill site occupied and managed by FCC Environment under a long-term lease from Nottinghamshire County Council. In total it covers circa 56 hectares. There is a complex and inter-related planning history which must be understood for the present purposes.
11. The landfill site was originally formed out of the expansive former Royal Ordnance Factory (ROF Ranskill), and which was subject to a major land reclamation scheme by the County Council in the 1980s after its purchase

from the MOD. 40 hectares were allocated for waste disposal and planning permission (Ref. 1/29/80/13D) was granted by the County Council in 1981 for the phased tipping of household, commercial and non-hazardous industrial wastes. The site opened in 1984 and was operated by the County Council until 1993 when its operation was transferred to Waste Notts Ltd (later FCC). The freehold has remained with the Council.

12. In 1995 Waste Notts Ltd was granted planning consent (Ref. 1/29/93/8) for an extension to the landfill site, and the relocation of a household waste and recycling centre to Daneshill (later closed). This permission also updated planning conditions relating to the remainder of the landfill site including Condition 1 which placed a requirement on the landfill site to be restored before the 18<sup>th</sup> May 2048.
13. The final restoration scheme for Daneshill Landfill site was subject to amendment, with the County Council granting planning permission (Ref. 1/29/11/00010) in 2012. Final restoration is still technically required by 2048 in accordance with an approved restoration masterplan and other requirements such as soil depths. Plan 3 shows the required final restoration masterplan.
14. Landfilling ceased in 2017 against the backdrop of wider market changes towards the use of energy from waste, increased recycling, and the disincentives of the landfill tax escalator. Some temporary/interim soil capping of the recent landfilling areas has been undertaken, but further restoration work and, crucially, additional volumes of suitable soils/restoration materials would be needed if the approved restoration design is still to be achieved. (The present application seeks to provide suitable soils to address this deficit and is aligned with the approved restoration.)
15. In 2017/18 due to the early/premature cessation of landfilling and pursuant to Condition 38 of the landfill permission 1/29/11/00010, the Waste Planning Authority (WPA) sought an alternative restoration and aftercare scheme to secure an earlier and revised restoration of the wider site as it appeared to the WPA that the approved restoration designs and contours were no longer deliverable. A revised 'short term' restoration plan requiring reduced quantities of soil imports, revised contours, and an amended aftercare scheme was submitted to the WPA in August 2018, which also proposed that it would take 5 years to complete i.e. by 2023 as opposed to 2048. It stated that if approved, a revised final restoration scheme would be submitted to the WPA for approval. However to date the short term scheme remains unapproved and is subject to unresolved concerns raised by the WPA and consultees.
16. Also situated within the complex and within the boundaries of the 1/29/11/00010 planning consent is the materials recycling area which concerns the present application. This area benefits from three separate, but interconnected planning permission units/areas for the importation, stockpiling and recycling of inert construction and demolition waste materials to produce aggregate products for export from the site, and the stockpiling of residual soils for site restoration purposes.
17. Permission for this activity originates from a 1997 planning permission (Ref. 1/29/97/10), as later expanded on in 2005 and 2006 (Refs. 1/29/05/00008 and

1/29/06/00010), which permitted an extension onto additional areas to the east and north (Plan 4).

18. The materials recycling area has been earmarked for over-tipping and restoration as part of the wider Daneshill landfill restoration masterplan under the over-arching planning permission 1/29/11/00010. At the time in 1997 the area was not expected to be needed for tipping until 2018 and so condition 3 was attached to require all recycling operations to cease and any associated plant and material stockpiles to be removed by the end of 2017 in preparation for its future landfilling. The use of the area was duly ceased and was cleared of materials.
19. Most recently in September 2018 section 73 permissions were granted to FCC to extend the life of each of these three permissions, each until the end of 2023. The applications originally sought an extension until 2037, but through negotiation with the applicant, the end date was brought forward so to better reflect the revised timescales, then estimated, as being required to complete the restoration of the wider landfill site utilising the residual soils generated from the recycling processing. This was in the context of the WPA seeking to secure an earlier and revised restoration of the wider site under the Condition 38 process as mentioned above. These extant permissions are 1/18/00217/CDM, 1/18/00218/CDM, and 1/18/00219/CDM, and they require the site to be clear of any materials by 2023 so to not prejudice its restoration.
20. Unfortunately the recycling operations have not been re-started and the site has remained vacant and non-operational. Little progress has also been made in the last two years with the landfill restoration works with only small volumes of soils being brought in for this purpose. The scheme under Condition 38 to provide for an alternative restoration for the wider site has also not been approved and discussions between the WPA and the applicant stalled some time ago (and prior to this application being submitted).
21. Therefore in terms of the restoration requirements, the position is that the materials recycling area is required to be restored (after being over-tipped) as part of the wider Daneshill landfill site restoration masterplan (Plan 3) under the over-arching planning permission 1/29/11/00010 and by no later than 2048. There is no condition requiring its earlier restoration post 2023 and there is no earlier and/or alternative restoration scheme approved or in place for the wider landfill site.
22. For completeness it is worth noting that separate permissions exist for various ancillary works connected to the ongoing management of the landfill. These include leachate treatment lagoons and the landfill gas utilisation/management facility. As per the materials recycling area, these are time limited permissions and also all tied to the restoration of the wider landfill site.

### **Proposed Development**

23. Full planning permission is now being sought for a temporary 10-year operation of a Soils Treatment Facility (STF) to treat imported non-hazardous and hazardous soils including those containing hydrocarbons and bound

pieces of asbestos debris. The operations would take place on part of the vacant materials recycling area within the confines of the landfill facility. The STF would deal with up to 50,000 tonnes per annum (tpa) comprising just under 30,000 tpa of hazardous soils and approximately 20,000 tpa of non-hazardous soils. 10 full-time equivalent jobs would be created.

24. The proposal aims to provide a facility to meet the requirements of local industries and developments that give rise to contaminated waste soils and to effectively treat and recycle soils to a resulting non-hazardous classification. The applicant states there is a defined need in the local construction industry for a compliant and cost-effective treatment outlet for contaminated soils and in particular, a compliant option for soils containing visible asbestos.
25. The treatment processes would remove contamination through means of mechanical screening, manual asbestos picking and bio-treatment using bio-pile technology whereby soils are formed into linear stockpiles in which they are subject to moisture control and forced aeration with air pulled through the soils to encourage micro-organism growth, which naturally breaks down hydrocarbons into carbon dioxide and water over a period of 8-16 weeks.
26. This process would enable the resulting soils to be reclassified as non-hazardous so that they can then be used towards the restoration of the landfill site. This would enable the reuse and recycling of materials and minimise the volumes of materials which would otherwise have to be sent / disposed to a hazardous landfill facility.
27. The applicant states the landfill has capacity for the 500,000 tonnes of soils which could arise over the 10-year operational period and that the materials were always required to be imported into the site in order to complete its restoration (the approved restoration masterplan). It has provided supplementary information, including a plan to show where and how the resulting soils would be utilised in the site restoration, including using soils as a fill material to address the current engineered appearance of certain areas and to bring together the two main landfill areas. Soils would also be used to cap and top-up the existing cover materials and enable more planting to be provided. A copy of the plan is appended (see plan 5). These works are aligned with the approved landfill restoration masterplan as opposed to the 'short term' restoration scheme submitted to, but not approved by the WPA in 2018.

#### Need/rationale

28. The applicant's supplementary letter explains the need/rationale for the proposed facility and this falls within two general areas:
  - the need to attract/source sufficient volumes of materials in order to restore the landfill site; and
  - the need to provide a fixed, regulated treatment facility to serve the development/construction industry and the remediation of land.
29. The applicant highlights there has been a significant reduction of the landfilling of waste in recent years. Whilst the majority of Daneshill landfill has

been infilled over its 30+ operational years, its completion is dependent on being able to source material to fill the remaining cell and the provision of suitable soil materials to restore the site and create a sustainable landform going into formal site closure.

30. The applicant states that due to its distance from major urban areas the landfill has struggled to be as commercially competitive against other better located landfill sites in South Yorkshire and the East Midlands. In order to attract the materials from developments across the area, the applicant states the site needs to offer a complimentary treatment service which is in demand.
31. Soil treatment is commonly undertaken as a mobile processing operation on development sites under mobile treatment licenses granted by the Environment Agency. Many of these are short term temporary operations set up on brownfield, often urban/confined sites within very close proximity to sensitive receptors, such as schools, residential homes and community facilities.
32. The applicant state the Daneshill site provides an opportunity to create a fixed facility that can accept and treat these materials. The number of fixed facilities that are able to offer the treatment of contaminated soils (in particular the asbestos treatment) is limited within the East Midlands and South Yorkshire.
33. Whilst the majority of the materials accepted for treatment would be those soils containing hydrocarbon contamination, the applicant states this would be insufficient to achieve the required high-quality restoration of the landfill site, in a timely manner and therefore a wider range of contaminated soils will need to be accepted (including asbestos contaminated soils) to replicate the applicant's other STF at Rowley Regis in the West Midlands. Such an approach has apparently been successfully employed there and at various sites across the UK to assist in the restoration of sites, including landfills.
34. In a second supplementary letter from the applicant they wish to highlight that they expect that the vast majority of imported soils will be hydrocarbon contaminated, with some need for pre-treatment to remove occasional bound asbestos debris. They envisage that 1 skip full of asbestos material in total will be recovered each year, approximately 6 tonnes.

#### Details of the proposed operations and site layout

35. The STF would be a largely open-air operation utilising the existing ground and hardstanding and access as a starting point. The site would be constructed and arranged in three broad parts (see plan 6):
36. On entry into the site there would be an area set aside for **parking, operating equipment and access**. The proposals show a weighbridge and small office/staff welfare cabin, a parking/turning area, a holding tank for contaminated water (approx. 11m x 3m x 3m), a smaller settlement tank, a biofilter designed to remove odours (this being 30m by 12m and 2m high) and the air blowing system and control unit. A fuel bowser may be parked in this area.

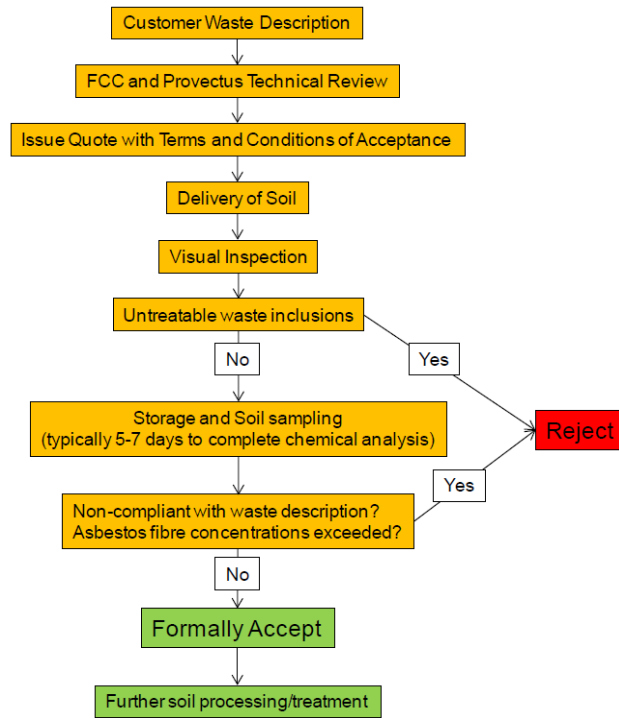
37. Beyond this on the northern two-thirds of the site would be **two linear biotreatment 'pads'** for the biological treatment of soils each approximately 130m long and 27m wide. These would be constructed as impermeable pads with crushed concrete and an underlying geocomposite clay liner. A network of extraction vacuum pipes would connect back to the equipment area and the blower system. The biopads would be engineered so that all collected surface waters and any process waters from the soils would be captured within an engineered drainage system and would be directed back to the main holding tank. This would be periodically emptied and taken away by tanker.
38. The remaining southern area would be a **screening and processing area** again constructed as an impermeable pad with underlying drainage to capture all surface water run off for collection and off-site disposal. Part of this area would also act as a waste reception/holding area whilst pre-acceptance testing is undertaken on the newly delivered soils.
39. The proposed operating hours are 07.30-18.00 Monday to Friday and 07.30 to 13.00 on Saturdays, with no Sunday or public/bank holiday working. The blower, operating as part of the biotreatment would run continuously 24 hrs/365 days a year.
40. All processing would be undertaken in accordance with the requirements of an Environmental Permit, which would have to be authorised by the Environment Agency and in accordance with the Control of Asbestos Regulations 2012 including notification/monitoring from the Health and Safety Executive (as notifiable non-licensed work (NNLW)).
41. The applicant and operator would work within the relevant industry standard at the time of the operation, including the CL:AIRE (Contaminated Land: Applications in Real Environments) protocol. The applicant also confirms that the appropriate level of Public Liability Insurance would be held by the operator.
42. All personnel involved in asbestos contaminated soil processing would wear appropriate PPE (disposable overalls, boot covers and P3 dust masks) and would have use of a decontamination system.
43. Transport of materials to the site would be via sheeted HGVs, either 8-wheeled or articulated. The exact vehicle numbers which the STF would generate has not been specifically set out, however the application states that numbers would not exceed 160 a day (320 two-way movements) for the site as a whole (i.e. including any existing operations related to the landfill site and the materials recycling area) which is the limit stipulated under an existing planning condition for the landfill site. HGVs leaving the site would have use of the adjacent wheel wash facility.
44. The applicant has further confirmed that only registered waste carriers would be allowed to transport the contaminated soil to the site, accompanied with the relevant hazardous waste consignment notes. The control of the HGVs and the Duty of Care for waste consignments would be subject to a 'high level of scrutiny' as part of the Environmental Permitting conditions and Duty of Care Regulations. Only soil with a waste description that cannot generate emissions would be accepted at Daneshill.

45. The proposed operations and processing then involves:
  - Pre-acceptance testing.
46. The STF is to treat soils contaminated with bound asbestos fragments as opposed to loose asbestos fibres. The applicant states that strict waste acceptance criteria would be set so to ensure the soils delivered to the site do not contain asbestos fibre contents above 0.1% for chrysotile asbestos and 0.01% for all other forms of asbestos. Soils with asbestos fibre concentrations which has potential to become airborne at concentrations above the air monitoring detection limit of 0.01 fibres per cubic centimetre (f/cm<sup>3</sup>) would be rejected from site -if they have been delivered to site, however the procedures aim to prevent such material being transported in the first instance. Other unacceptable forms of asbestos wastes include: asbestos pipe lagging; loose asbestos fill; and asbestos insulation board.
47. Soils would be tipped from the HGV into a soils reception holding area and a range of testing and analytical sampling would be undertaken to check the material matches its accompanying paperwork and is of a suitable composition and compliance to be accepted for processing. The holding area would have an impermeable surface with bunded edges and sealed drainage. These soils would be sheeted whilst awaiting the results of the testing so to reduce the potential for airborne dust emissions.
48. If the materials meet the acceptance criteria, the soils would be formally accepted for treatment and moved into the next stage by a front loader. They would not be sheeted from this point on. If the materials fail the waste acceptance criteria the operator would need to arrange their onward transfer/disposal.
  - Initial soil screening utilising a mobile screen to generate three fractions/grades.
49. After acceptance the hazardous soils containing asbestos would go through a pre-screening process, using a mechanical screen, to create three fractions (0-15mm, 15-50mm and 50mm+). This aids the next stage of manual picking.
50. Dust suppression would be provided for the screener and air monitoring would also be carried out to assess if there is any detection of asbestos fibres.
  - Visual inspection and hand picking of the different soil fractions until all visible asbestos is removed.
51. A mobile enclosed picking station and conveyor would be employed in which operatives (suitably trained and equipped with PPE) would hand pick fragments of bound asbestos directly into sealed (and double-bagged) bags. No picking of asbestos fibres is possible using this approach. Filled asbestos bags would be stored in a lockable skip and sent to a licensed hazardous landfill for disposal (1 to 2 skips a year).
52. The resulting soils would be visually checked again before going onto the further biotreatment stage if required, or for use on the landfill restoration. Two diagrams from the application are replicated below showing the waste

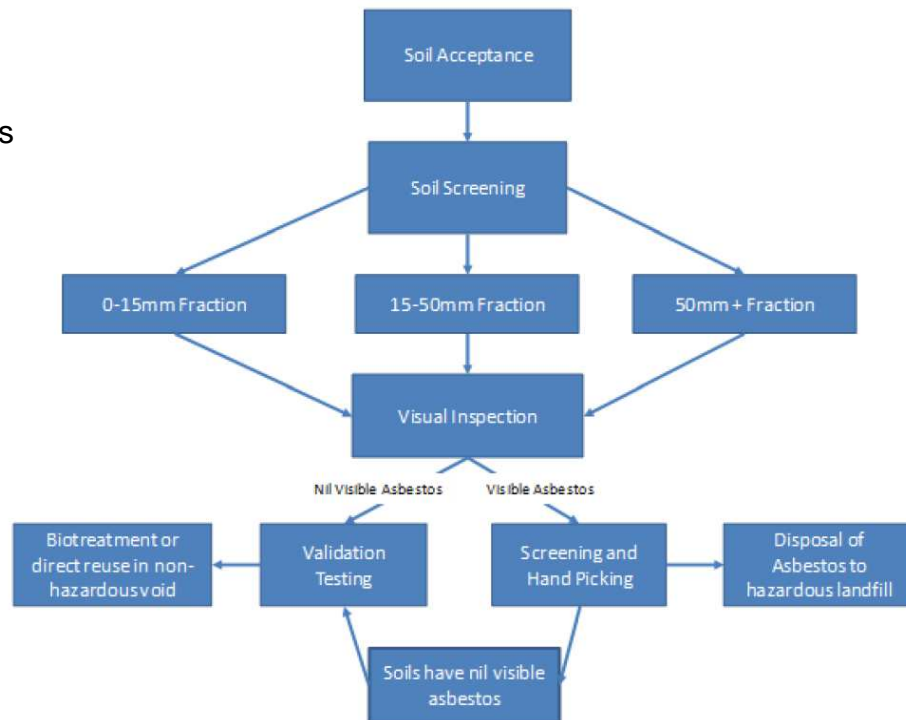


acceptance procedures and then processing procedures for the asbestos contaminated soils.

Summary of Waste Acceptance Procedures- Asbestos contaminated soils



Soil Asbestos Treatment

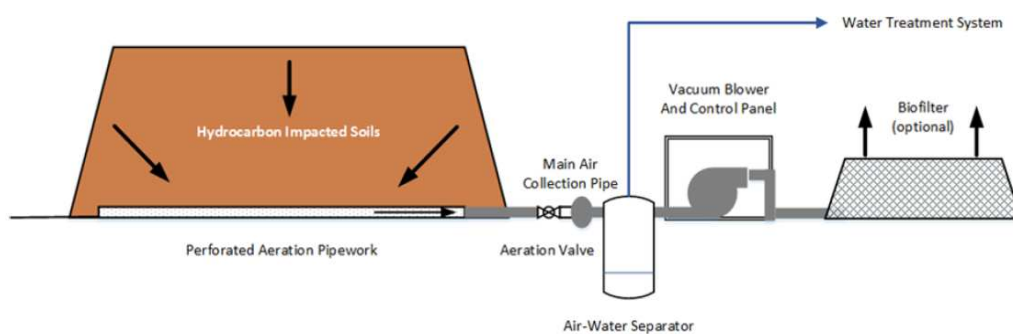


- Biotreatment process

53. The biotreatment process involves the promotion of a naturally occurring process whereby soil bacteria break down hydrocarbons into carbon dioxide and water. This biodegradation is enhanced through maintaining optimal conditions in terms of water, temperature, oxygen and nutrient levels.
54. Soils requiring this treatment would be formed into one of two linear bio-piles on the specially built, impermeable pads containing a network of perforated

water and air extraction pipes connected to a mechanical blower/pump that will draw air through the biopile. The extracted air would then be passed through an air-water separation tank. The airflow passes through a static biofilter to remove any potential odour before discharge to the atmosphere. The extracted process water meanwhile and any rainwater run off would be collected in a sealed drainage system before entering a holding tank. Water may be reapplied to the bio-pile to maintain correct soil moisture levels during the process. Surplus waters in this tank would be taken away for treatment/disposal at an authorised facility.

55. Depending on the levels of hydrocarbons the entire process generally takes between 12 and 16 weeks to complete and a number of batches can be dealt with on each of the treatment pads. A cross section pictorial of a biopile is included below.



56. Throughout the process analysis would be undertaken and nutrients, water, and/or organic matter (such as woodchip) may be added as required. The moisture content of the biopile would be maintained at a constant level to allow the bioremediation process. The bio-pile would also be turned to prevent too much compaction and facilitate aeration, but this would not be done in high winds.
57. Once the laboratory testing shows the reduction in the levels of contaminants has been successful it can be moved either to the non-hazardous soils area or taken away for reuse at the landfill restoration. Where soils cannot meet the restoration criteria, they will be disposed of at a suitably permitted facility.

#### Dust/airborne management and monitoring

58. The submitted Dust Management Plan sets out in detail how dust and airborne emissions would be controlled and monitored. Further commentary has also been provided in a supplementary letter.
59. The applicant wishes to highlight that they are committed to ensuring no exceedance at all above the existing base line level for airborne asbestos. They state this allows no scope for any asbestos emissions from the site above existing levels at the site for airborne asbestos and is the greatest level of restriction that could be possibly placed on an operation of this type. They would be further willing to accept a condition on this basis.
60. A range of measures would be employed to control dust which include:
- Strict waste acceptance criteria and transportation arrangements

- Sheeting new deliveries until pre-assessment testing has confirmed they meet the acceptance criteria
  - Site speed limits and maintenance of haul routes
  - Use of a tractor and water bowser to damp down surfaces and haul routes
  - Use of a wheel wash facility and use of a sweeper
  - Minimising drop heights when handling soils
  - Dust suppression fitted to the screener
  - Maintenance of soil moisture content in stockpiles and minimising handling in high winds
  - Dust suppression cannons spraying a mist-air. These would be situated so that they concentrate spraying on storage, active and operational areas including the pre-screening and hand-picking for asbestos. The waters for dust suppression systems would be dosed with an asbestos surfactant additive formulated to “wet out” amphibole (hydrophobic) forms of asbestos quickly and thoroughly.
61. Air quality monitoring would form an important part of operating the STF and would be a key requirement for an Environmental Permit. Monitoring would be undertaken both visually and using fixed or mobile sampling equipment.
  62. Visual site inspections and recording of the conditions and operations would be done at least once a day by trained staff. The frequency of site inspections would be increased when there is a high potential for dust, from the operations or due to dry or windy weather. Four fixed dust gauges at the corners of the site would also measure for deposited dust. A complaints reporting system would also be in place for people to report any dust issues direct to the applicant, (in addition to the Environment Agency or the WPA) so that any further investigation and remedial measures can be taken.
  63. In addition, frequent air monitoring testing would be carried out to identify any elevated airborne asbestos fibres as a result of site activities. The details and schedules of monitoring would be agreed with the Environment Agency as part of the Environmental Permit process. Asbestos monitoring would be carried out ‘at source’ using air sampling equipment particularly when asbestos contaminated soils are being accepted and treated (including screening) and this proximity would ensure the clearest worst-case readings are gathered. The applicant considers it unnecessary to undertake off-site monitoring (including background monitoring) which would provide no additional protection compared to rigorous monitoring directly at the source of potential emissions.
  64. In the unlikely event that breaches are recorded, it will allow mitigation and remedial steps to be undertaken immediately, the most likely course of action would be the use of water bowsers to dampen any stockpiles and working areas.

65. The application states that due to pre-acceptance testing and previous experience at their site at Rowley Regis, the risk of asbestos fibres being detected during air monitoring is extremely low. No increases above existing background asbestos levels have ever been recorded at that site irrespective of which monitoring method or detection limit was used.

### **Pre-application and EIA Screening**

66. Pre-application engagement with the local community and the Planning Authority is generally encouraged, including by the Council's Statement of Community Involvement. It is however not compulsory or a legal requirement in this and most other instances. Any perceived deficiency with the applicant's own pre-application engagement should not be material to the planning decision.
67. It is understood that prior to the submission of the application the applicant engaged with Lound Parish Council including a public presentation/consultation at the Parish Meeting allowing questions and concerns to be raised and answered. Information was also circulated to representatives of Torworth Parish Council, however any further meetings in the local community were prevented by the Coronavirus pandemic.
68. The applicants also met with representatives of the nearby traveller's site (Daneshill Caravan Park) and it is understood that no concerns about the proposed development were raised.
69. The applicant requested a 'Screening Opinion' from the WPA as to whether the proposed development would require an Environmental Impact Assessment pursuant to the Town and Country Planning (EIA) Regulations 2017, either because of the type of development, or due to the likelihood of it resulting in significant effects on the environment. The WPA deems the proposal to be 'Schedule 2' development, but one which would not lead to significant effects on the environment and therefore no EIA is required. The mitigation measures identified with the proposal so to avoid or prevent significant effects were taken into account. This matter has been revisited and a 'negative opinion' reaffirmed upon the submission of the application and its final details and having regard to the consultation process which has also confirmed that the STF would require an Environmental Permit in order to operate. Officers are satisfied that the relevant issues are capable of being dealt with through the normal planning process, including through the submission/consideration of relevant technical reports, the imposition of any necessary planning conditions, and in the knowledge that the Environmental Permitting process will subsequently regulate activities and emissions.
70. In terms of the supporting technical information, the application includes assessments considering ecology; noise impact; air quality and dust management; odour management; and flood risk/site drainage. Officers consider a sufficient level of detailed information has been provided to inform the planning decision. Further, detailed assessments would be needed to secure an Environmental Permit from the Environment Agency.

## Consultations

71. **Bassetlaw District Council** – *No objection.*
72. **Lound Parish Council** – *Objects and concerned about the risk of pollution to local nature reserves/sites and uncertainties over safety/ public health.*
73. *Lound is noted as a small village with conservation status, surrounded by wetlands, nature reserves and a SSSI. The application site is bordered or close to Daneshill Nature Reserve and a SSSI with drainage connections from the application site.*
74. *NPPF para 174b states that planning applications should promote the conservation and enhancement of priority species and habitats.*
75. *A number of chemicals will be used to treat the waste which are detailed as being readily absorbed into soil, and toxic to aquatic organisms and to solid organisms.*
76. *An Environmental Impact Assessment should have been provided.*
77. *There is a poor level of information about the risk to human health from process emissions. There is a real risk to human health.*
78. **Torworth Parish Council** – *Objects on grounds that the use of hazardous wastes was not part of the established plan to restore the landfill; risk of pollution to local nature reserves/sites; effects from increased traffic congestion at the railway crossing and associated disturbance at Torworth; the lack of community benefits and uncertainties over safety/ public health.*
79. *Whilst the principle of importing, stockpiling and recycling inert construction and demolition waste materials was established, the principle of importing asbestos and other biohazardous waste was not part of the original planning application or subsequent applications and that therefore cannot be viewed as acceptable or established.*
80. *A diversification of the original planning permission could compound the current issues on the road and cause unacceptable disturbance to the community.*
81. *The transport route, although not detailed in depth within the application, would need to pass through Torworth via the Great North Road and down Daneshill Road. This would be the only route to the plant due to road weight restrictions, in and near to Lound and other villages.*
82. *The railway crossing barriers are closed multiple times per hour for lengthy periods which already has a detrimental effect. A further increase in traffic would result in a dangerous backlog onto the Great North Road. The application is therefore contrary to WLP Policy W3.14 (Vehicle Movements).*
83. *The implications of importing bio-hazardous waste onto a site immediately opposite a nature reserve with many noted and registered priority species, and in close proximity to a SSSI, needs careful consideration and a*

*thorough understanding of the impact of the operations which has not been clearly demonstrated.*

84. *The application is contrary to the Waste Core Strategy and its Strategic Objective 2 (care for our environment...)*
85. *Both the chemicals/hazardous materials within the imported waste and the chemicals being used to convert the waste are detailed as being harmful to both human health and wildlife. The council has duty of care to ensure the process is safe and unharmed to life.*
86. *The waste facility will generate little to no employment in the area.*
87. *The facility will not serve the local or wider area in terms of waste management,*
88. *It does not make use of sustainable transport or offsets the fossil fuel use. The carbon footprint would be considerable.*
89. *Torworth Parish Council also wish it to be noted that no pre-application engagement was conducted with themselves or the village of Torworth.*
90. **Mattersey Parish Council** – *Objects on grounds of increased risk of water contamination and impacts to sensitive SSSI / local ecology; uncertain health impacts; and noise /disturbance from HGV traffic. HGV routeing should be required.*
91. *The site borders a SSSI and is in close proximity to nature reserves. Whilst landfill and recycling activity has been permitted on this site for a number of years the increase in the level of water required and escalation of risk of contamination from the site for the proposed process would endanger the ecology of the area. Contravenes Waste Strategy Policy (SO2) as well as NPPF 170(e) and 175(b). If granted, drainage protection measures should be required by planning condition.*
92. *The Air Impact Assessment notes a lack of information and uncertainties regarding risk to human health. Concern is also expressed regarding the ‘visual inspection’ of the treatment process and how this can accurately identify asbestos.*
93. *The noise assessment has not taken into account the noise from HGVs and their impact through local villages. The previously approved planning applications for the Daneshill site indicated a maximum number of vehicles at 160 per day which is also included in this application. Lorries of 20 – 28 tonnes would be entering the site and consequently using the local highways through rural villages. The Parish Council feel that this would amount to an unacceptable disturbance to the local community and contrary to Waste Local Plan policy W3.14.*
94. *If planning permission was granted a HGV route should be mandated (including a diversionary route in the event of non-availability of the main route) and HGVs should be GPS tracked to ensure compliance. [The Parish Council do not suggest what route(s)]. Monitoring data should be required and shared with local Parish Councils on request.*

95. **Ranskill Parish Council** – *Fully support the objections lodged by the Parish Councils of Lound, Mattersey and Torworth and in addition object on the further following points:*
96. *The Ecological report submitted by the applicant is over 3 years old, significantly out of date. [An up to date assessment has now been submitted].*
97. *The applicant has not undertaken wide public consultation, instead only presenting to Lound Parish Council and the Daneshill Road Travellers site. The applicant has not been in contact with Ranskill Parish Council despite identifying Ranskill as the largest of the of the four settlements listed as “Potential Sensitive Receptors”.*
98. *The processing plant at Rowley Regis referenced in the application is located in a fully enclosed building, whereas this application is for an open to air process using off the shelf agricultural type equipment, not dedicated process plant. It is not possible to compare atmospheric pollution at Rowley Regis with that which could result from the Daneshill site. Processing and material handing would naturally release asbestos fibres to the atmosphere.*
99. *Questions the necessity for this operation and believes alternative options for restoring of the site need to be considered which would not involve the importation of contaminated waste. The landfill has remained unrestored for a number of years and could be restored at a much slower pace without the need for risking local people and the environment.*
100. *Based on the proposed waste volumes there could be an increase in the region of 50+ HGVs passing through Ranskill a week. Ranskill Parish Council requests that a detailed transport assessment is carried out. The proposals would cause unacceptable disturbance to the community of Ranskill, contrary to WLP Policy W3.14, especially when the additional/cumulative vehicle movements related to the proposed quarry extensions at Scrooby Top (as detailed in the draft Minerals Local Plan Strategic Transport Assessment) are taken into consideration.*
101. *There is a lack of information about the ongoing monitoring and mitigation of the proposed operations. In order to reassure the local community that this site will be operated safely this process needs to be clearly and unambiguously detailed, especially in relation to air quality.*
102. **Sutton Cum Lound Parish Council-** *Wishes to object unless HGV routeing is provided.*
103. **Environment Agency** – *No objection to the proposed development subject to a condition to remediate any contamination not previously identified.*
104. *The site is underlain by superficial River Terrace Deposits over the Chester Formation (sandstone). The River Terrance Deposits are classified as a secondary A aquifer, and the sandstone is classified as a principal aquifer. This area is also located within Source Protection Zone 3 for groundwater abstractions used for public water supply. This is therefore a sensitive setting from a groundwater protection point of view.*

105. *In light of the above and the associated current and historic land uses of this area, the EA consider that planning permission could be granted if a planning condition is included to require the remediation of any unexpected site contamination.*

*Environmental Permits:*

106. *The landfill permit allows landfill and treatment of leachate activities only, therefore a permit will be required for the proposed activity under the Environmental Permitting Regulations (England and Wales) 2016.*
107. *The EA advise that they do not have enough information to know if the proposed development can meet the Permitting requirements to prevent, minimise and/or control pollution. They will require further information as part of the wider Permit application including risk-assessments and how the applicant would undertake testing to ensure there is no environmental impacts.*
108. *They strongly recommend that the applicant twin tracks their permit application with the planning application.*

*“The Environment Agency understands that the applicant is not planning to parallel track the permit alongside the planning application. We would highlight that if planning permission is to be granted there is no guarantee that a permit application would also be successful. The Environment Agency is unable to confirm what our position would be on any permit application for this site as we do not have sufficient information to be able to confirm whether a permit application would be successful or not. As previously highlighted we strongly recommend that the applicant undertakes parallel tracking of the permit to allow the Environment Agency to start the review of the permit application. We would also highlight our pre application service where the applicant would be able to obtain further advice on the requirements for the permit and what would be required.”*

109. *The operator must also ensure and satisfy themselves that if the soils are to be used for landfill/restoration purposes then the soils must be and are treated to a point that the soil is actually non-hazardous and that the soil satisfies (or meets) the specifications as required in any restoration plan.*
110. *The submitted Flood Risk Assessment and Drainage Strategy details that all waste storage and treatment areas will be fully sealed/contained and would drain to a holding tank, either for re-use or appropriate disposal. Whilst the EA do not have an objection to this proposal in principle, more detail may be required at the Permit application stage. The regular inspection and maintenance of the containment measures is also needed given the groundwater sensitivity of this location.*
111. **Via (Reclamation) - No objection**
112. *All of the necessary protocols will be implemented to minimise any potential risk to human health /the environment, however the concerns of local*



*residents with respect to potential airborne asbestos transmission are understandable.*

113. *Accepts that the processing of the impacted soils would be undertaken under EA licencing procedures and mitigation measures are proposed for visual inspection, laboratory analysis, air monitoring, sheeting, dust suppression, road-sweeping, wheel-washing etc., to minimise the potential risk posed by the operation. These processes and procedures are heavily dependent on the competence and integrity of the operatives undertaking the work and therefore risk cannot completely be eliminated.*
114. *The proposed location makes practical sense as there is a need for such a facility in the tri-county area, (the nearest asbestos facility is the FCC site at Birmingham), it's a rural, sparsely populated location, with an on-site disposal location for soils deemed unacceptable for re-use and with appropriate control measures in place.*
115. *Acknowledges however the feelings of local residents, as they will not benefit and will be at greater risk than at present. Asbestos fibres can travel long distances if they become airborne, which does pose a potential threat to adjacent residences, business and wildlife areas open to the public.*
116. *However many of the examples of exposure cited by residents relate to around historic asbestos manufacturing and processing facilities, and were of much longer duration and larger in scale than the facility proposed. Similarly the majority of the examples relate to close proximity exposure to asbestos within confined and enclosed spaces. The staff at the facility will be more at risk than adjacent residents.*
117. *More stringent on-site protocols and more proactive monitoring will be required to ensure that any and all potential human health and environmental impacts are eliminated/minimised at the proposed facility.*
118. *Recommends that the air monitoring and dust suppression measures should be in place during soil reception procedures as well as for later handling and processing stages as it would appear to be one of the greater risk processes being undertaken. It is at this point of the operation that the most friable forms of asbestos debris will be exposed on-site,*
119. *Recommends that the applicant considers expanding the air monitoring to include the closest receptors, in addition to the onsite boundary areas. This would determine if the on-site protocols are actually effective. As a duty of care the applicant should consider weekly monitoring of the site boundary areas and also the boundaries of the closest receptors. FCC should be prepared to accept liability for any future asbestos related illness claims in future.*
120. *The air mist chemical suppressant has the potential to create long term detrimental effects on both soils and surface/groundwater. Strict control of the use of this chemical will need to be maintained to ensure any spray or runoff from this system is contained within the footprint of the hardstanding area and within the sealed drainage system.*

121. **Natural England** –*No objection.*
122. *Based on the additional information submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.*
123. **NCC (Nature Conservation)** – *No objection, subject to conditions.*
124. *The proposed development is unlikely to give rise to any significant direct ecological impacts, provided that the proposed mitigation measures are adhered to.*
125. *In relation to habitats, a small area of low-quality Open Mosaic Habitat on Previously Developed Land would be lost. It is recommended that mitigation takes place on similar retained habitat to the east, involving scrub control to keep the area open. This will also benefit invertebrates. The production and implementation of a 10 year Habitat Management Plan should be conditioned.*
126. *A standard condition should be used to control vegetation clearance during the bird nesting season and a Precautionary Method of Works should also be required in relation to reptiles.*
127. *The development of a bat sensitive lighting scheme (if lighting is required) should be conditioned. This should be in accordance with the ‘Bats and artificial lighting in the UK’ BCT/ILP guidance (2018).*
128. *Measures to prevent animals becoming trapped in excavations/pipes etc should also be required.*
129. *In terms of indirect impacts, the predicted noise levels are not anticipated to be significant, and in event, there do not appear to be any particularly noise-sensitive receptors in the immediate vicinity.*
130. *Regarding drainage and potential impacts on the Mattersey Hill Marsh SSSI, Natural England’s advise should be sought, however this matter appears to be adequately addressed.*
131. **NCC (Highways)** - *No objection, subject to conditions limiting the total numbers of HGVs accessing the wider complex to no more than 160 each day and requiring them to use the on-site wheel wash and have their loads sheeted.*
132. *The planning statement confirms that the proposal would not exceed 160 HGV movements each day for all operations appertaining to the site as currently imposed on the existing consents references 1/18/00217/CDM, 1/18/00218/CDM, and 1/18/00219/CDM. The proposal could therefore be viewed as being a diversification of the existing use rather than an expansion including an increase of vehicle movements. There are therefore no objections on highway grounds. The Highway Authority recommends that the previously secured planning conditions are repeated. [Updated condition wording has been agreed].*
133. **Via (Noise Engineer)** - *No objection subject to conditions.*

134. *The proposed soil treatment operational noise levels will be significantly lower than the pre-existing permitted operational activity noise levels and significantly below the existing permitted noise limit set at 55dB LAeq,1hr for daytime and 42dB LAeq,1hr for night-time at the travellers' site and Daneshill cottages.*
135. *The Loundfield Farm residences are noted to be further away to the east and screened from the proposed operational area due to the land topography and therefore predicted noise levels at this location would not exceed the predicted noise levels at the travellers' site to the south.*
136. *During daytime the maximum predicted noise level from the proposed new operations (excluding HGV movements) is 36dB and with HGV movements (10/hr) is 46dB at the nearest receptor to the south (Travellers' Site). The maximum predicted noise level at this location from the pre-existing permitted activities is 51dB. The predicted noise levels are greater than 10dB below the permitted pre-existing activities, and therefore there would be no notable change in noise levels at the receptors from the cumulative operations.*
137. *At night time the highest predicted cumulative noise level is 32dB LAeq,1hr and therefore complies with the existing noise condition. Noise levels of this magnitude are low and would not be expected to give rise to any annoyance or sleep disturbance, even with windows open during the night-time.*
138. *Historically there have been no noise related complaints from any of the three nearest receptors in relation to the existing permitted operations.*
139. *Various conditions are recommended to limit noise at receptors.*
140. **NCC Flood Risk-** *No objection.*
141. **BDC Environmental Health Department, Via (Countryside Access) and Public Health England** have not responded. Any response received will be orally reported.

## **Publicity**

142. The application has been publicised by means of a site notice, a press notice and neighbour notification letters sent to 9 the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. This has included the addresses at Loundfield Farm, the central address for the Travellers' Site and Daneshill Cottages.
143. 42 letters of representation have been received raising objections on the following grounds:
  - (a) Airborne pollutants and risk to health (this is the main issue raised, including 2 detailed letters on this matter)
    - (i) The unloading, handling and processing of asbestos containing waste at this site is likely to generate/release asbestos dust which would then spread into surrounding areas on the wind.

- (ii) The siting of such a processing plant is too close to populated areas and dangerous to human health. It has been shown that asbestos fibres fall to the ground between 1 and 3 miles away from the point of generation. The prevailing wind is towards Lound.
- (iii) The tipping of asbestos containing soils and their screening and picking should be undertaken in the controlled environment of a building, as happens at the applicant's site at Rowley Regis, where the materials are sheltered from the sun/ wind and where the air can be filtered/extracted. A building would provide a significant additional layer of precaution, and a temporary building could be easily/cheaply erected.
- (iv) The proposal will result in negative long-term health effects to residents in any neighbouring dwellings and villages and may even be carried further. Studies show an increased rate of developing mesothelioma resulting from living near to premises which generate asbestos dust.
- (v) There is no known safe level of exposure to airborne asbestos fibres (apart from nil). Mesothelioma can take 20-50 years to develop, but is almost always fatal. There are also other chronic and progressive conditions caused by exposure to asbestos fibre.
- (vi) Given that they are of microscopic proportions, it would be impossible to hand pick asbestos from a waste load.
- (vii) The application sets out difficulties/limitations/lack of good information about the risk to human health from process emissions.
- (viii) The processing relies too heavily on the human element of decision making and leaves room for human error and failure of procedures. It will be extremely difficult to carry out the processes with 100% efficacy especially outside with variable weather conditions;
- (ix) Incoming waste could have concealed contamination or unacceptable materials. Once tipped it is very difficult to reject without releasing asbestos dust.
- (x) Exposure to the range of chemicals referred to causes a number of health conditions such as asthma, cancer and other respiratory effects.
- (xi) The applicant refers to the limit of detection of asbestos fibres of 0.01 or 0.0004 f/ml. Both figures are up to ten thousand times the background concentrations of asbestos dust found in the general outdoor air and are not be interpreted as a "safe" or "acceptable" level of exposure.
- (xii) Background/ambient asbestos dust concentrations should be measured in the surrounding area/properties. A condition could require that asbestos dust concentrations are closely monitored in

those areas to determine whether local residents are being exposed to asbestos dust at levels above the ambient levels.

- (xiii) Strict conditions should include atmospheric monitoring of asbestos dust to be carried out in various locations and an insurance policy to be in place that covers future potential claims for asbestos related disease.
- (xiv) The operation should be planned against a maximum potential asbestos fibre release i.e worst case scenario using control measures at the top of the HSE hierarchy. The applicant hasn't demonstrated a need for asbestos sorting operations to be carried out on this site and thus they have not applied the very first step in the hierarchy of control measures.
- (xv) The fact that Daneshill is a semi-rural area with a low population density should not be a factor which sways any decision in the applicant's favour. The risk to any person living in a city near to where this might be undertaken would be exactly the same as someone living in a semi-rural area.
- (xvi) It is not clear where the contaminated soil will be transported from and what asbestos materials the soil will contain or how dust will be prevented from escaping during transport. There is an increased risk that the load will be disturbed when travelling over the level crossing in Torworth.
- (xvii) The applicant can only state that asbestos emissions would be limited to 'virtually' zero. They have not denied that there is a health risk. They have failed to demonstrate that health will be safe and are asking the Council to make a decision which will create a health risk that does not currently exist.
- (xviii) Residents will suffer stress and anxiety fears and will wonder if they and their families are being exposed to and breathing in invisible asbestos fibres. A risk should not be imposed on residents. Will not feel safe or able enjoy homes/gardens. The Council has a duty of care to keep residents safe.
- (xix) Once the asbestos contaminated soil has been tipped, the prevailing weather will dry out the top surface of the soil. Asbestos dust could therefore be released during periods where asbestos contaminated soil is simply waiting to be sorted.
- (xx) There is no way that it can be guaranteed that materials that pose a health risk will not end up being delivered/unloaded to the site. Rejection of unsuitable materials would happen only once the soil has been unloaded and sifted and the issues discovered. By then, any fibres that have the potential to become airborne at concentrations above the air monitoring detection limit will have been exposed to the air.

- (xxi) Whilst it is desirable to landscape/restore the landfill site this should not at the cost of an increased risk to the health to those living locally particularly children and young adults. Their position appears to be that the Council and they must place health at risk if they are to restore the site.
  - (xxii) Agrees with the Environment Agency that the applications for Planning Permission and an Environmental Permit should be considered concurrently.
- (b) Lack of need for the facility and site restoration issues
- (i) The need for a hazardous soil facility has not been demonstrated. There will be significant quantities of inert material locally available from development sites such as Harworth South, the new garden village at Five Lane Ends, residential developments at Retford, Harworth and Worksop etc which could be used to restore the landfill.
  - (ii) The principle of the land use has not been established- this is entirely different and contrary proposal to that granted previously in 2018. In 2018 the site was considered part of the open countryside. New facilities such as this are not acceptable in the open countryside. Nor can the site be considered employment land.
  - (iii) The 2018 permissions were reduced to 5 years duration so to restore the landfill at the earliest opportunity. The proposal would go against the ecological constraints plan/ ecology recommendations and against aftercare report.
  - (iv) Public access is ultimately planned for the restored landfill. Restoration using soils which might contain asbestos fibres missed from the treatment operations would taint the appeal for public access.
  - (v) The 2018 restoration scheme required only 140,000 tonnes (total) for restoration capping works. The proposals are a significant tonnage increase and hazardous operation and appears to be speculatively commercial in nature, not in alignment with the overall aim of restoring the site within the designated timeframe and not the best for the site and surrounding area.
  - (vi) Further restoration works using soils from hazardous sources would create more risk and harm than compared to the 'light-touch' short term restoration plan submitted in 2018. Environmental risks and benefits of each approach should be compared.
  - (vii) The Daneshill site has had a solid working life and served its purpose. The cumulative effects of its operation over 30+ years, particularly from passing HGVs and noise/vibration on local residents, and in addition to other local heavy industry must be

taken into consideration. It is now time for the site to close and be restored with a reduced level of inert materials.

(c) HGV traffic and their routeing

- (i) The number of vehicle movements proposed have increased enormously since the company first made a presentation to Lound Parish Council.
- (ii) 160 HGVs a day in each direction, on an eight hour day is one every 3 minutes in each direction, or one every 90 seconds passing any one point.
- (iii) The traffic will significantly affect local air quality, especially if HGVs are stopped and continue to idle at the level crossing. Passing trains can cause waits of 15-20 minutes.
- (iv) The level crossing at Torworth on the main route into and out of the site will not cope and traffic will back up into Torworth. The applicant should stand the cost of bridging the railway line to leave a suitable legacy.
- (v) Most vehicles would travel to Blyth and the A1(M) via an unsuitable/unsafe single track road.
- (vi) Concerns that sheeting HGVs would not fully prevent escape of materials/particles and general dust on route to the site.
- (vii) Noise and vibration from passing HGVs.
- (viii) Danger to other road users from the level of proposed traffic.
- (ix) Cumulative traffic issues with Sutton Grange AD plant.
- (x) Long distances that HGVs might have to travel to/from the site.

(d) Noise impact (properties at Loundfield Farm)

- (i) None of the assessments have taken the five residential properties at Loundfield Farm (some of which are currently vacant /being sold and hence future occupiers may be unaware of this matter) into account.
- (ii) The noise levels predicted within the site, at the boundary of Loundfield Farm, are significant.
- (iii) The intervening tree belt is narrow and there is nothing else to prevent noise impacting the properties. Concerned that noise levels could become a nuisance, if not harmful.

(e) Amenity impacts along Daneshill Road/ ability to enjoy local environment

- (i) This area is visited by a high number of people who travel to enjoy the nature reserves. Families visit to feel safe and to connect with

the outdoors/ enjoy the peace. The increase in traffic and site activity will be detrimental to the enjoyment of these tranquil surroundings.

- (ii) Cumulative effects/loss of peace and stress from 38 years of waste being transported past property to Daneshill. The potential introduction of hazardous waste including asbestos and hydrocarbons would cause further stress.
- (f) Ecology impacts/risk of pollution
- (i) The ecology assessment is out of date and needs to be renewed (this has now been undertaken).
  - (ii) The proposed site is immediately opposite Daneshill Nature Reserve, close to a SSSI and wetland areas heavily populated by flora and fauna. Lound itself is registered as a conservation area.
  - (iii) The site overlays an aquifer which could be contaminated.
  - (iv) The applicant proposes to use chemicals which will harm wildlife and aquatic animals should it come into contact with the chemicals. This has not been addressed. Neither has the impact that asbestos could have on these areas.
- (g) Other points and alternative options
- (i) Would prefer the site to be used for inert waste or for composting.
  - (ii) All hazardous waste should instead be treated at source using mobile equipment.
  - (iii) Hazardous soils should be treated at the applicant's site at Rowley Regis, in the West Midlands, which is a safer and enclosed facility.
  - (iv) Biopiles should be sheeted to prevent odour release.
  - (v) The application contains errors, inconsistencies and contradictions.
  - (vi) Concerns over the level of public consultation.
  - (vii) The developers have not made contact with Torworth Parish Council to discuss their proposals.
144. Re-consultation with Lound, Torworth and Mattersey Parish Councils as well as relevant technical consultees took place in August. A number of additional public comments were also submitted and the above summarises all of the main issues being raised.
145. Cllr Tracey Taylor has been notified of the application.
146. The issues raised are considered in the Observations Section of this report.



## Observations

### Introduction

147. This is a full application for planning permission, as such it will be necessary to assess the principle acceptability of the proposed soil treatment facility at this location, to be followed by considering all relevant material planning considerations. The application must be determined in accordance with the Development Plan (considered as a whole) unless there are material considerations which indicate that the decision should be made otherwise.
148. The Development Plan in the context of this waste management proposal comprises:
- The Nottinghamshire and Nottingham Waste Core Strategy 2013 (WCS);
  - The saved policies of the Nottinghamshire and Nottingham Waste Local Plan 2002 (WLP);
  - The Bassetlaw Core Strategy 2011 (BCS).
149. The National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW) provide material considerations. The National Policy Statement (NPS) for Hazardous Waste is also considered capable of being material to the determination.

### Principle of the development

150. Whilst the principle of the use of the site for waste management purposes has already been established, this relates to its current short-term permission for inert waste processing and its eventual tipping as part of a non-hazardous landfill site. The proposed hazardous (and non-hazardous) Soils Treatment Facility, whilst it would not be dissimilar in many respects, does warrant a review against the principle planning policies. Particular consideration needs to be given to the need for the facility at this site and how it fits in terms of the delivery of the landfill site restoration.

### *General need*

151. The Waste Core Strategy sets out the policy framework to guide the development and locations of a range of waste management facilities in such a way as to manage a broadly equivalent amount of waste to that produced within the county and also importantly, in order to drive waste up the waste hierarchy and significantly boost recycling rates.
152. Policy WCS3 has an aspirational objective to secure 70% waste recycling (and composting) levels for all waste types, including commercial and construction wastes as well as general household wastes. It therefore gives priority to the development of new or extended waste recycling (and composting) facilities, over energy recovery proposals and lastly disposal. There is a pressing and continuing requirement to expand recycling levels and sector capacity and to reduce disposal requirements.

153. As a facility which would recycle contaminated soils, the proposal sits high up the waste hierarchy, and supports this key policy objective. By means of a combination of bio-remediation and asbestos picking, hazardous soils would be recycled and treated into a non-hazardous classification which can then be put to beneficial use (in this case for the restoration of the adjacent landfill site). This process moves the material up the waste hierarchy and greatly reduces the need to dispose of large volumes of materials within a hazardous waste landfill, something which Daneshill is not licensed for. Disposal requirements would be limited down to the very small quantities of residual asbestos waste which would be disposed at an appropriate licensed facility.
154. Under Policy WSC3 it is not necessary for recycling proposals to have to demonstrate a particular 'need' per se. Notwithstanding this the applicant believes it has identified a general, commercial need for this type of facility to serve development projects in the region. Furthermore soil materials are needed to continue and complete the restoration of the landfill site and it has apparently proven very difficult to source such materials (at least in a cost effective manner) in recent years, leaving unfinished or poorly restored areas. The 'added value' of the treatment services that the facility would provide would enable the applicant to overcome the present difficulty and attract a greater volume of soils which can be treated and then beneficially used to deliver the approved restoration scheme.
155. The NPS for Hazardous Waste also identifies a need for specialist bioremediation/ soil treatment facilities to treat contaminated soil from a number of industries, including construction and demolition and this in turn stems from the 'Strategy for Hazardous Waste Management in England' (2010) which identified the need for at least one larger scale facility handling over 30,000 tpa. The NPS advises that arisings of contaminated soils fluctuate because of the linkage to major construction projects but substantial proportions of hazardous soils have been landfilled as it is often seen as the only option by some producers partly due to a lack of available facilities for treatment.
156. In order to implement the requirement of the Waste Framework Directive the NPS states: *"there is a need to develop new facilities to treat contaminated soil to move the management of this waste stream away from landfill and up the waste hierarchy. This new capacity is needed now to encourage the process of landfill diversion. While some soil will be treated by mobile plant at the site of production, some will need to be treated off-site and there remains a need for dedicated permanent facilities"* (Para 3.4.8).
157. It is understood there are limited facilities to treat hazardous soils in the East Midlands region. The applicant runs a facility similar to that proposed at a site in the West Midlands (Rowley Regis). Given the compliance with Policy WCS3 and the waste hierarchy, and the further support from the NPS, it is not necessary to question the need for the development any further. Need/justification for the development in terms of the proposed location does however require a close consideration under Policies WCS4 and WCS7 and having regard to the restoration issues that are present.

*Local/site specific need*

158. In terms of location and site selection, the Waste Core Strategy, through Policy WCS4, seeks to direct waste management facilities of differing sizes to locations commensurate with settlement size in order to provide an efficient network of facilities which can manage waste close to its point of source. This aligns with the 'proximity principle' in waste planning but does not preclude movements of non-local waste in order to access an appropriate specialist treatment facility.
159. The application proposal would fall somewhere between a medium to large sized facility having regard to the proposed annual rates of throughput and site area. Policy WCS4 supports medium sized facilities in or close to the built-up areas including that of Retford. Larger facilities meanwhile are supported in the Nottingham and Mansfield/Ashfield areas. Within the 'open countryside' it states that the development of facilities will be supported only where such locations are justified by a clear local need and particularly where this would provide enhanced employment opportunities and/or would enable the re-use of existing buildings.
160. For the purposes of Policy WCS4, the wider landfill facility is situated in an open countryside location and not close to the Retford or any other urban area. It is however considered that in this instance there is a very clear local need and justification for co-siting the proposal with the landfill site, and in particular because it is proposed that the treated soils would be utilised towards the completion of the restoration works.
161. Co-siting waste management operations enables the reuse of existing site access and infrastructure and provides a regulated environment which can assist in the control of any emissions or impacts. New jobs would also be created.
162. In terms of the restoration, after 35+ years of operation, the timely completion of the restoration of the landfill site is a matter of pressing public interest and there is a need to overcome the apparent difficulties in sourcing sufficient quantities of soils for this purpose.
163. On the one hand the WPA had been seeking an alternative and earlier restoration for the wider site utilising greatly reduced volumes of soils either directly imported or sourced from the inert waste processing operations (the main importation/landfilling having ceased at that point). This approach would significantly reduce the local/site specific need for the STF development as now proposed, (it being inherently linked to the delivery of the restoration), but approval for the alternative scheme has not been secured.
164. On the other hand the present application must now be considered on its merits and as well as meeting the general need for a specialist regional STF and realising the wider economic benefits, new jobs and service this would provide, the significantly greater volumes of post treated soils which would be made available for restoration would enable the site to be restored in line with the approved landfill restoration masterplan and therefore achieving a higher standard of restoration than would be possible under the 'short term restoration' plan (not approved). This would of course take longer to conclude and it is acknowledged that this would prolong the impacts of heavy traffic accessing the site, in terms of noise, vibration, emissions etc, particularly

when passing properties on Daneshill Road, though of course this is still permitted until 2048.

165. Achieving the required restoration plan should always be the first preference as opposed to resorting to an alternative scheme, unless there have been a material change in planning circumstances- for example if the fill material is no longer available, or if a site has been left for so long that it has become important for ecological reasons to the degree that it outweighs the need to complete the infilling as originally proposed. The previous shortfall in materials justified an alternative approach, however the present proposal would enable the applicant to continue working towards the approved scheme and there are no apparent reasons to preclude this.
166. As the availability of soils is closely linked to commercial and residential developments and economic activity generally, progress with the restoration would have to be monitored. Officers also note that under the plans there may still be areas of the site restoration which would not be fully concluded during the 10 year period and in that situation the WPA would again need to formally require an alternative restoration plan to agree the extent of works to any outstanding areas. Progress with restoration would therefore have to be monitored and if necessary reviewed once again.
167. Looking further at the site-specific level, Policy WCS7 indicates the suitability of different general locations/land uses for particular forms of waste management facilities. It does so by means of a matrix or table. There is no express category for soil treatment facilities, however consideration can be given to both 'Materials Recovery Facilities' and 'Aggregate recycling facilities' for the purposes of this assessment.
168. The policy supports the development of Materials Recovery Facilities on employment land (that is land which is already used for or allocated for employment uses) as well as derelict land or previously developed land, including un-restored land in need of restoration. The supporting text clarifies that where there are existing restoration conditions in place that require the site to be returned to a greenfield state, any planning decision will need to consider the site as if it was undeveloped. The policy also supports aggregate recycling facilities on employment sites, but not derelict land/previously development land for that type. In all cases the policy support is subject to there being no unacceptable environmental impacts.
169. The proposed site is an area of vacant hardstanding/disturbed ground (the materials recycling area) with three years left to run on its planning permissions for inert waste processing. In turn this lies within the boundaries of the wider landfill planning site/permission and there are planning conditions requiring it to be restored to a mix of heathland and woodland as part of the wider landfilling and restoration scheme. However as matters stand, that restoration is not required before 2048 because the alternative and earlier restoration scheme has not been agreed under Condition 38 of the landfill permission i.e. the permission allows for tipping/landfilling and restoration works well beyond the 10 years that the current application is seeking permission for.

170. The most recent permissions for the site granting the extension of time for the recycling of inert construction/demolition wastes until 2023 did not require an earlier restoration either. Although the permissions were time limited and the requirements to clear waste from the site were brought forward as part of the then consideration of those applications by the WPA, they do not enforce any earlier restoration, merely they require clearance of the site by 2023 so to not prejudice its restoration. It then requires restoration to be undertaken in accordance with conditions of the over-arching landfill permission which stipulates the 2048 date for restoration.
171. Consequently, for the purposes of Policy WCS7, the application site should be viewed as a current employment and waste management site utilising previously developed land (with planning permission for inert recycling, to be followed by over tipping/landfilling and restoration as part of a wider landfill facility). The policy exception, whereby previously developed land which has restoration controls in place meaning it should be viewed as a greenfield site does not apply for the 10 years sought planning permission for and should be set aside. Whilst the proposed soil treatment operations would extend beyond the 2023 date currently set for inert waste processing, and which was also the date by which the WPA was advised in 2018 that the 'short term restoration' scheme would be completed by, in planning terms the land will still form part of an authorised landfill facility for the 10-year period as the landfill permission runs until 2048 and has not been superseded by an alternative restoration scheme.
172. The application proposal is therefore considered entirely acceptable in land use terms as supported by policies WCS4 and WCS7 of the Waste Core Strategy due in combination to its co-siting within the current landfill site, utilising existing site infrastructure, its purpose to deliver treated soils for the restoration of the site, and because a temporary 10 year permission is sought which would not extend beyond the date set for its restoration. Should planning permission be granted, an appropriate condition should stipulate a 10-year period for operations as proposed, as well as a restoration condition linked to the landfill site.
173. It is acknowledged that this proposal could be viewed as a representing a change in course in terms of the planned site restoration. It is unfortunate that past discussions with the applicant went unresolved, leading to a degree of uncertainty over the timescales and extent of restoration works needed. This has created a level of complexity when considering the need for the proposed development at this site. However the change of approach is ultimately being proposed by the applicant, and continuing with the approved site restoration plan, as opposed to an alternative approach, appears to be justifiable and would provide benefits to the local community, including provision of new public access/trails across the restored site. A lesser restoration scheme would not provide the higher standard of landform/landscape, planting, habitats and public access that the full restoration scheme would provide (and is required to be provided). The regulation from an Environmental Permit would ensure that this is not to the cost of public health or the wider environment.

*Non-local waste*

174. For completeness in this section, consideration should also be given to Policy WCS12, concerning the management of non-local waste. The purpose this policy is not to prevent such cross boundaries waste movements, but to promote self sufficiency and the 'proximity principle' to managing waste locally wherever possible. It is a positively worded condition rather than being restrictive. National Planning Policy for Waste also recognises that waste should be managed at the nearest *appropriate* facility. There is therefore an acceptance that in the case of more specialist types of facilities, where there will be fewer of them, that travel distances may be greater than those related to other types of waste facilities where local management of waste is more readily available.
175. Planning officers are not aware of any similar such dedicated hazardous soil treatment facilities in the area, and by its specialist nature it is feasible that it could serve development sites not just locally, but across the East Midlands and into South Yorkshire and Lincolnshire. It is also possible that such wastes are having to be transported outside of the area at present.
176. The policy is considered satisfied in the present circumstances because a) the STF would move waste up the waste hierarchy, cleaning up hazardous soils; b) it is not always possible to remediate such soils on development sites from where they arise and the application site is considered sustainable in relation to soil's final point of use; and c) that final use of the treated soils provides clear environmental and sustainability outcomes in terms of completing the restoration of the wider landfill site.
177. This proposal should not be viewed through the lens as one which is receiving and disposing of other areas hazardous wastes without any local benefit. Rather, it would provide a useful recycling and treatment service to the development industry, including local regeneration projects, which at the same time would provide much needed soils for the beneficial restoration of the landfill site.
178. In conclusion, the selection of this site for the proposed 10 year operation as a soil treatment facility is considered acceptable in principle planning policy terms against policies WCS3, WCS4, WCS7 and WCS12.
179. It is now necessary to consider whether there would be any resulting unacceptable impacts to the environment or to the local community, which would warrant officers recommending refusal of planning permission. Such relevant matters are considered further below.

#### Air Quality/Dust and Odour

180. WLP Policy W3.10 seeks to ensure fugitive dust generation is suppressed. Measures may be required including the use of water bowsers, dust screens, and the siting of dust generating operations away from sensitive areas. Policy WCS13 supports development proposals where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby.

181. The NPPF states the planning decisions should prevent “new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality” (NPPF paragraph 170).
182. “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development” (NPPF paragraph 180).
183. “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively” (NPPF paragraph 183).
184. The NPPW further states that WPAs should avoid carrying out their own health studies and “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced” (NPPW paragraph 7).
185. Local concern has been raised over the potential release of airborne dust and asbestos fibres and impact on the health and wellbeing of nearby residents and communities. These concerns are understandable and are not to be dismissed without consideration.
186. It is however necessary to start from the basis that matters relating to the control and prevention of pollution are not the prime concern of the planning system and instead these are matters squarely for the Environment Agency (EA) to deal with as part of the environmental permit regime. The development will not be able to proceed without both planning permission and an environmental permit and the planning decision must focus on the use of the land and respect the pollution control function of the permitting system. It will be for the EA to subsequently decide whether the risks to the environment and public health are or are not acceptable and whether to grant a permit. A grant of planning permission would not prevent the EA determining that the permit application is unacceptable and refusing a permit.
187. The WPA has consulted closely with the EA. They confirm that the current site permit would not cover the proposed operations and that one would need to be applied for. They raise no formal objection to the planning application but also confirm that, as the permit application has yet to be submitted, they do not have sufficient detailed information to confirm whether a permit would be granted or not.
188. ‘Twin-tracking’ applications for planning and permitting at the same time is an established practice and is encouraged by the Planning Practice Guidance and EA guidance for more complex forms of development and issues. The

guidance also states that in these situations pre-application advice should also be undertaken with the EA. By doing so this can result in a more reliable indication of the likely outcomes of planning and permitting applications and resolve complex issues at the same time and as early as possible.

189. Whilst the EA has confirmed that they would prefer the application for the permit to be 'twin-tracked' with the application for planning permission in this particular instance, given the proposal's sensitivities and specialist nature, ultimately there is no legal requirement to do so.
190. Despite the EA's advice being pressed upon the applicant by the WPA, they have elected not to twin track for reasons of the apparent high cost of applying for the permit, leading to their preference to first secure planning permission before committing to submitting the application for a permit. The applicant however advises that the project has been designed with both regulatory systems in mind by the same project team and that a permit application has been drafted.
191. As there is no legal requirement that twin-tracking has to take place, the WPA and the EA can only seek this through cooperation with a developer. The lack of twin tracking should not necessarily affect or prevent a decision on the planning application. However before granting planning permission the WPA needs to be satisfied that these issues can or will be adequately addressed through the permitting process and there is no reason to suggest that they cannot.
192. If there is a negative from the absence of twin tracking it is that this approach heightens the risk that the applicant might be required to make subsequent changes to the development in order to secure and satisfy a permit, for example the erection of a building. Such changes are likely to require a further planning permission or approval of a variation application, with no guarantees that such permission would be forthcoming. The other risk is that if a permit was not granted, or not granted within the commencement timeframes of a planning permission, then the WPA would again have to consider the issue of the site restoration and whether an alternative form of restoration should be sought for the landfill site.
193. This situation is unhelpful to the local community who clearly need assurances and the EA cannot currently advise or provide certainty that the proposed development would be safe and acceptable and be granted a permit. The WPA and the community can though be reassured that the permit process will be rigorous and can be relied upon. The NPPF makes this clear.
194. In terms of the use of the land, the site appears advantageous to controlling emissions and avoiding any unacceptable local amenity impacts and a good level of detail has been included with the application (as summarised in the 'Proposed Development' section above) to provide reassurance for the purposes of the planning decision that emissions, including to the air, would be controlled and the necessary regulations would be adhered to. This includes a detailed dust management plan and air quality assessment. The applicant has further engaged expert advice to review the issues and



concerns being raised locally and they remain satisfied with the application details and that the site can be operated safely.

195. The applicant also has the benefit of experience from setting up a similar facility in the West Midlands, a site noted as being within an urban area with far more and closer sensitive properties than is the case at Daneshill, which is a rural and remote situation and one which is well contained by surrounding areas of woodland and the former landfill areas.
196. The experience gained provides them with confidence that airborne release of asbestos fibres would not occur. This is through a combination of reasons, including the strict waste acceptance criteria and testing (no loose asbestos), maintaining soil moisture levels, and active air sampling/monitoring when undertaking operations involving soils contaminated with these materials. Their regular air monitoring has demonstrated that airborne asbestos levels are never elevated above the detection limit.
197. Whilst it has been noted that the operations at Rowley Regis are partly undertaken within a building, the applicant advises that this was a pre-existing structure and used for convenience rather than necessity. It might provide a degree of comfort to regulators that emissions can be controlled more easily, however the applicant believes it offers no additional environmental protection compared to undertaking this activity in the open. In fact the building increases risks to site operatives from potential vehicle collision and working in more confined spaces and atmospheres with diesel powered plant, whereas the Daneshill proposal has the advantage of having a layout that is more suitable for safe traffic movement and operator safety. Furthermore the site would not accept soils which would give rise to asbestos emissions.
198. The applicant therefore does not require a building for the soil treatment processes and is confident that these can be safely undertaken outside. They are further willing to accept a planning condition to ensure asbestos release does not rise above background levels (the latter likely to be negligible) should this be deemed necessary.
199. Via EM, the County Council's consultant on this matter, has reviewed the application and also the concerns raised by the local resident. Again no objection is raised although several recommendations are made, most of which relate to operational details such as how and when air monitoring should be undertaken. These details are for the permit regime to consider, with approval from the EA, and not the WPA.
200. Notwithstanding this, further commentary has been provided on the provision of air monitoring. The applicant believes that 'at source' monitoring is the most effective means of checking that there is no airborne release of asbestos. This approach is undertaken at both Rowley Regis and at mobile sites and is deemed more effective than remote monitoring at nearby residential properties for example. They believe that remote monitoring would be a purely 'palliative' measure and would produce largely meaningless data. In the unlikely event that breaches are recorded, remedial steps would be undertaken immediately, the most likely course of action being the use of water bowsers to dampen any stockpiles and working areas.

201. It is considered that these are technical details which fall to be agreed with the Environment Agency and that sufficient information and reassurances have been provided on this subject, in the knowledge that more detailed assessment is for the EA to subsequently consider through the permit process. The choice of site selection would appear to be wholly advantageous to the ability to operate this proposed facility safely and without leading to unacceptable environmental impacts, including from dust or air emissions.
202. It does however appear important in this case that the local community is kept informed of the operations and the results of air quality monitoring and any other relevant monitoring that is carried out. There is an obvious fear of something which cannot necessarily be seen or observed and perhaps a lack of trust if information and data was not made publicly available. Planning Officers therefore would suggest that if planning permission was to be granted, a condition should require the establishment of a local liaison group to provide a forum for ongoing communication and information sharing including with the local Parish Councils, and this could include sharing monitoring results in order to demonstrate ongoing compliance with emission control requirements. The site would also continue to be monitored by the EA and the WPA. A planning condition can also stipulate that there should be no increase above background levels for airborne asbestos, thereby providing a further reassurance.
203. A standard form of dust management condition is also recommended to comply with Policies W3.10/WCS13. Odour from the proposed operation is considered unlikely to arise, subject to the odour management plan being followed. This can also be stipulated in a condition.

#### Traffic and associated matters

204. WLP Policy W3.14 sets out that planning permission will not be granted for a waste management facility where the associated vehicle movements cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities.
205. Policy W3.15 provides scope for the WPA to require routing plans/restrictions as and when deemed appropriate. Policy W3.11 enables planning conditions to be stipulated requiring operational measures to prevent mud and deleterious materials from contaminating the public highway.
206. WCS Policy WCS 11 seeks to maximise the use of alternatives to road transport. Proposals should also seek to make the best use of the existing transport network and minimise the distances travelled in undertaking waste management.
207. Para 108 of the NPPF seeks to ensure that safe and suitable access is made available for development proposals and that appropriate opportunities for sustainable transport options can be taken up. Para 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

208. The proposed STF would accept contaminated soil materials from individual sites and projects from where and when they arise, typically construction sites and projects remediating previously developed or 'brownfield' land. The proposal is therefore dependent on road haulage in order to source materials. Operative working at the STF would also be reliant on car transport given its rural location and distances to the bus services through Torworth.
209. The on-site cleaning and remediation of soils is common practice at individual development sites, as a temporary and licenced operation, including it is understood for the treatment of hazardous and asbestos contaminated soils. However this might not always be possible or feasible on certain sites and specialist regional facilities therefore have a role to play. The WPA is not aware of any similar such facility locally.
210. The Daneshill site is itself a long-established landfill facility which has good highway access from the local A-road network including the A638 Great North Road with access options also to the A1.
211. The application commits to not exceeding the numbers of HGV movements as currently controlled by conditions on the extant planning permissions. This provides a maximum of 160 HGVs accessing the wider landfill facility site each day for all operations. Thus any increased movements to the STF could be viewed as being offset against those directly accessing the landfill part.
212. It is recognised that the total contrasts with the minimal traffic movements that are occurring in practice at present, because general landfilling ceased and because the permitted inert waste processing is non-operational. However the planning permissions still allow these operations and their associated traffic movements within the cap of 160 per day. The County Highway Authority is satisfied on that basis and raises no objection, subject to this being stipulated again as a planning condition should permission be granted for the STF. It is therefore not considered necessary to require new traffic assessments as suggested by Ranskill Parish Council.
213. Whilst some limited types and quantities of wastes would need to be taken away, including asbestos skips, contaminated surface waters, or rejected materials, the overall aim of the development is to attract inward materials which can be then treated to provide suitable soils for the restoration of the adjacent landfill. There are clear benefits from co-locating the STF with the landfill, given a pressing need to restore the site and a shortage of materials, leading to an unsatisfactory landform and standard of soil capping.
214. It is acknowledged that a lesser or revised restoration scheme could again be looked at involving significantly less materials and fewer HGV movements, potentially providing for an earlier closure of the site. The WPA would have scope to return to the process under condition 38 of the main landfill permission if there is a need to secure an alternative site restoration. Usually that would be in circumstances where the original restoration can no longer be achieved. However in this case there is a detailed proposal which seeks to move matters forward again and the resulting use of soils is in line with the approved restoration masterplans and the planning permission, not contrary to it. The greater volume of materials which the proposed STF hopes to viably

provide over its 10 years would allow this more comprehensive restoration design to be created.

215. In terms of HGV routeing, the comments from Mattersey Parish Council and also Sutton cum Lound Parish Council are noted. Currently there is no routeing strategy or restrictions within the planning permission(s) for the Daneshill landfill complex.
216. There is an obvious HGV route to/from the A638 Great North Road at Torworth via Daneshill Road. This route has served the landfill and local industries and quarries for many years. It is a straight run of 1.3km, passing a small number of residential properties, including those at the junction in Torworth. The route does involve the railway crossing over the East Coast Main Line, which is cited in some of the local representations as causing long delays from the barrier 'down-time'. However, the proposed STF would not generate a greater level of traffic than already permitted at Daneshill and levels could in practice be far below historical patterns when the landfill was fully open. Consequently the level crossing is not considered to pose a significant constraint to the proposed development.
217. Whilst Torworth Parish Council states there are no other permissible HGV routes as a result of local weight restrictions, a second possible HGV route exists to the A631 Gainsborough Road, via Daneshill Road, Mattersey Road, Mattersey village and the B6045 Eel Pool Road. This is less preferable in highways and local amenity grounds as it involves passing through Mattersey village but it would be a lawful HGV route at present. This may explain the request from Mattersey Parish Council for a comprehensive routeing strategy.
218. Local weight restrictions (18 tonnes) to the south prohibit HGVs from routeing to the A638 Great North Road via Sutton cum Lound and so they must do so via Torworth further north. The associated HGVs would not have reason to enter Lound village to the east of the Mattersey Road crossroads and again would be prohibited to travel via Sutton cum Lound. Consequently these communities should not be affected by the site traffic.
219. It would be reasonable to stipulate a planning condition to require drivers to be reminded to use the established lorry route along Daneshill Road to the Great North Road. This would address the issues raised by Mattersey and Sutton cum Lound Parish Councils and accords with Policy W3.15.
220. Whilst acknowledging that the reintroduction of site traffic would not go unnoticed in the local area, Officers consider that the application is acceptable on highways and associated amenity grounds, on the basis of HGV traffic utilising the established route, and accords with WLP Policy W3.14. Conditions can be applied to limit the daily permitted HGV movements and to require the sheeting of loaded HGVs and their use of wheel cleaning facilities as requested by the Highways Authority. The applicant has sought some limited flexibility to wording of these requirements which are acceptable.
221. The proposed STF would not entirely satisfy all the objectives of WCS Policy WCS11, as it would be dependent on road haulage, with most outward journeys being unladen. However it could help reduce travel distances given there is no such similar facility in the area at present and it is plausible that

this could be leading to the export of contaminated soil wastes further afield. Also soils are already required towards the restoration of the landfill site. As such this proximity to the final use/recovery of the soils provides a significant locational and sustainability advantage that negates the need for separate transport movements to export the treated materials and source other soils. On that basis it is considered that the application also gains some partial support from Policy WCS11 due to its co-location with the landfill.

#### Local character and visual amenity

222. Saved Policies W3.3 and W3.4 of the Waste Local Plan seek to limit the visual appearance of waste management facilities. All plant, buildings and storage areas should be located so to minimise impact to adjacent land and kept as low as practicable. Screening and landscaping should retain, enhance, protect and manage existing screening features.
223. WCS Policy WCS15 seeks to ensure high quality design and landscaping is employed in the development of new or extended waste management facilities.
224. The proposal seeks to utilise part of the materials recycling area within the landfill complex. This is an area of extensive open ground and remnant hardstanding that is completely screened by surrounding mature trees and vegetation and cannot be readily viewed from any public vantage points or residential property. There is no proposal or need to remove the surrounding trees and the existing access gate can be utilised. The submitted plans show an organised site layout with areas allocated for different processes or storage areas. There are minimal aspects of buildings and plant included and all of the stockpiles/bio piles, plant and buildings would be screened within the site.
225. Overall the facility would be entirely in character with the use of the land as a landfill facility and its previous use for recycling inert construction wastes and it would also share the same access road to the highway. Whilst some concerns have been raised in relation to the ability for visitors to enjoy the local Daneshill lakes nature reserve, the associated traffic would not be unduly intensive and would be within levels already permitted. This would be a temporary 10 year operation necessary to help restore the landfill site and provide lasting benefits to the environment and the local community. Planning conditions can require the clearance of the site again after the period of use has concluded or ceased and then require the area's restoration as part of the wider restoration masterplan. Subject to these requirements the proposals are considered to meet the objectives of Policy W3.3 and W3.4 and WCS15.

#### Noise and local / residential amenity impacts

226. Waste Local Plan Policy W3.9 seeks to ensure noise is appropriately controlled. Requirements could include setting maximum noise levels when measured at nearby sensitive receptors, controls on plant and machinery,

restrictions on the hours of operation, and alternative types of reversing alarms.

227. Policy WCS13 supports development proposals where it can be demonstrated that there would be no unacceptable impact on the quality of life of those living or working nearby.
228. National planning policy (NPPF paragraph 180) advises that planning decisions should “ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”. Decisions should “mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life”.
229. The operations including the use of mobile plant, equipment and HGV traffic would generate noise during the day time hours of operation. Additionally the blower would need to run continuously at night and weekends. This may be combined with other noises associated with the landfill site, its restoration and management, all of which need to be taken into account.
230. The application is supported by a noise impact assessment which has taken background noise monitoring results from the position of two of the nearest receptors, these being the Traveller site to the south and Daneshill cottages to the west. It goes on to consider the predicted noise impacts on these receptors from the proposed STF operations and also in combination with other operations which are permitted at the landfill site. Noise from associated site traffic is included.
231. The noise assessment predicts that the proposed operations would lead to no notable change in noise levels at the receptors during the daytime, including the cumulative effects. The maximum predicted noise level is 36dB and 46dB if including HGVs. This is well below the predicted noise levels from the already permitted operations and also below the existing daytime limit of 55dB which applies to the inert waste recycling permissions.
232. For the night time, the highest predicted cumulative noise level is 32dB, which is also well below the existing limit of 42dB. This takes into account the existing landfill gas engines and leachate management which run at all times. The County Council’s noise consultant advises this should not give rise to any night time disturbance and raises no objection.
233. In relation to traffic noise, it should be noted that HGV deliveries would already be expected to occur due to the need to complete the restoration of the landfill, and the numbers of HGVs permitted to enter the wider site each day would not increase under the proposal.
234. In terms of any changes to the local context, it is noted that there are several new residential conversions at Loundfield Farm to the east. A number of the residents have raised concern that the noise assessment has failed to consider potential noise impact at these properties, including their future

occupiers where they have yet to be occupied. On review of matters the County Council's noise consultant is satisfied that these properties would not be exposed to unacceptable noise given they are at a further distance from the site than the Travellers' site and Daneshill Cottages and also benefit from topographical screening from the restored landfill area. Therefore if suitable conditions or noise limits were set for these other properties, this will also safeguard those at Loundfield Farm from any excessive or unacceptable noise.

235. In considering what or if any new limits and controls should be required by condition, the County Council's noise consultant considers it more appropriate to set a condition which requires the STF to not result in noise levels 5dB above background noise as measured at the two main receptors (this will also safeguard Loundfield Farm), rather than apply the existing daytime and night time limits. In the event of a noise complaint a BS4142 noise assessment would be undertaken to investigate and, if necessary, remedy any excessive noise above the measured background levels. It is further recommended that the air blower be fitted with an acoustic enclosure and that all mobile plant be fitted with white noise reversing alarms.
236. The proposed STF would not be a markedly noisy activity and would result in no increase in overall noise levels at local residential receptors, which benefit from being located some distance away from the site. Subject to the inclusion of suitable and reasonable noise controls by condition the application is considered to accord with policies Policy W3.9, WCS13 and national guidance.

#### Surface water management and protection of ground waters

237. WLP Policy W3.5 states that planning permission will not be granted for a waste management facility where there is an unacceptable risk of pollution to ground or surface waters, or where it would affect the function of floodplains, unless the impact can be mitigated by engineering measures and/or operation management systems. Policy W3.6 enables planning conditions to be imposed to protect such water resources, such as requiring sealed drainage systems and impermeable surfacing. Policy WCS13 as the general policy to protect environmental matters also applies.
238. The area has sensitive ground and surface waters in terms of impacts from potential pollution. The site is situated over a Secondary A aquifer within the superficial River Terrace Deposits, which in turn is above the Principal Aquifer within the sandstone bedrock (Chester formation). The area is also denoted as being within a Source Protection Zone 3 for the abstraction and supply of public water.
239. The Daneshill lakes nature reserve and LWS lie to the west. The Main Drain/Ranskill Brook passes south to north through the area. There is also a further, smaller watercourse running under Daneshill Road at its junction with the landfill access road and which flows northwards towards Mattersey Marsh SSSI. This is approximately 450m from the application site.

240. The application site itself comprises a broadly level area of stony ground and remnant concrete hardstanding. It has no dedicated or in-built drainage and a slight fall in levels towards the west. The site is denoted as at a low risk of flooding (Flood Zone 1).
241. The proposed soil treatment facility would deal with hazardous soils contaminated with hydrocarbons (as well as asbestos bound materials) in an open-air bioremediation process. This process would involve the formation of biopiles and their management of soil moisture and the extraction/capture of all excess water or run off. It would also involve the use of a wetting agent to limit airborne release of particles, which requires careful application as it could be harmful if released to the environment.
242. Given the above context it is critical that the proposal is robustly designed and managed so to hold or treat all potentially polluting surface waters and prevent these from reaching the surrounding environment i.e. to cut off any potential pathway for pollution to ground or surface waters and to the populations and habitats they support.
243. Details set out within the Flood Risk and Drainage Strategy show how the proposed treatment pads would be engineered with a containment system around and beneath each pad which would capture all water run-off from these pads including rainwater. It is proposed that such water would collect into a holding tank which would be periodically emptied and tankered away for treatment/disposal. Some of this process water may also be used to maintain soil moisture levels. The proposal does not seek to treat these process waters on site or discharge this water due to their likely hazardous/contaminated nature. Foul waters collected from the welfare unit would also be tankered away for treatment/disposal.
244. Whilst this approach to capturing all contaminated waters for subsequent tankering off site would ordinarily not be deemed to be a sustainable means of managing surface waters (soakaways being preferred), it is in this instance appropriate as there is no foul connection to the site and the contaminated water is likely require treatment at a dedicated facility. It is therefore vital that it is not simply discharged to the environment.
245. As noted by the Environment Agency's response, further drainage design detail will be needed to support an application for an Environmental Permit. However officers consider that the level of detail presented is more than sufficient to proceed with determining the planning application. Furthermore, if planning permission was to be granted it would be prudent to require final drainage details under planning condition. In particular, the detailed design would need to ensure that a large enough holding tank or tanks are provided to collect all contaminated waters whilst being able to deal with rainfall and particularly intense rainfall events. As any tank or tanks provide a finite capacity, the system would need regular monitoring, maintenance and emptying. These procedures along with emergency pollution response measures would form a key part of the Environmental Permit regime, however further details of this could also be included with the drainage scheme under condition.



246. In relation to the comments raised about the use of the wetting agent and its toxic properties, by Via Reclamation and others, again this is largely an operational matter which would be regulated under the Environmental Permit. However, so long as it is correctly stored and applied, this would all be captured within the biopads and their sealed drainage systems.
247. In relation to other surface waters from the remainder of the site (such as parking and access areas), these would not be intercepted or captured and they would be allowed to drain as they currently do to the adjacent woodland areas with a fall to the south-west. This is sustainable in terms of managing surface waters and they do not pose a significant pollution threat, being from the 'clean' part of the site. Additional comments have also been made by the applicant to provide confidence that these waters would not be able to transmit silt as far as the watercourse at the crossing of Daneshill Road with the access road and which goes onto feed Mattersey Marsh SSSI further to the north. Subject to maintaining good standards of site management, including access to spill kits and ensuring all fuels/chemicals are securely stored, this an acceptable arrangement for these areas.
248. Given that the provision of appropriate site drainage will form an inherent part of the process of securing an Environmental Permit from the Environment Agency, the determination of this application can rely on the effective regulation under that regime in order to safeguard the environment and the identified sensitivities locally. Notwithstanding this, it is entirely appropriate to require final drainage details under planning condition. Subject to this being included, the application proposal is considered to accord with WLP policies W3.5 and W3.6 and Waste Core Strategy Policy WCS13.

#### Ecological Impact

249. WLP Policy W3.21 states that planning permission will not be granted for a waste management facility which would destroy or degrade the amenity, setting or nature conservation value of watercourses, wetlands and lakes unless their value is outweighed by the need for the development. Measures will be sought/secured to reduce such impacts to an acceptable level. Policy W3.23 seeks to protect SSSIs and LWSs from the impacts of waste management developments.
250. The overarching environment Policy WCS13 supports proposals where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.
251. BCS Policy DM9 expects development proposals to restore and enhance habitats and demonstrate that they would not adversely affect SSSIs, LWS, priority habitats and protected species. Impacts should be mitigated or compensated for as a last resort.
252. The NPPF states that planning decisions should contribute to and enhance the natural environment, including by "protecting and enhancing ... sites of biodiversity value .... (in a manner commensurate with their statutory status or

identified quality in the development plan)” and by “minimising impacts on and providing net gains for biodiversity” (paragraph 170).

253. An updated Ecological Impact Assessment (EclA) has been undertaken to support the application, including a full range of new habitat and protected species surveys. These show the site as being covered by an open mosaic of short perennial bare ground and early successional vegetation, with scattered scrub which is typical of brownfield land of this type. Whilst such habitats are generally of value (including to invertebrates), the site is considered to be of low quality based on its makeup of common/widespread species. The on-site bare habitats and the occasional rubble piles may offer some potential for basking or foraging reptiles and as such the report makes recommendations for site clearance works. The removal of scrubby and ruderal vegetation should also be timed outside of the bird nesting season, or if unavoidable should first be checked for active nests by an ecologist.
254. There is space within the east of the materials recycling area (beyond the application area) which could be managed beneficially for wildlife, including invertebrates until the area is subject to final restoration to heathland.
255. The surrounding woodland (to be retained) would be expected to support common birds and foraging bats as part of a wider network of such habitats locally. No surrounding trees were found to be capable of supporting bat roosts and no evidence of badger was found. Any proposed lighting should be sensitive to foraging bats, particularly using the woodland edge. Best practice measures to prevent animals from becoming trapped in the works or pipes are recommended.
256. There are no aquatic habitats on site or linking to the site. The EclA concludes that Great Crested Newts are not present on site or in a cluster of nearby ponds which lie within the landfill facility.
257. The wider area includes the Daneshill Lakes and Woodland LWS and local nature reserve which is bisected by Daneshill Road and further to the north is Mattersey Marsh SSSI. Concern for these sites is raised in several local representations and by the parish councils.
258. The EclA has reviewed the other assessments accompanying the application and states that provided the identified drainage strategy and control measures to mitigate impacts associated with flood events or spillages/accidents at the site are followed, it is not anticipated that there will be direct impacts to these sites.
259. The County Ecologist raises no objection and advises that various recommended mitigation measures should be required by planning conditions, along with a 10-year Habitat Management Plan for the area to the east which lies outside of the proposed site.
260. Natural England has been consulted with respect to the SSSI. Additional assessment work has been completed by the applicant in order to understand any potential pathways from the application site to the SSSI which could lead to the conveyance of silt. As well as confirming that all contaminated process waters from the treatment operations would be fully collected, and prevented

from entering the environment, it shows that surface water runoff from the 'clean' areas would naturally fall towards the woodland area to the south-west and is unlikely to reach as far as the watercourse which goes on to feed the SSSI. Natural England is now satisfied that the proposal would not affect Mattersey Marsh SSSI.

261. The STF will need to secure and operate under an Environmental Permit which would provide the necessary pollution control regulation. Planning conditions can also require final drainage details to ensure the hazardous waste operations are fully contained and able to capture all potentially contaminative run off. The run off from the clean areas such as the access and parking areas should not lead to silt leaving the wider landfill facility. Conditions to require cleaning of vehicle wheels and sweeping of the access road should also be applied.
262. As noted above the proposed operations are beneficial in that they would be able to bring in soils, which once treated would be used in the restoration of the landfill site. That restoration will provide a number of new habitats of greater wildlife value than those present, and would key the site back into its surroundings as part of a network of local habitats. The materials recycling area itself forms part of that wider restoration masterplan and its restoration can follow on once the immediate priorities at the adjacent landfill area have been overcome. Thus these lasting benefits to biodiversity providing new and enhanced habitats should be recognised in considering the present application.
263. The application therefore demonstrates that the site can ably accommodate the proposed STF whilst ensuring the safeguarding of local and designated habitats/sites of value for ecology (and also greatly valued locally). The STF would directly contribute towards the site's restoration and the provision of a range of new and enhanced habitats. Subject to including a number of conditions, the application is considered to accord with policies W3.21, W3.23, DM9 and WCS13 on this matter.

#### Economic benefits

264. BCS policy DM1 provides support for economic development in rural areas inter alia, where this re-uses built facilities and where located and designed to minimise their impacts upon the character and appearance of the countryside and where compatible with surrounding uses. Such proposals should require the specific rural location (with no other sites close to or within settlements or on brownfield land) and they should not create significant or exacerbate existing environmental or highway safety problems.
265. The Waste Core Strategy seeks to play a positive role in encouraging innovative new waste management technologies and investment to support wider regeneration goals. It also seeks to re-use land and buildings where possible.
266. The National Planning Policy Framework (paragraph 80) states that "significant weight should be placed on the need to support economic growth and productivity". Paragraph 84 advises that in order to meet the needs of

local business and communities in rural area that sites “may have to be located ..... beyond existing settlements and in locations not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable”. The use of previously developed land is encouraged.

267. The NPPF (paragraph 118) also seeks to make effective use of land through bringing forward brownfield land for new housing and other needs. It provides substantial support for using suitable brownfield land for homes and other identified needs, and supports “appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”.
268. The proposed STF would provide direct and indirect economic benefits. Directly the application states that 10 full time equivalent positions would be created. However, perhaps more significant is the service the facility would provide to the development industry.
269. Planning policy seeks to unlock and reuse previously development land or ‘brownfield’ sites to significantly boost the supply of housing and other uses where this can be sustainable. Many such sites carry a legacy of industrial contamination which requires remediation before any work can begin and this can be a significant hindrance to the construction sector which holds up vital investment in new homes and jobs.
270. In many instances remediation of soils and ground can be undertaken in-situ utilising mobile plant and equipment under the regulations set by the Environment Agency. This can include the cleaning of soils containing asbestos materials and on sites located within an urban context, with neighbouring residential or other sensitive uses. However on some sites this might not be feasible for reasons of lack of space or time pressures for example and this is where the proposed facility would provide a particular beneficial service to the development industry, helping to unlock and clean up contaminated sites for redevelopment and manage the waste at a regulated site.
271. At the same time, moving waste up the waste hierarchy also reduces the demand on hazardous landfill space (elsewhere) which is a finite and economic resource in itself.
272. These direct and indirect economic benefits should be recognised and afforded significant weight in line with local and national planning policy objectives to promote local regeneration, economic growth, and the development of the waste recycling sector.

#### Other matters

273. Due to the previous and historic uses of the site and the noted underlying sensitive groundwaters, the Environment Agency request a remediation condition to cover the presence of potential contamination should this be encountered during the development. This is a reasonable, precautionary

condition, particularly as the concrete surface may be broken out as part of the pad construction works.

274. Lound Public Footpath No.2 shares the length of the landfill access road, terminating at the site gates/entrance and proceeding no further. This has served the landfill (and before that the Royal Ordnance Factory) for 30 plus years and has sufficient width to be shared safely with any pedestrians. A condition requiring the provision of suitable warning signage at each end of the access road can also be included. Public access is planned as part of the eventual restoration which in time will likely increase the use of the footpath than is currently the case.

### Conditions

275. A condition is recommended to specify 10-year operation for the STF (allowing for 3 years to commence) and the requirement to clear the site and restore it as part of the requirements under the wider landfill planning permission. Progress with the restoration would be monitored.
276. A condition is recommended to require all suitable post-treated soils to be retained and utilised in the site's restoration and for records to be maintained and reported to the WPA on the flows and volumes of soils in order to demonstrate that suitable treated soils are being used to restore the landfill site. The WPA will also continue to carry out audits and site inspections to check on progress. This is necessary in order to capture and retain the maximum volumes of restoration materials needed to deliver a timely and potentially earlier site restoration. The application has been proposed on this basis and it is considered that an otherwise 'general' recycling facility, operating apart from the landfill, might not be considered favourable in planning and sustainability terms. Without the STF the site may also continue to find it difficult and unviable to source restoration materials and the current unsatisfactory condition could continue.
277. A range of conditions relating to construction works/site clearance, drainage design, materials storage, highway movements and routeing, hours of operation and noise, and measures to control mud, dust and odour are also recommended. This includes a condition requiring there to be no airborne asbestos above pre-development background levels as suggested by the applicant.
278. As noted a condition can also require the establishment of a local liaison group to provide a forum for sharing and addressing any local concerns as well as sharing any monitoring information in the interests of openness and transparency. Detailed operational controls would be fully covered by an Environmental Permit from the Environment Agency.

### **Other Options Considered**

279. 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**

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

### Crime and Disorder Implications

281. The development would be located within the established landfill facility benefiting from existing perimeter security fencing, and other security measures.

### Data Protection and Information Governance

282. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter. Where a third-party review of representations has been required, the prior permission has been obtained from the author to share this.

### Human Rights Implications

283. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have the potential to introduce or reintroduce impacts such as those related to the passing of heavy traffic to/from the site, along with local anxiety and concerns related to the hazardous wastes to be accepted and processed at the facility. These potential impacts need to be considered in the planning balance alongside other impacts, which include the general need for the facility and the specific need to attract sufficient quantities of soils for the restoration of the wider landfill, which the proposal would go on to deliver. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

284. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty. Potential direct, indirect and cumulative impacts from the proposal have been considered equally to all nearby receptors and resulting from this there are no identified impacts to persons with a protected characteristic.

## Implications for Sustainability and the Environment

285. These have been considered in the Observations section above, including the merits of recycling soils in line with the waste hierarchy and providing materials for beneficial use in the restoration of the wider landfill facility, along with the detailed measures proposed to control emissions to the air and safeguards to the ground/water environment from pollution. The advice from statutory and other consultees on these arrangements has been sought and planning conditions can be made to require such necessary measures to be put in place. The operations would also need to secure and operate in accordance with an Environmental Permit.
286. There are no financial, human resource, or children/adults at risk safeguarding implications. There are no implications for County Council service users.

## **Conclusion**

287. The proposed Soil Treatment Facility would provide a useful and specialist recycling service helping meet the needs of the development industry in the remediation and reuse of previously developed land, locally and regionally. The recycling and treatment processes would ensure that contaminated soils can be remediated, moved up the waste hierarchy and put to beneficial use to restore the landfill site, where there is a pressing requirement for such soils. As such co-siting the STF with the landfill is a significant sustainability advantage.
288. If the volumes of soils expected to be imported and processed over the proposed 10 year operational period are achieved, this would make a substantial contribution towards restoring the site in line with the approved restoration masterplan (and planning permission) for the wider landfill site as opposed to an alternative or short term restoration scheme which was previously under consideration by the WPA. Whilst the former would take longer to achieve and would entail prolonged traffic impacts, it would provide a greater standard of restoration and enhanced public access, rather than the latter approach which did not provide a scheme capable of being approved.
289. The site's largely remote situation is advantageous and along with the detailed design and operational measures which would be put in place, there would be no unacceptable impacts to the environment or to local communities. Particular attention has been paid to the on and off-site ecology and sensitive ground and surface waters, concerns about noise, dust and health concerns as raised by the numerous representations objecting to the proposal. The latter issue has led to further discussions with the Environment Agency. Whilst the Agency's advice to 'twin track' an Environmental Permit application alongside the planning application is not being followed by the applicant, the WPA and the local communities can be assured that the site would need to secure a permit in order to operate and it is through this separate regulatory system that any pollution control issues are best addressed.

290. The proposal is therefore considered to accord with all relevant planning policies and material considerations. It is considered a sustainable form of development and it accords with the Development Plan considered as a whole. It is recommended that a 10-year planning permission should be granted.

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

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

### **RECOMMENDATIONS**

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

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments (SG 30/09/2020)**

This decision falls within the Terms of Reference of the Planning and Licencing Committee. Responsibility for the regulatory functions of the Council in relation to planning.

### **Financial Comments (SES 30/09/2020)**

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

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

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

### **Electoral Division and Member Affected**

Misterton - Cllr Tracey Taylor



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