

**28 June 2016****Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****RUSHCLIFFE DISTRICT REF. NO.: 8/16/00059/CMA**

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

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

**APPLICANT: MR STEVE JOHNSON**

**Purpose of Report**

1. To consider a planning application to extend permitted operational hours and bring forward the site's opening time to 6am Mondays to Saturdays (from an approved start time of 07:30am) to allow for twelve pre-loaded outbound heavy goods vehicles (HGVs) to leave the Bunny Materials Recycling Facility (MRF), Loughborough Road, Bunny, daily. The key issues relate to the capacity of the local highway network to accommodate associated vehicular movements, and traffic impacts and associated health and amenity impacts (air pollution and dust, light and noise) on local residents and two nearby care homes (Greenwood Lodge and Hillside Farm).
2. The site lies within the Green Belt. Accordingly the application has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to the conditions in Appendix 1.

**The Site and Surroundings**

3. The MRF site lies on the southern side of Nottingham approximately 10.2km from the city centre, and approximately 11.5km to the north-east of Loughborough. It is located 0.75km to the south of the village of Bunny, and is situated on the western side of Loughborough Road (A60), to the south-west of its junction with Gotham Lane, just beyond the former Bunny Brickworks. It is situated within the Nottingham-Derby Green Belt.

4. The nearest residential properties to the site are Woodside Farm, which is situated approximately 120m to the east of the MRF, albeit separated from the site by the A60 (see Plan 1); and Chestnut Farm and Hillside Farm Care Home approximately 160m to the south-west, beyond the boundary of a former landfill site. Broadly to the north of the site beyond the former Bunny Brickworks, is residential development within Gotham Lane including Greenwood Lodge Care Home which is the nearest sensitive receptor within Gotham Lane, at a distance of 220m from the site. More distant residential development is situated beyond Gotham Lane within Bunny Village on Main Street, approximately 750m to the north of the site.
5. To the west and south lies the former Bunny Landfill site which has recently been restored to grassland. Beyond the former landfill site to the west and south-west lies arable land, with further agricultural land to the east beyond the A60. To the north lies the former Bunny Brickworks beyond which a wood and field separate the industrial works from residential development on Gotham Lane.
6. The MRF site comprises approximately 1.06 ha. of operational land, and is an established recycling/recovery facility for the crushing and screening of inert construction and demolition waste, and non-hazardous commercial and industrial waste, including incinerator bottom ash (IBA) material.
7. There is bunding to the south-eastern boundary of the site, providing screening along Bunny Hill. The MRF site is accessed off the A60 Loughborough Road.
8. The MRF site layout comprises two areas, one of which is a dedicated waste transfer area for the receipt, storage and processing of commercial and industrial waste and includes a waste transfer building which is currently used for the indoor storage and processing of IBA. This area occupies the south-eastern part of the site. The IBA storage bays occupy the most southerly sector of this part of the site and have an overall footprint of 2,300sq.m.
9. A separate area for the crushing and screening of construction and demolition waste occupies the western part of the MRF site. It comprises separate stocking areas for raw and processed aggregate, with stockpiles up to 7m in height.
10. There is no fixed plant except in the waste transfer building which contains a feed hopper and conveyor belt system with mobile plant including a crusher, loading shovels, hydraulic grab, and stockpile conveyors. The MRF site also contains site offices, vehicle parking, wheel-wash facilities and a weighbridge.
11. The site is substantially screened from view from the nearest receptors by the topography of the land, earth bunds, concrete fences, material stockpiles and mature, dense vegetation comprising tree belts, hedgerows and mature trees.
12. The nearest designated nature conservation sites are Bunny Works Grassland Local Wildlife Site (LWS) to the north of the site, and Bunny Old Wood LWS and Nature Reserve which lies approximately 400m to the south-east on the opposite (eastern) side of the A60 (Loughborough Road).

## **Relevant site history and background**

13. The application relates to an established MRF which operates under a number of planning permissions granted by the County Council as Waste Planning Authority over the years. A planning permission (Plg. Ref.8/15/00050/CMA) covering the temporary storage of reclaimed aggregates on part of the former Bunny Brickworks has now ceased, and the MRF has reverted back to extant planning permissions 8/12/01028/CMA, 8/96/79/CMA and 8/94/00164/CMA.
14. Planning permission (Plg. Ref. 8/94/00164/CMA) was originally granted in September 1994 to Safewaste (UK) Ltd, for a recycling centre on land adjacent to Bunny Brickworks, for the receipt and processing of a range of inert construction and demolition wastes. An annual operational throughput of 100,000 tonnes of inert waste material was established under this planning permission.
15. In December 1996, a further planning permission (Plg. Ref. 8/96/79/CMA) was granted for a change of use on buildings and land in the south-eastern part of the MRF site, to allow for the receipt and processing of non-hazardous commercial and industrial wastes. Operational hours which are still in force today were set at 7.30am – 6pm Mondays to Fridays, and 7.30am to 1pm on Saturdays and within these times crushing and screening operations were only permitted between 8am and 5pm on weekdays and 8am to 12.30pm on Saturdays with no permitted working on Sundays, Bank or Public holidays.
16. The planning application also proposed an extra 15 vehicles per day entering and exiting the site, in addition to the 40 vehicles per day established under the previous planning permission.
17. Two further planning permissions (Plg. Ref. 8/00/976/CMA and 8/00/973/CMA) were granted in December 2001 and November 2002 respectively, for the storage of secondary recycled aggregates and storage of skips and wood associated with the recycling operations.
18. A non-material amendment to planning permission 8/96/79/CMA was approved in March 2012 to allow the current operator Johnsons Aggregates to install storage bays in an existing waste transfer building to support IBA processing inside the building.
19. March 2013 saw retrospective planning permission (Plg. Ref. 8/12/01028/CMA) being granted for the erection of outdoor IBA storage bays, and a change of use on land to extend the commercial and industrial waste transfer/processing area to accommodate IBA storage.
20. Finally, two temporary planning permissions were granted in March 2014 (Plg. Ref. 8/13/01494/CMA) and June 2015 (Plg. Ref. 8/15/00050/CMA) to use land to the immediate north of the MRF site for reclaimed aggregate storage, initially for twelve months and then for a further 6 month (time limiting the permission until 31<sup>st</sup> August 2015). The March 2014 permission also permitted a temporary relaxation of working hours to allow IBA to be processed until 8pm on weekdays only, with this expiring on 31<sup>st</sup> August 2015. A variation to conditions 7 and 9 of planning permissions 8/96/79/CMA and 8/94/00164/CMA respectively, allowed for these extended working hours.

21. With regards to existing operations, and following on from the temporary permissions expiring, planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA are the three main planning permissions that the MRF operates under, and which the applicant seeks to vary by way of the current planning application to allow HGVs to leave the site from 06:00am onwards. These applications collectively authorise the importation, storage, processing and transfer of inert construction and demolition wastes, and also non-hazardous commercial and industrial waste materials, involving primarily the acceptance and processing of IBA.
22. With regards to the current planning application it seeks to regularise intermittent early morning lorry movements, with this activity initially having been brought to the WPA's attention through a complaint from a member of the public in early 2015.
23. In this respect, a complaint was received in February 2015 regarding noise from HGV movements travelling outside permitted hours, specifically relating to the use of the A60 and singling out Johnson's HGVs. Initial investigations revealed that HGV movements were largely unrelated to the site, however a number of out of hours movements from Johnson's lorry fleet were observed involving up to 10 HGVs. The County Council's Monitoring and Enforcement Senior Practitioner observed vehicles leaving the Bunny site on the mornings of the 5<sup>th</sup> and 19<sup>th</sup> of March 2015, on both occasions from as early as 5.45am. Whilst 100 HGVs were observed in an hour, only 8-10 were Johnson's HGVs, with 90 per cent not connected to the site at all, but largely related to the nearby gypsum works. On both occasions HGVs were also seen entering the site before the permitted start time.
24. The applicant was instructed to cease these out of hours operations or risk enforcement action being initiated without further notice. Further discussions were then pursued between the County Council and the applicant resulting in the current planning application.
25. The existing MRF site operates under an Environmental Permit issued by the Environment Agency for waste management purposes.
26. The site continues to be subject to regular monitoring inspections by the WPA.

#### Current operations

#### IBA operations

27. IBA recycling operations have now been carried out for approximately four years at the Bunny MRF. HGVs (articulated tipper lorries) bring in raw material to the site where it is unloaded onto raw material stockpiles and left to mature.
28. On receipt into the MRF, the raw IBA is unloaded into the open air storage bay where it undergoes a cooling, crushing and weathering process.
29. Outdoor operations involve the crushing of the raw IBA using a loading shovel to both feed the unprocessed IBA into a hopper and remove processed materials.

The initial crushing allows magnets to remove metallic materials (Ferrous and Non-Ferrous metals). A large skip is located at the side of the crusher for the containment of ferrous metals removed by magnet. All metallic materials removed from these operations are then stored on part of the impermeable area within the storage bay. All mobile crushing operations are carried out within the storage bay area.

30. Following the outside storage and partial processing of the raw IBA material, the matured IBA is fed into the 'in-feed' hopper by a front end loader shovel and is then transferred to the waste transfer building where it is blended with other inert waste to make a secondary aggregate (IBA aggregate).
31. The IBA passes through the various processes within the building before exiting via conveyors into product bays. A front end loader moves the final graded product to reclaimed aggregate stockpiles.
32. Finally, the end product is tested for quality under the EA's Regulatory Position Statement before being stored on an area of hardstanding prior to dispatch off site. Processed material leaves the MRF, generally on rigid wheel tipper trucks, (having been loaded by front end loaders) outbound to customers across the county.

#### Aggregate and soil recycling operations

33. The MRF also carries out aggregate and soils recycling operations. This involves soils, stone and masonry products being brought to the site to be crushed, sorted and stored, prior to being dispatched to customers as aggregates and graded soils.

#### **Proposed Development**

34. Planning permission is sought to vary operational hours on extant planning permissions 8/94/00164/CMA, 8/96/79/CMA and 8/12/01028/CMA, to extend permitted operational hours from 7.30am to 6pm Mondays to Saturdays to allow twelve pre-loaded HGVs to leave the site before the early morning peak hour. It is anticipated that the majority of these lorry movements would occur between the hours of 6am and 7am and an updated noise report (addendum October 2015) in support of the planning application has been based on this assumption.
35. The planning application originally sought to bring forward operating times on the IBA waste transfer area from 7.30am to 7am Mondays to Fridays, as well as the variation set out in the above paragraph. However, the development proposal has subsequently been amended to dispense with this particular element of the proposals.
36. The proposals involve varying the following planning conditions to reflect an amended start time of 6am:
37. Condition 3 of planning permission 8/12/01028/CMA states:

38. *'Except in emergencies where life, limb and property are in danger, which shall be notified to the WPA within 48 hours of their occurrence, the IBA waste transfer area, shall only be operated in accordance with the time periods of 0730hrs to 1800hrs Mondays to Fridays and 0730hrs to 1300hrs on Saturdays. Within these times crushing, and screening operations shall only take place between the hours of 0800hrs and 1700hrs Mondays to Fridays and 0830hrs to 1230hrs on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery, including HGV movement onto and off the site, shall be carried out on Sundays, Bank or Public Holidays'.*
39. Condition 7 of planning permission 8/96/79/CMA states:
40. *'Unless in emergency, or as otherwise previously agreed in writing by the County Planning Authority, the site shall only operate between the hours of 7.30am to 6.00pm on weekdays and 7.30am to 1.00pm on Saturdays. Within these times crushing, screening and wood shredding operations shall only take place between the hours of 8.00am and 5.00pm on weekdays and 8.30am to 12.30pm on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery shall be carried out on Sundays, Public or Bank Holidays'.*
41. Condition 9 of planning permission 8/94/00164/CMA states:
42. *'Unless in emergency or as otherwise previously agreed in writing by the CPA, the site shall only operate between the hours of 7.30am to 5.30pm on weekdays and 7.30am to 12.30pm on Saturdays. Within these times crushing and screening operations shall only take place between the hours of 8.00am and 5.00pm on weekdays and 8.30am and 12.30pm on Saturdays. No operations that would involve the movement of materials or operation of any plant or machinery shall be carried out on Sundays or Bank Holidays'.*
43. It is proposed to have a designated parking bay within the existing waste transfer compound for the fleet of early-start lorries. This dedicated area would make use of existing surfacing (compacted hard-core) within the yard area, where HGVs would be parked overnight in a forward gear ready to drive off site the following morning with minimal noise and disturbance to the nearest sensitive residential receptors. Vehicles would be pre-loaded and pre-wheel-washed during operational hours on the previous day.
44. No other operations, except for the movement of up to twelve pre-loaded HGVs outbound from the site would take place during the extended morning hours, and all other permitted waste operations (screening and crushing operations and the acceptance of waste including IBA material into the site) would remain unchanged.
45. No vehicles would enter the site during the extended early morning hours.
46. The proposed development would not result in any increase in annual throughput of waste materials (100,000 tonnes per annum), and similarly there would be no change to existing traffic movements in terms of actual daily vehicle numbers (100 movements per day, 550 movements over the working week).

The proposals would simply involve a relaxation in the start time of the site to allow flexibility to dispatch existing HGVs earlier than currently permitted.

47. An addendum noise survey (dated October 2015) has been submitted in support of the planning application.

## **Consultations**

48. **Rushcliffe Borough Council (RBC)** *No objection.*
49. *The Borough Council has had sight of the draft planning conditions and has no objection subject to their imposition.*
50. **RBC Environmental Health Officer (EHO)** *No objection.*
51. *The applicant is seeking to have existing conditions amended to allow a limited number of early morning HGV movements from the site that are prepared the previous day and would not have any reversing or other movements associated with them. These would access the A60, a main road used by traffic (HGV and cars) throughout the day and night periods, directly from the site. There is limited concern in relation to the noise from this aspect of the proposals due to the road being a major traffic route and with the 'Design Manual for Roads and Bridges' (DMRB) 2011 noise assessments indicating negligible noise impacts.*
52. *It is noted that the County Council's Noise Officer has recommended certain planning conditions to ensure mitigation and controls are in place. These would cover aspects such as the pre-loading and sheeting of early morning HGVs the day before; and the parking of vehicles in a position whereby they can be driven in a forwards motion out of the yard without the need for reversing. Aside from these lorry movements, no HGVs would be permitted to enter the site until after 07:00hrs; and no other plant would be operated between 06:00hrs-07:00hrs.*
53. *These recommendations are supported and provided they are implemented there would be no objection to the proposal on environmental health grounds.*
54. **Bunny Parish Council** *Objection on the following grounds:*
55. *The WPA is aware of the concerns local residents have regarding the existing arrangements for the site and to allow an extension of the operating times would only add to the noise and disturbance problems affecting residents.*
56. **The Environment Agency (EA)** *No objection.*
57. *Johnsons Aggregates and Recycling Ltd hold an environmental permit which they must comply with. The operator is required to control the on-site activities through an Environmental Management System (EMS) which takes account of the environmental risks posed by the activities on site, including those brought to the attention of the operator through complaints. This would include any noise complaints.*
58. **NCC (Landscape)** *No objection.*

59. *There are no comments to make on this planning application.*
60. **NCC (Nature Conservation)** *No objection.*
61. *The proposed variation of conditions is unlikely to give rise to a significant ecological impact.*
62. **NCC (Planning Policy)** *No objection.*
63. *There are no specific planning policy comments to make on the proposal, but comment on the environment and amenity impact of the proposed changes to site operations (particularly in relation to noise impact) should be sought from relevant teams within the County Council and other statutory bodies. In relation to this, attention is drawn to Policies WCS13 and 15 of the adopted Nottinghamshire and Nottingham Waste Core Strategy (WCS) and the more detailed policies and development management considerations set out in the saved policies of the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP).*
64. **NCC (Highways) Rushcliffe** *No objection.*
65. *It is noted that whilst the proposal would result in an overall increase in traffic from the site in the morning, this traffic would be accessing the highway network at a time when background traffic flows are relatively low. Therefore its impact in terms of capacity and safety should be no greater than the existing peak hour flows associated with the site.*
66. **NCC (Noise Engineer)** *No objection subject to planning conditions regarding controls over other plant not operating between 06:00 hours-07:00 hours; and controls over HGVs departing the site between these hours to ensure that vehicles are pre-loaded the day before, sheeted and parked in a position which enables them to drive in a forwards motion out of the yard without the need for reversing. Furthermore, no HGVs would be permitted to enter the site until after 07:00 hours.*
67. *All other noise conditions shall be carried forward from the extant permissions covering site operations, and existing noise conditions shall be varied to allow up to 12 preloaded HGVs to depart the site between 06:00 hours and 07:00 hours.*
68. *It is noted that the impact from 12 preloaded HGVs leaving the site has been assessed using BS4142, a standard not considered appropriate for assessing noise from HGV movements particularly in a noise climate already dominated by road traffic. A subsequent assessment was therefore made using the impact methodology for change in road traffic noise contained in the DMRB. This compares the road traffic noise levels before and after change in traffic composition and determines the impact from the change in noise level.*
69. *The A60 is a principal road into Nottingham City Centre so traffic levels are already relatively high between 06:00 hours and 07:30 hours and therefore the change in noise level attributed to the additional 12 HGVs is negligible.*



70. *It is important that there is no loading of HGVs and that HGVs avoid any reversing manoeuvres in the yard before 07:00 hours. In addition, there should be no permitting HGVs to enter the site until after 07:00 hours.*
71. *The above controls are recommended in addition to the proposed variation in condition, in order to minimise any potential noise impact.*
72. **Nottinghamshire Wildlife Trust** has made no response. Any comments received will be reported orally to Committee.

## **Publicity**

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

### Noise impact

- a) Noise impact from transport to and from the site is already considerable and infringes on residential life, the noise being clearly audible outdoors and even indoors when windows are open;
- b) the hours of operation are already in excess of a 'normal' working day and to extend them further would mean the noise being audible whilst residents are still in bed;
- c) A 7.30am start is early enough in the morning for residents especially on Saturdays;
- d) on the busiest weekdays, the normal traffic noise does not become noticeable until after 7.30am but the proposals would change this;
- e) lorries covering this site are already a noise nuisance to those living on the A60, and an earlier start would mean the noise nuisance starting earlier;
- f) lorries branded with the site name already travel to access the site from 5.30am along the A60, even if they cannot actually access the site upon arrival;

- g) a 6am start involving movement of HGVs is unreasonable because of the noise of the vehicles, and a 7am start would be much more reasonable;
- h) as Gotham Lane has numerous residents parking along it, this results in stopping and starting of vehicles when travelling up and down the lane, and braking/accelerating further adds to the noise pollution;
- i) to extend the hours when residents suffer from extreme noise pollution from HGVs is not something residents would ever agree to. In fact, if anything, residents of Gotham Lane would like to reduce the hours to prevent babies and young children being woken up by HGV traffic;

#### Residential amenity impacts

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

#### Odour impacts

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

#### Traffic impacts and access

- n) Gotham Lane is not meant for heavy traffic and the residents suffer enough already;
- o) there has been a noticeable increase in road traffic to and from this site, since it originally opened much of which speeds past the front of houses along Gotham Lane;
- p) Gotham Lane is a restricted road with street lamps less than 200m apart and therefore subject to reduced noise between 11:30pm and 07:00am. Moving operational hours to 6am is clearly outside of this. Furthermore, the use of horns is prohibited on restricted roads during these hours, and a horn or ability to flash lights is important to negotiate with oncoming traffic given the on-street parking;

- q) overall considering Gotham Lane is a rural road, the WPA is urged to consider the appropriateness of this proposal and the impact it would have on all residents;
- r) this particular lane already experiences a large volume of lorries not only from Johnson Aggregates but also from the British Gypsum plant at East Leake and from general haulage through the village, which run at all hours of the day;
- s) the volume of lorries is exacerbated by their speed, with vehicles travelling down Bunny Hill on Loughborough Road (A60) at speeds of at least 50 mph, and speed limits are rarely observed by the aggregate lorries which seem to travel faster than the articulated lorries. Speed cameras which are already in use at the Victoria and Albert Road end of the village should be installed at the Gotham Lane end, where the problems seem worse;
- t) it is suggested that Johnson Aggregates connect their access road to the works, which would provide a long-term solution to this problem;
- u) extending the HGV operating hours at the Bunny Recycling Facility from 6am Mondays to Saturdays is clearly unacceptable and inconsiderate;

#### Cumulative impacts

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

#### Health issues

- z) there are already concerns over the health implications that the dust from the site operations may cause and the increase in traffic volume due to the extra hours only adds to resident worries;
- aa) noise, air and dust pollution from the lorries will have a huge detrimental effect on families and their general health and well-being;

#### Light pollution

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

### Air and dust pollution

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

### Safety issues

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

### Other considerations

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

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

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

76. Bunny Parish Council and the nine objectors referenced above were subsequently informed by letter of the amendment to the proposals which removed the proposal to operate the IBA waste transfer area from 7am.
77. Councillor Reg Adair has been notified of the application.
78. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Introduction

79. The application has been submitted by the current operators, Johnsons Aggregates, a leading recycler of IBA material in the East Midlands, to both regularise unauthorised lorry movements, and to improve operational practices with regards to the supply and deliveries of secondary aggregates to customers in the north of the county.
80. As well as seeking to regularise early morning lorry movements (as notified and required by the County Council's Monitoring and Enforcement Senior Practitioner), the need for the application and reasoning behind the proposal is to overcome current time restrictions on early-morning lorry movements, which limits the ability of the company to make timely deliveries to its more distant customers in the north of the county. This has business and economic implications for the applicant, in terms of lengthier journey times for those early

morning deliveries. Due to the early morning peak hour traffic, between 1-1½ hours can be added onto the journey time as delivery vehicles navigate around or directly through Nottingham City Centre, to travel onto the north of the county.

81. The extra time it takes vehicles to travel through the central Nottingham city area impacts on the efficiency of Johnson's business operations given that the first deliveries of the day of outgoing materials with destinations to the north of Nottinghamshire cannot be made on time. An earlier morning start would allow Johnson's HGVs to avoid early-morning peak hour traffic, thereby enabling its first deliveries of the day to be made on time.
82. There is therefore a reasoned justification in business and economic terms, however this needs to be balanced against the environmental and residential amenity impacts that could potentially be generated by extending operational hours to allow a 6am start. Whilst this would be restricted to pre-loaded outbound lorry movements only, it would still involve running HGVs out of the site in the early hours of the morning, outside the permitted working hours which have historically operated at the Bunny MRF over the years, controlling site operations including lorry movements to a start-time of 7:30am.
83. Reference is now made to those material considerations relevant to the determination of this planning application.

#### Planning policy considerations

84. In national planning policy terms, the proposed development is given due consideration in light of the National Planning Policy Framework (NPPF) (March 2012), the Planning Practice Guidance (PPG) (published on-line in March 2014 and periodically updated), and the National Planning Policy for Waste (NPPW). Relevant policies and direction as set out in these documents are material considerations to the determination of the application.
85. The NPPF sets out the national policy approach towards development, and whilst it does not specifically make reference to waste, which is covered by the NPPW, it does set out guidance as to the degree of weight that should be afforded local plans since its publication. It states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies are to the Framework, the greater the weight that may be given)'.
86. Planning applications should be determined with regard to the development plan as far as material to the application and any other material considerations and decided in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application, and in line with Paragraph 215 of the NPPF, the proposal has been assessed against any key strategic policies in the Waste Core Strategy (WCS) and relevant saved policies in the Waste Local Plan (WLP) and the Rushcliffe Borough Non-Statutory Replacement Local Plan 2006 (RLP).
87. Overarching policy direction is set out in the NPPW with the presumption in favour of sustainable development and resource efficiency (including supporting

local employment opportunities and wider climate change benefits), and supporting activities which drive waste up the waste hierarchy.

88. Of particular relevance is Section 1 of the NPPF '*Building a strong, competitive economy*' Paragraph 19, which directs that the planning system does everything it can to support sustainable economic growth. In this respect, planning should operate to encourage and not act as an impediment to sustainable growth, with significant weight being placed on the need to support economic growth through the planning system. To help achieve economic growth Paragraph 20 directs that local planning authorities should support the development needs of business. This policy offers weight to the proposals under consideration in this planning application.

#### Consideration of environmental and amenity impacts

89. Of relevance is WCS Policy WCS13 which supports extended waste treatment facilities where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in unacceptable environmental impacts.
90. NPPW Appendix B (locational criteria) sets out the potential environmental considerations that could arise from waste developments and their associated activities. Of particular relevance in the context of this application are matters relating to traffic impact and any associated noise, air emissions including dust, vibration and light impacts.
91. The potential environmental impacts associated with the proposed change to site operations (particularly in relation to noise impact) are material considerations in determining the acceptability of this application; and the more detailed policies and development management considerations set out in the saved policies of the WLP are particularly relevant.

#### Green Belt Policy considerations

92. Central Government guidance on National Green Belt policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF. In terms of the local development plan the RLP remains a material consideration when determining planning applications, with due consideration continuing to be given to Policy EN14 which sets out local Green Belt policy.
93. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; with the essential characteristics of Green Belt being their openness and permanence. The NPPF sets out what would constitute appropriate development in the Green Belt (Paragraphs 89 and 90).
94. There is a general presumption against inappropriate development within the Green Belt and in this respect 'very special circumstances' would need to be demonstrated to justify the granting of planning permission.

95. Under the criteria based listings as set out in both the NPPF (Paragraphs 89 and 90) and RLP Policy EN14, Green Belt policy is silent on operational development such as that contained in the current planning application. The proposals are not identified as being appropriate development in the Green Belt, however various aspects of the development suggest there is a case to be made under the 'very special circumstances' test. In this respect, the proposed development needs to be considered in a proportionate manner given the nature of what is being proposed. The proposals relate to operational development which is ancillary to an established waste management facility, and which it is considered would have a neutral impact in terms of implications for the Green Belt.
96. In terms of definition, the development would simply involve a change to site operations, involving the parking up of a fleet of up to twelve HGVs (pre-loaded and pre-washed) in a designated part of the site overnight for an early morning start the following day. These vehicles would ordinarily already be parked up within the MRF site and there are no additional lorries being added to the existing fleet. The parking bay would be contained within an established waste recycling site, and whilst it would involve the block parking of a fleet of up to twelve HGVs within a permanently designated area, which is not insignificant in terms of visual impact, it is considered that the HGVs would be substantially screened from the surrounding area by a combination of attenuation bunding and mature perimeter vegetation, and the topography of the land. This would mitigate impact on the Green Belt.
97. The planning application originally involved extending waste operations on the IBA processing area, as well as seeking to regularise early morning outbound lorry movements. As such, the application was advertised as a departure application in the Green Belt. However, with the removal of that part of the proposals relating to the IBA processing area, it is considered that the early morning lorry movements including their parking up on-site overnight in a designated parking bay would have extremely limited implications in terms of the appropriateness of the development in the Green Belt. In this respect, the proposals would involve no fixed plant or structures and propose nothing other than allocating a limited amount of space within the yard area to vehicle parking; there is no built development associated with the proposals. It is not proposed to hard-surface the parking area, and there would be no alterations to the existing surfacing (compacted hard-core). The proposals would involve no physical alterations to the existing waste materials recycling site.
98. Given that there would be no physical change either in terms of the appearance of the site or how the compound is used other than running an existing fleet of up to twelve lorries out of the MRF site in the early hours of the morning, it is considered that there are extremely limited implications in terms of Green Belt policy. Whilst the proposals relate to a waste facility in an area of washed over Green Belt, the proposals would not affect either the openness or character of the Green Belt, and would not conflict with the purposes of including land in the Green Belt, namely:
- *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*

- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

99. Whilst the proposals may not technically be listed as appropriate development in the Green Belt under either RLP Policy EN14 or the NPPF, the proposals are ancillary to an existing waste operation, and as detailed above would have a neutral impact on the Green Belt. The aspects of the proposed development set out in paragraphs 90 to 93 of this report could provide the 'very special circumstances' which would justify allowing what is technically inappropriate development in the Green Belt. As such, it is considered that the proposed operational development would not be unacceptable for the purposes of Green Belt policy as set out in the NPPF.

#### Visual impact

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

#### Traffic considerations

103. WLP Saved Policy W3.14 indicates that planning permission will not be granted for activities associated with waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated by



the highway network or where such movements would cause unacceptable disturbance to local communities. This is the key policy against which to assess the traffic impact of the development. The NPPF (paragraph 32) states that development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts arising from the proposals are severe.

104. The MRF site benefits from its strategic location in terms of the local highway network being situated with direct access on to the A60 which serves as the main trunk road from Loughborough to Nottingham.
105. It is noted that the proposals would not involve increasing the overall number of HGVs accessing the MRF site for purposes of depositing waste material and collecting/delivering recycled aggregates, but are simply seeking a better flow of lorry movements in the morning avoiding where ever possible peak traffic flows. This is a material consideration in terms of assessing the potential traffic impact on the local highway network associated with the proposals. An existing planning condition would continue to ensure that lorry movements do not exceed 100 movements per day, subject to a maximum of 550 HGV movements in any single week (Mondays to Saturdays).
106. The proposals seek the daily movement of 12 outbound HGVs off site between 6am and 7am and a review of the surrounding strategic road network in terms of its capacity to accommodate the proposed traffic levels at this time of the day indicates that whilst the proposal would result in an increase in traffic flow along the A60 during this hour, this would be at a time when background traffic flows are relatively low compared to other times of the day. Consequently the County Council's Highways Officer is satisfied that the impact of these early morning lorry movements in terms of capacity and safety along the local highway would be relatively insignificant and readily accommodated. The level of proposed traffic along the A60 would be no greater than the existing peak hour traffic flows associated with the MRF site, but these lorry movements would be added to the local road network when it has enhanced capacity due to the time of the day. Indeed, up to 72 HGVs could exit the site over a five and a half day working week (Mondays through to Saturday mornings) from 06:00hrs-07:00hrs, potentially taking up to nearly a quarter of permitted lorry movements from the MRF site off the local highway network during the morning peak times. This in itself would bring about a net benefit in terms of highway capacity at peak times in the morning.
107. Overall, the material impact of the proposals in terms of highway capacity is neutral to beneficial and as such would accord with WLP Saved Policy W3.14 and the NPPF.
108. It is considered that the comparatively low levels of traffic that would be added to existing flows as a result of the proposed development would have no significant impact in terms of road safety; and the A60 would continue to operate within its design capacity. The Highways Authority underlines the acceptability of the proposals.
109. Whilst it is acknowledged that residents living along Gotham Lane are concerned about a further increase in heavy goods lorries along their road,

particularly in the early hours of the morning, attention is drawn to the fact that the proposals relate to lorry movements along the A60 travelling directly into Nottingham City Centre and then onwards to the north of the county. There is nothing to indicate in the supporting information that vehicles carrying out early morning deliveries would need to travel along Gotham Lane, which would in fact take lorries in a completely different direction to that being proposed. However, in order to ensure that these 12 HGVs do in fact travel along the A60 and not Gotham Lane, the applicant has agreed to enter into a legal agreement to control the routing of these HGVs. This would ensure that residential amenity along Gotham Lane would be protected and would ensure compliance with WLP Saved Policy W3.14. With this agreement in place, it is considered that the proposed early morning lorry movements would have no direct impact on the residential amenity of occupiers on Gotham Lane.

110. Overall, it is considered that the proposals would have no unacceptable or significant amenity impacts on residential development along the A60 route through Bunny and on towards Nottingham, given the capacity of the trunk road and the relatively low flows of traffic in the early hours of the morning along what is a main access route from Loughborough to Nottingham. As such, the proposed operational development is considered to accord with WCS Policy WCS13, WLP Saved Policy W3.14 and the NPPF.
111. It is considered that issues relating to the speed of HGVs and more generally speed restrictions along the local highway network are outside the scope of this planning application.

#### Noise

112. Saved Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over aspects such as operating hours, which is particularly relevant in the case of this application; sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
113. A Noise Assessment (NA) undertaken in support of the planning application has calculated the noise impact from varying the operational hours at the MRF site to allow twelve pre-loaded HGVs to exit the site between 06:00hrs-07:00hrs Mondays through to Saturdays, in line with technical guidance contained in the DMRB. This has involved assessing the potential noise impact from the proposed HGV movements in a situation where the background noise level is already dominated by road traffic through the application of an impact methodology for change in road traffic noise. Essentially, this has compared road traffic noise levels before and after a change in traffic composition, which in this case means adding a further twelve outbound HGV movements to the A60 trunk road (travelling towards Nottingham).
114. This involved recording background noise measurements at the nearest sensitive receptors to the MRF site, namely Woodside Farm, Hillside Farm Care Home, and Greenwood Lodge Care Home. In respect of proximity to the A60, Woodside Farm is at a distance of 24m from the kerbside edge of the A60,

which according to the 'Calculation of Road Traffic Noise' (CRTN) equates to 27.5m from the source line of road traffic noise travelling along the A60 at its closest point. Likewise, Hillside Farm is 45m distant to the kerbside edge of the A60, the equivalent of 48.5m from the source line of road traffic noise travelling along the A60 when at its closest point. Altogether more distant to the A60 is Greenwood Lodge at a distance of 83m from the kerbside edge of the A60 or 86.5m from the source line of road traffic noise travelling along the A60 at its closest point.

115. Calculations were then carried out to determine the highest likely noise contribution from twelve additional outbound HGVs travelling along the A60 towards Nottingham City Centre between the hours of 6am and 7am Mondays to Saturdays at the nearest façade or elevation to the identified sensitive properties.
116. Using the DMRB methodology, the comparative figures for the current and predicted LAeq,1hr noise levels arising from the proposed twelve HGV movements indicates a 0db noise change at Woodside Farm. Therefore, there would be no associated change in the magnitude of noise impact between 6am and 7am either over the short or long term. Similarly, for both Hillside Farm and Greenwood Lodge Care Homes the calculated noise change of 0.4db and 0.3db respectively, again indicates insignificant noise impacts associated with the proposed lorry movements. In both cases, the magnitude of impact at this time of the morning would be negligible over both the short and long term.
117. Overall the indications are that the change in noise level attributable to the additional twelve HGVs would be negligible and there would be no appreciable noise impact on the nearest sensitive residential receptors at the earlier time of 6am to 7am. This is largely due to the fact that the A60 is a principal trunk road into Nottingham City Centre and traffic levels are already relatively high between 6am and 7am (albeit low compared to the core day-time flow of traffic).
118. The additional HGV movements associated with the proposals would not result in any significant impact in terms of noise and vibration, in accordance with the advice contained in the DMRB. The noise impact of additional HGV traffic along the existing route pre-early morning peak hour would be neutral to negligible over the short to longer term.
119. With regards to ancillary operations such as the loading of vehicles which have the potential to generate associated noise impacts, such noise levels would be managed by ensuring that vehicles are pre-loaded the day before during normal working hours. Other measures being proposed by the applicant would include parking vehicles in a forward gear so that there is no reversing or manoeuvring required to move lorries off site; observing the site speed limit of 15mph, and the regular spacing out of lorry movements throughout the hour.
120. The County Council's Noise Engineer has stressed the importance of tightly controlling procedures, with an emphasis on no loading of HGVs or reversing manoeuvres in the yard before 7am. It is also recommended that no HGVs are permitted to enter the site until after this time. Planning conditions as advised by the Noise Engineer and supported by the Borough Council's EHO would ensure that these measures are implemented to minimise any potential noise

impact arising from the proposals. All other noise conditions on existing permissions would be carried forward. It is also noted that the applicant has taken on board concerns raised by the Borough Council for the provision of a designated parking area on the MRF site. The scheme has been amended and allocated parking has now been provided within the existing yard area to enable HGVs to be suitably parked up in a forward gear for ease of transit off-site the following morning.

121. It is considered that these attenuation measures would build in sufficient protection to ensure that operational noise associated with early morning lorry movements would not be significant. As such, the proposed development subject to conditions would accord with WCS Policy WCS13 and WLP Saved Policy W3.9. It is considered that any noise impact is capable of being suitably controlled so that it would not increase significantly to unacceptable levels.
122. Overall, the indications are that HGVs exiting the MRF site at the earlier start time of 6am to 7am would not give rise to unacceptable noise impacts to the nearest residential receptors to the site including householders along Gotham Lane. Any HGVs leaving the site at this time of the morning would be fully loaded and sheeted, with this proposed to take place at some point during the previous working day. Therefore, there would be no other plant or equipment (and associated noise) used during this time. The loading of the lorries would in itself mitigate noise impact, given that a full load has a dampening effect, with HGVs generating most noise when empty (due to the body bumping on the chassis).
123. The supporting statement submitted as part of the planning application has also confirmed that all drivers would be given special training relating to early morning HGV movements; and that the HGV fleet is regularly checked and serviced to ensure that all silencers and noise attenuating equipment is maintained in full working order.
124. It is noted that it is not proposed to run lorries along Gotham Lane at this time of the morning, but along the A60 Loughborough to Nottingham trunk road towards Nottingham City Centre and then on to the north of the county. This matter would be secured by a legal agreement to control the routeing of HGVs. The noise assessment has indicated that, subject to planning conditions, any noise impacts associated with the proposed early morning lorry movements would be at most negligible. On balance, there is nothing to indicate that the proposals would impact on the residential amenity of those living along Gotham Lane and it seems reasonable to conclude that there would be no detrimental health impacts to local residents, including children, from lorry movements and any noise arising.
125. Regarding the noise impact of HGVs on residents living on Loughborough Road, both the County Council's Noise Engineer and the Borough Council's EHO are satisfied that, subject to the recommended supplementary noise conditions, sufficient mitigation and controls would be in place to control noise to acceptable levels. There is support for the findings and conclusions of the noise addendum (October 2015) and the use of the DMRB methodology to assess changes in road traffic noise impact along the A60 Loughborough Road arising from the extra 12 lorry movements outbound from the MRF site from 6am

onwards. Both the EHO and the Noise Engineer concur with the DMRB noise assessments which indicate negligible noise impacts to sensitive residential receptors to the A60 within the vicinity of the MRF site. Overall, it is concluded that any noise impact along the A60 is limited by the fact that this is a main road used by traffic throughout the day and night periods, with comparatively high levels of traffic already flowing between 6am and 7am meaning that a change in noise level attributable to the addition of twelve HGVs would be negligible. The proposal, subject to a suite of planning conditions covering noise, is in accordance with WCS Policy WCS13 and WLP Saved Policy W3.9.

#### Air quality and dust

126. The NPPF paragraph 30 encourages solutions which support reductions in greenhouse gas emissions and reduce congestion. Paragraph 005 of the PPG makes reference to a number of considerations which need to be taken into account when deciding whether or not air quality is relevant in determining a planning application. In particular, and of relevance to this proposal, it states that consideration should be given to the implications of the development in terms of whether it would significantly affect traffic in the immediate vicinity of the proposed development site or indeed further afield, by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or by significantly altering the traffic composition on local roads. These are material considerations which need to be given due diligence with regards to the determination of the current application.
127. In respect of these proposals, it is considered that the low volume of outbound traffic proposed to leave the site in a single hour between 6am to 7am would not significantly affect existing traffic levels within the immediate vicinity of the MRF site at this time of the morning. It is understood that there are relatively high levels of traffic associated with the nearby gypsum works at this time of the day, and that the additional traffic associated with the MRF site would be insignificant when set against such baseline traffic movements. Indeed, transporting HGVs offsite before the early morning peak hour would ensure that these vehicles do not add to peak hour traffic movements, thereby avoiding the higher levels of carbon emissions (and fuel consumption) associated with potential traffic congestion at peak times of the day.
128. It is therefore considered that the low level of outbound HGVs leaving the site would not significantly affect the amenity of local residents, in terms of air quality impacts. Between 6am and 7am in the morning, this level of vehicle movements would neither generate nor increase traffic congestion, nor would it significantly impact on overall traffic volumes or traffic composition on the local road network. As such, the movement of up to twelve outward bound HGVs from the site between 6am and 7am would accord with the policy considerations set out under PPG Paragraph 005, and the NPPF.
129. Overall, the proposals would ensure a more effective use of the local road network, potentially avoiding peak traffic congestion, cutting the journey time for deliveries of recycled aggregate to the north of the county, and correspondingly, cutting fuel consumption and vehicle emissions. The proposals would not involve increasing the overall number of HGVs operating from the MRF site, but

would simply involve a more strategic use of the highway network by outward bound vehicles.

130. As such, the proposals would accord with WCS Policy WCS14 (Managing Climate Change), given that it would deliver improved operational practices that would lead to HGVs being operated in a manner that would reduce potential impacts on climate change.
131. Waste operations including associated HGV movements have the potential to cause a dust nuisance to any sensitive receptors to the site. Saved WLP Policy W3.10 identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. In this respect and in line with existing practices, all outward bound vehicles would be sheeted to ensure potential fugitive dust emissions are contained.
132. Saved WLP Policy W3.11 seeks to ensure that mud and other debris does not contaminate the public highway. In line with this policy, all HGVs leaving the MRF site are required to use existing wheel-wash facilities and this procedure would continue to be followed, with the early morning vehicles being wheel-washed the day before. This would minimise the potential for HGVs to transport mud and debris onto the surrounding road network, which could be a source of potential fugitive dust emissions. Existing planning conditions would continue to secure the appropriate use of on-site wheel-wash facilities by drivers exiting the MRF site from 6am in the morning.
133. It is therefore considered that the potential for mud and detritus to be transported onto the public highway from these early morning lorry movements would be appropriately controlled. As such, the proposals fully accord with WLP Saved Policies W3.10 and W3.11.
134. Further policy direction is provided under Appendix B (Locational Criteria) of the NPPW where it states that the extent to which adverse air emissions, including dust, is capable of being controlled through the use of appropriate and well-maintained and managed vehicles, is a material consideration. It is considered that subject to planning conditions covering dust mitigation measures, such as the sheeting of HGVs and the use of wheel-wash facilities, adverse dust emissions from the proposed HGV movements are capable of being suitably controlled in line with the NPPW. These measures together with the more efficient use of the heavy goods fleet arising from the proposed changes to operational practices, would ensure that any adverse air emissions are minimised.
135. Nuisance from fugitive dust emissions released to the atmosphere is therefore not anticipated.
136. Whilst it is acknowledged that there is a concern amongst local residents that there would be a detrimental effect on health and well-being from air and dust pollution associated with the proposed early morning lorry movements, it is considered that the relatively low volume of traffic involved together with suitable mitigation measures referenced above would ensure that there are no significant or unacceptable air quality impacts to the nearest sensitive receptors.

The pollution control authorities (Environmental Health and the EA) have not raised any concerns relating to environmental impacts such as dust and air quality that could potentially affect public health.

### Odour

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

### Lighting

140. The potential for light pollution is a material consideration. The NPPW makes reference to the potential for light pollution at Appendix B (locational criteria) and the need for this aspect to be considered along with the proximity of sensitive receptors. In respect of these proposals, any light associated with HGV traffic using the local highway network would be intermittent, transient and directional towards the highway so that light spillage towards any nearby residential development would not be unacceptable. As such, this element of the proposals would accord with the NPPW, as there would be no significant risk of light pollution from the early morning lorry movements to the nearest sensitive receptors.
141. The proposals would involve extending operational hours into the early hours of the morning, and during the winter months the MRF's existing lighting could potentially be switched on from 6am in the morning, although it is anticipated that this would relate to that part of the site designated for parking and not the entire site. However in mitigation the MRF site is relatively distant to the nearest residential property and the site is well screened by attenuation bunding along the site perimeter and supplemental mature boundary vegetation. No additional lighting is being proposed. A planning condition controlling existing lights would be carried forward to ensure that all external lighting continues to be suitably

shielded and angled downwards into the site to minimise any attendant light spillage. As such, the proposals would accord with the NPPW.

142. It is noted that the pollution and nuisance control authorities and agencies (Environmental Health and the EA) raise no objections over potential light pollution. The Borough Council's EHO has previously confirmed that there is no direct light spillage onto residential development, given the relative distance of the nearest sensitive receptors to the MRF site and shielding of the site by bunds and mature vegetation. No complaints have been received in relation to lighting nuisance by either the EHO or the County Council.

#### Economic implications

143. Paragraphs 19 and 20 of the NPPF direct that socio-economic impacts should be given due consideration, particularly with regards to planning decisions which seek to proactively drive and support sustainable economic development, as well as assisting businesses to expand. The NPPF places significant weight on the need to support economic growth through the planning system.
144. Johnsons Aggregates is one of the largest suppliers of recycled aggregate in the East Midlands, being an established supplier and primary provider of quarried and recycled aggregates (including IBA) for the construction and engineering industries.
145. Overall, the MRF site whilst not supporting a large number of jobs does nevertheless provide reasonable levels of local employment within what is a semi-rural location and has beneficial impacts on the local economy through the supply of secondary recycled aggregates to the construction and engineering industries across the county.
146. The proposals would beneficially support the economic viability of the MRF site by improving delivery times for customers in the north of the county. This would enhance the company's ability to meet its aims and objectives including the supply of quality sustainable products (secondary aggregates) to its customers, and contribute towards the economic sustainability objectives of the NPPF and the NPPW.
147. The relaxation of operational hours, allowing up to twelve outbound HGVs to operate outside core operating times would ensure that Johnson Aggregates has the capability to provide an effective service and maintain flexibility in terms of service delivery. The improved operational practices would better support a sustainable waste management facility which has driven waste up the waste hierarchy, including the beneficial treatment of IBA waste to a recycled aggregate. As such, the proposals are in accordance with the NPPF and the NPPW.

#### Cumulative impact

148. WLP Saved Policy W3.29 indicates that waste management development will not be supported where it would result cumulatively in a significant adverse impact including on the amenity of nearby settlements.



149. A number of applications to extend operations have been approved by the County Council over the years, as referenced in the Planning History section of this report, and it is acknowledged that a stage may be reached when it is the cumulative rather than the individual impact of a proposal that makes it unacceptable. With respect to the proposals under consideration in this report, whilst it would involve a relaxation in early morning operating hours and an earlier start time for outbound HGVs exiting the MRF site, there would no overall increase in vehicle numbers with lorry movements continuing to be controlled at 100 movements per day (550 over the working week of Mondays to Saturdays).
150. Whilst local residents have raised concerns over the proposals representing a move towards a 24 hour operation, the proposed variation in operating times would be limited to a marginal increase in the working day, extending morning hours only with no evening or night-time operations being proposed. It is noted that a temporary relaxation of hours into the evening (permitted under planning permissions 8/13/01494/CMA and 8/15/00050/CMA) which allowed IBA processing until 8pm at night (Mondays through to Fridays) ceased at the end of August 2015, so there is no cumulative impact in this respect from the current planning application. There are currently no extended operational hours in place.
151. Furthermore, operations would be strictly controlled, allowing only pre-loaded outbound lorries to exit the MRF with no other ancillary activities permitted including either loading of vehicles or use of on-site wheel-wash facilities, between the hours of 6am and 7:30am. Subject to planning conditions controlling what is permitted during the extended operating time, the proposals would not result in any cumulative, and by definition, unacceptable amenity impacts on the nearest sensitive receptors. As such, the proposals would accord with WLP Saved Policy W3.29.

#### Other issues

152. It is not considered that the proposed early morning lorry movements would impact on the safety of pedestrians using the pavements alongside the A60.
153. The principle of the acceptability of the processing of IBA waste at the Bunny MRF has been established under a previous planning permission (Plg.Ref. 8/12/01028/CMA).
154. Aside from the above controls, environmental and operational factors (including noise, dust, and odour impacts) associated with the MRF site are dealt with under an environmental permit authorised by the Environment Agency.
155. The issue of sustainability is covered in the Statutory and Policy Implications section of the report.

#### Legal Agreement

156. In order to secure the routing of the 12 HGVs leaving the site to ensure that they travel along the A60 Loughborough Road and not along Gotham Lane, a legal agreement under Section 106 of the Town and Country Planning Act 1990

would need to be secured before any planning permission is issued. The applicant would cover all reasonable legal cost incurred by the County Council in the drafting of this agreement.

### **Other Options Considered**

157. 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**

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

#### Crime and Disorder Implications

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

#### Human Rights Implications

160. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected. The proposals have the potential to introduce impacts such as traffic noise impact, dust, light and vibration impacts arising from vehicle movements in the early hours of the morning upon the residential amenity of the nearest residential occupiers. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as supporting the economic viability of the recyclable waste operations at the Bunny MRF by enabling the operator to make deliveries (recycled aggregates) to the northern part of the county in a timely manner. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Implications for Sustainability and the Environment

161. The application has been considered against the NPPF, the NPPW, the WCS and the WLP, all of which are underpinned by the objective of achieving sustainable development. The proposed development would deliver sustainable

development by indirectly supporting sustainable waste management operations by transporting the recycled waste materials (secondary aggregates, including IBA) more efficiently to customers in the north of the county.

162. By avoiding early morning peak traffic, the proposals would support a more efficient use of the public highway network, and promote a reduction in overall fuel consumption arising from more rapid and efficient transit of lorries. Whilst road transport may not in itself be an identified sustainable mode of transport, the development would in itself deliver benefits by supporting more efficient use of fuel and a reduction in carbon emissions.
163. The proposals broadly accord with the principles of sustainable development, and in line with this policy direction, the proposals deliver on core objectives, in terms of supporting an existing waste materials recycling operation.
164. There are no service user, equalities, financial, human resource or safeguarding of children implications.

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

165. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

166. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the routing of those HGVs leaving the site between 6am and 7.30am so that they only travel along the A60 Loughborough Road and not along Gotham Lane.
167. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 28 September 2016 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 28 September 2016, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

**TIM GREGORY**

**Corporate Director – Place**

**Constitutional Comments**

The subject of the attached report falls within the scope of Planning and Licensing Committee and this is the appropriate body to consider the report.

[RHC 17/06/2016]

**Comments of the Service Director - Finance**

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

[SES 17/06/16]

**Background Papers Available for Inspection**

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

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

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## RECOMMENDED PLANNING CONDITIONS

### Scope of Planning Permission

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

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

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

*Reason: For the avoidance of doubt.*

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

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

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

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

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

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

5. The reclamation, recycling and transfer of materials from industrial and commercial wastes shall only be carried out on the permitted area edged in red on Drawing No. SSW/CS15596/01 Revision B received by the WPA on 8<sup>th</sup> July 1996, and on land, as shown in hatched red on Drawing No. MS231-2B received by the WPA on 26<sup>th</sup> November 2012.

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

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

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

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

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

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

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

9. No toxic or difficult wastes shall be received or processed on the site; and only materials which are inert, solid, dry, non-oily, non-hazardous and non-putrescible shall be processed and stored on the site; and stockpiled on site outside the building.

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

### **Hours of operation**

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

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

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

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

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

### **Access and wheelcleaning**

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

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

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

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

13. A visibility splay from the access road along the A60, shall be maintained in accordance with the details approved in writing by the WPA on 23<sup>rd</sup> November 1994. A suitable visibility splay shall be maintained to the satisfaction of the WPA at all times.

*Reason: In the interests of highway safety.*

### **Environmental controls**



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

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

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

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

## **Noise**

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

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

17. In the event that a complaint is received regarding noise associated with the operations on site, which the WPA considers may be justified, the operator shall, within one month of a written request from the WPA, undertake and submit to the WPA for its written approval, a BS4142:1997 noise survey, to assess whether noise arising from the development exceeds the daytime criterion of 5db(A) above the existing background noise level, after the addition of the 5db(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997 at the nearest residential receptor (if applicable). The submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria. The noise mitigation measures shall thereafter be implemented in accordance with the approved details, and the mitigation measures maintained throughout the operational life of the site.

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

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

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

19. HGVs which depart the site between 06:00hrs-07:30hrs Mondays to Saturdays shall be preloaded, sheeted and pre- wheel-washed the day before, and parked overnight in the parking area shown on Plan titled 'IBA Processing and Early Start HGV Parking Areas' Drawing No. MS231-32 received by the WPA on 9<sup>th</sup>

March 2016, in a position which enables them to drive in a forwards motion out of the yard without the need for reversing or manoeuvring.

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

## **Dust**

20. Dust emissions from all waste operations shall be kept to a minimum and contained within the site. The operator shall take the following actions to ensure that dust emissions are minimised:

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

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

21. The measures detailed in the approved Dust Mitigation Scheme titled 'IBA Storage Bay Dust Mitigation Scheme' by Johnsons Aggregates & Recycling Limited dated March 2013, received by the WPA on 13<sup>th</sup> November 2013, as approved in a letter sent by the WPA on 20<sup>th</sup> November 2013, shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. The mitigation scheme shall thereafter be maintained throughout the operational life of the waste operations. Notwithstanding this, in the event that it is considered necessary and upon the request of the WPA, there shall be a temporary cessation of material importation, screening and crushing operations, and the movement of materials during periods of excessively dry and windy weather.

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

## **Drainage**

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

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

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

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

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

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

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

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

## **Operational matters**

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

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

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

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

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

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

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

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

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

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

## **Boundary Treatment**

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

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

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

*Reason: To safeguard the amenities of the area and to ensure the satisfactory working of the site and to accord with Saved Policy*

### **Traffic movements**

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

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

### **Annual throughput**

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

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

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

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

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

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

1. Notwithstanding the fact that land is outside the control of the operator Johnsons Aggregates, it is advised that the applicant investigates the

opportunity to undertake planting within the open land between the bund and the A60 Loughborough Road, as shown on the Location Plan Drawing No. BUNNY03A received by the WPA on 26<sup>th</sup> November 2012.