



14<sup>th</sup> September 2021

Agenda Item: 7

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

**GEDLING DISTRICT REF. NO.: 7/2021/0648NCC**

**PROPOSAL: DEVELOPMENT OF A WASTE MANAGEMENT FACILITY COMPRISING A WASTE TRANSFER STATION INCORPORATING REFUSE DERIVED FUEL (RDF) PRODUCTION, A TWO STOREY OFFICE/WELFARE BUILDING, FIRE WATER TANK AND PUMP HOUSE, TWO WEIGHBRIDGES, A WEIGHBRIDGE OFFICE, PARKING AREAS FOR HGVS AND STAFF AND VISITORS, ODOUR ABATEMENT SYSTEM WITH 17.5M STACK, EXTERNAL BAYS FOR THE STORAGE OF INERT MATERIALS, GLASS, ROAD SWEEPINGS, AN AREA FOR THE STORAGE OF BIN SKIPS, PERIMETER FENCING, FUEL TANK AND ASSOCIATED WORKS.**

**LOCATION: LAND OFF PRIVATE ROAD NO. 3, COLWICK INDUSTRIAL ESTATE, NOTTINGHAM, COLWICK, NG4 2BA**

**APPLICANT: VEOLIA ES (UK) LTD**

### **Purpose of Report**

1. To consider a planning application for the development of a new waste transfer station at Private Road No. 3 within Colwick Industrial Estate.
2. The key issues relate to the need to develop a replacement waste transfer station to manage municipal and commercial/industrial waste streams and the potential benefits of enabling this waste to be managed locally in compliance with the waste hierarchy, the suitability of the site for the development, and consideration of potential environmental effects.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

4. The application site is located approximately 3 miles east of Nottingham City Centre within Colwick Industrial Estate in the Borough of Gedling (see Plan 1). The industrial estate is extensive and incorporates a variety of uses including light and general industry, warehousing and waste activities. The application site is

located relatively centrally within the industrial estate. The industrial estate is served by a network of private roads which access onto the A612 Colwick Loop Road. The Nottingham to Newark railway line is located to the north of the development site, beyond the railway line is Victoria Business Park which incorporates a mix of commercial and retail properties.

5. The planning application site incorporates 2.179 hectares land (see Plan 2, comprising part of a larger parcel of industrial land owned by a company known as British Drilling and Freezing and used for the storage of heavy industrial machinery including drilling rigs and various container units. The site has recently been used for the storage of empty waste skips and containers owned by the applicant.
6. The planning application site has road frontages onto Private Road No. 3 to the north and Private Road No. 5 to the west. The site boundary incorporates a metal chain link fence with sections of hedging and shrub planting. The application site is open and level with a stone surface and does not incorporate any buildings.
7. Vehicular access to the site is obtained from both Private Road No. 3 in the north eastern corner of the site, and Private Road No. 5 in the south western corner of the site.
8. The land surrounding the application site is industrial in character with a mix of B2, B8 and sui-generis land uses. Amongst these is the Colwick driving test centre to the south, a vehicle repair workshop (formerly a skip transfer business) and ready-mix concrete plant to the west on the opposite side of Private Road No.5, a gas cylinder company to the north on the opposite side of Private Road No. 3 with a new Sainsbury supermarket is currently being constructed further to the north-west on Private Road No. 3. The remainder of the existing drilling and freezing land is located to the east. The nearest residential properties are located within Netherfield beyond Colwick Loop Road, a distance of over 280m to the north (see Plan 3)
9. The southern boundary of the site is some 80m north of the River Trent. The site and much of the surrounding area is located within Flood Zone 3.

## **Background**

10. The applicant, Veolia Environmental Services (Nottinghamshire) Ltd holds the long-term integrated waste management contract with Nottinghamshire County Council. As part of this contract Veolia is required to provide a network of facilities to manage Nottinghamshire's municipal waste needs. The current network of facilities incorporates a waste transfer station at Freeth Street in Nottingham City which receives approximately 35,000tpa of residual and recyclable Local Authority collected waste from Broxtowe, Gedling, Rushcliffe and Nottingham City and 5,000tpa of street sweepings.
11. The Freeth Street site is located adjacent to the River Trent within a largely industrial area but the City Council plan to comprehensively redevelop the site

and surrounding area over the next 15 years into a new sustainable residential community as part of the Riverside redevelopment. In the medium to long term, a waste management facility would conflict with this vision for the regeneration of the area and the future development of residential properties is likely to hinder the day to day operations of the waste transfer station. Consequently, there is a need to find a replacement site for Freeth Street to ensure Veolia maintains its ongoing obligations imposed within Nottinghamshire's waste management contract.

12. Furthermore, in September 2020 the Freeth Street waste transfer station was extensively damaged by fire. The damage from the fire required Veolia to demolish half of the transfer station structure with the remaining steel framework subject to a temporary repair to enable Veolia to continue to accept dry recyclable material from local authorities, but severely constraining the wider operation of the facility. If Freeth Street were to be rebuilt it would need a fire suppression system to be installed, and the transfer station would need to be constructed with fire breaks inside the building. This would reduce the storage capacity of the transfer station to an extent that it would not be suitable for the waste streams and tonnages that it accepted prior to the fire and there is no land availability to extend the site and construct a larger facility.

### **Proposed Development**

13. Planning permission is sought for the development and operation of a waste transfer station. The facility would be constructed on the southern half of the planning application site (see Plan 4) with HGV access obtained from Private Road No. 3. No development is sought on the northern part of the planning application site fronting Private Road No. 3 which is referenced as Phase 2. This area would continue to be used for the storage of machinery by the drilling company and the applicant's empty skips and waste containers.
14. The key elements of the proposed waste transfer station development would comprise (See Plan 5):
  - a. Waste transfer building: The new waste transfer building would be located towards the southern side of the site and be rectangular shaped measuring 71.6m by 41m, constructed with a pitched roof with an eaves height of 11.3m rising to 13.2m at its ridge. The building would be of a steel portal framed construction incorporating a 3m high concrete push wall around its base and steel cladding above externally finished in a goosewing grey colour. Three 7.5m tall vehicle access doors would be installed in the front (east facing) elevation fitted with fast acting opening doors. Pedestrian access doors would also be provided. Internally the building has a series of precast concrete push walls to create segregated storage areas for different waste streams.
  - b. Odour attenuation unit and 17.5m stack: The odour attenuation unit and 17.5m stack would be developed to the south of the main waste transfer building externally finished in a goosewing grey colour. The odour attenuation unit will maintain the building under negative air pressure and

filter odours, odorous dust and bioaerosols from the building. It is proposed to operate the odour abatement system between 05:00 hours and 23:00 hours.

- c. Office and Welfare Building: The site office/welfare building would be located to the west of the waste transfer building. The building would be two-storey in height with a floor area of 21.3m by 12.4m, a pitched gable roof and an eaves height of 5.8m with an overall ridge height of 7.5m. External materials have not been specified. The ground floor of the building would incorporate a welfare room to be used by visiting drivers and site operatives with office accommodation provided at first floor.
- d. Weighbridge and office: Two weighbridges are proposed south of the principal access/exit into the site off Private Road No.3. A single storey flat roofed modular weighbridge kiosk measuring 6m by 2.4m would be located between the two weighbridges.
- e. Site surfacing and drainage: The site would be engineered to provide surface water drainage connecting to an underground surface water attenuation tank installed beneath the hardstanding vehicle manoeuvring area to the frontage (east) of the waste transfer building. Surface and foul water connections would be made to the existing drainage facilities provided within the industrial estate.
- f. Parking areas for HGVs and refuse collection vehicles: Vehicle access for all waste carrying vehicles would be from Private Road No.3. Overnight parking for 13 HGVs and manoeuvring areas would be provided in the open yard area to the front (eastern) elevation of the waste transfer building.
- g. Car parking for staff and visitors: Car parking for staff and visitors would be accessed from Private Road No. 5. 32 car parking spaces (including disabled spaces, car sharing spaces and EV charging points) would be provided. The development is expected to employ circa 32 staff. In addition, if required a secure area for cycle parking would also be provided.
- h. Fire water deluge tank and associated pump house: A fire water tank to store water to feed a sprinkler system for the building is located immediately to the south of the waste transfer building. The water storage tank would have a diameter of 10.3m and a height of 11.2m.
- i. Fuel and Ad-blue tanks: sited within the HGV parking/manoeuvring area to the frontage (east elevation) of the waste transfer building.
- j. External bin / skip storage area: External storage bays would be provided in the open yard area to the front (east) of the waste transfer building for glass, inert, clinical waste bins, road sweepings and green waste.
- k. External storage for empty skips and waste containers, alongside the storage of drilling equipment would continue to be provided in the 'Phase 2' area of land between the waste transfer building and the land to the south of Private Road No. 3 under the existing lawful use of this piece of

land and thus planning permission is not sought for these activities as part of the this planning application.

- I. Perimeter fencing with gates would be erected around the site's perimeter boundaries. Metal mesh fencing would be erected to a height of 2.35m.

#### Operational Details

15. The waste transfer station would provide a strategic bulking point for up to 125,000 tonnes per annum of locally collected waste from both household and commercial and industrial waste streams.
16. The waste transfer station has been designed to be able to operate 24 hours a day, but the core hours of operation are expected to be 0600 – 2200. The operation of the site during the early and late hours of the day would allow waste collections from businesses in town centres during less congested times of the day to be managed at the facility. Flexibility is sought to allow for HGV bulker movements (typically 1 or 2 per hour) and the processing of waste within the building during the night-time period but there would be no overnight loading or unloading externally in connection with the externally stored waste.
17. Waste material would be transported to the site via refuse collection vehicles and articulated bulk vehicles and off-loaded within the designated tipping bay. A visual inspection of the input loads would be carried out with manual removal of non-suitable material.
18. The operation of the site would generate a maximum daily average of 95 HGV trips (190 movements) on weekdays. The peak hour for deliveries would be between 08:00-09:00 when there would be 16 HGV trips (32 movements). During the afternoon peak period there would be 2 HGV trips (4 movements). There would also be 35 car trips (70 movements) each day.
19. The waste inputs into the site would incorporate a mix of recyclable waste streams and residual waste. The waste transfer station incorporates a series of segregated bays both within the building and externally to store these wastes, bulk them up and enable them to be transported to waste processing facilities for treatment.
20. Residual waste material would be unloaded, stored and processed within the waste transfer building. Processing of this waste within the Colwick facility would be restricted to shredding the waste to reduce its particle size and make a more homogeneous product known as refuse derived fuel (RDF). The RDF processing plant would be installed and operated within the building with the plant being loaded via a feed hopper using mobile plant. The shredded RDF would be transferred into an RDF output bay prior to being bulked or baled. Tipped residual waste and shredded and baled RDF material would be retained within the building to control dust and odour releases.
21. The waste transfer building would incorporate two internal bays for the storage of mixed dry recyclable waste materials. Small volumes of clinical waste would

be stored within the building (within individual bins) before being bulked for transfer to a suitable treatment or disposal facility. There would be no processing of these waste streams on site.

22. Green waste, glass, inert and road sweeping wastes would be tipped into external bays located in the open yard area to the frontage of the waste transfer station where they would be bulked and then loaded for transfer to suitable recovery facilities. The external storage bays would have a combined area of 35.6m by 9.6m and would utilise interlocking concrete blocks to enclose the green waste, glass and inert waste bays to a height of 4m and 2.5m concrete push walls in the road sweeping bay.
23. During the course of processing the planning application revised plans have been submitted which have modified the external layout of the site. The originally submitted scheme incorporated four bays for the storage of waste wood, an area for the storage of empty clinical bins and the provision of an underground drainage tank within the northern 'Phase 2' area. The revised plans modify the layout by re-siting the clinical storage bays and underground drainage tank into the southern 'Phase 1' development area and removing the waste wood storage bays altogether from the scheme. The applicant states that any waste wood requiring management would be diverted to an alternative Veolia facility. The changes to the layout have been made in light of a commercial decision taken by the applicant in response to the drilling company having a continuing need for the storage of drilling machinery on the northern area of the site in the short to medium term.

## Consultations

24. **Gedling Borough Council:** *Do not object*
25. *Gedling Borough Council confirm that the site is located within an allocated employment area and flood zone 3. The consultation response incorporates as an appendix a detailed response from the Environmental Health Officer which raises the following matters:*
  - a. *Land Contamination: Planning conditions should be imposed to require further assessment work to refine the Conceptual Site Model and remediate any ground contamination issues.*
  - b. *Air Quality: The proposed development constitutes a medium development for the purpose of the Air Quality and Emissions Mitigation - Guidance for Developers document which relates to Policy LPD11 of the Local Development Plan 2018. Under the provisions of this guidance medium developments are required to provide Type 1 and 2 emission mitigation as follows:*

*Type 1 Mitigation*

    - *Provision of electric vehicles charging facilities.*

- *Submission of a Construction Emission Management Plan; detailing the control of dust and emissions during demolition and construction.*

*Type 2 Mitigation*

- *Provision of a Travel Plan of mitigation measures that will discourage the use of high emission vehicles and facilitate the uptake of low emission vehicles.*
- *Promotion of cycling and walking (via the Travel Plan)*

*Planning Conditions are recommended to regulate the provision of electric charging points, a Construction Emission Management Plan, and the adoption of a travel plan to discourage the use of high emission vehicles, facilitate cycling, walking and public transport use.*

26. **Environment Agency:** *Do not object, recommending planning conditions in respect of managing flood risk and contaminated soils within the site.*
27. *In terms of managing flood risk, the Environment Agency originally raised an objection to the planning application based on concerns that if there was a sudden breach of the River Trent flood defences the application site would be inundated with flood water with the flood risk assessment not identifying any safe refuge or route of escape for occupiers of the site. To address these concerns the applicant has supplemented their flood risk assessment to incorporate a flood evacuation and management plan and this supplementary information has enabled the Environment Agency to withdraw their objection subject to a planning condition being imposed to ensure that flood resilient design and construction techniques are incorporated into the development of the site in accordance with the specification set out within the revised submitted flood risk assessment.*
28. *In terms of groundwater and contaminated land, the Environment Agency advise that the previous use of the site as a fuel storage depot presents a medium risk of contamination that could be mobilised during construction and result in pollution of controlled waters. The applicant's site investigation report demonstrates that it will be possible to manage the risks posed to controlled waters by this development, but further detailed information will be required before built development is undertaken. The Environment Agency recommend that this should be provided by a submission under a planning condition requiring the submission of a remediation strategy.*
29. *The Environment Agency confirm that the operation of the facility will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 1, confirming that these regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. The Environment Agency advise that the permit controls cannot eliminate all emissions with potential for some residual impacts to occur which may cause local residents concern. In particular, the Environment Agency advise that when new development is built near to an*

existing operational facility this would not automatically trigger a review of the permit controls.

30. **Via (Reclamation):** Do not object but recommend planning conditions are imposed to regulate the remediation of historical ground contamination from previous uses of the site.
31. The site investigation report indicates that the redevelopment of the site will require remediation works to the ground to be carried out to protect the River Trent to the south from groundwater contamination. This could comprise removal of source material, such as residual tanks, asbestos or contaminated made ground, in-situ treatment of contaminated groundwater, or a combination of measures. Gas protection measures will also be required in buildings on site, to protect future site users from ground gas and vapours. Additional investigation and monitoring are required to fully investigate the areas of concern and inform the remediation strategy.
32. The ground investigation indicates that the proposed development may require deeper foundations for the proposed buildings. A piling risk assessment should be carried out if a piled foundation approach is to be considered. This will be needed to protect the Secondary A and Secondary B Aquifers from further contamination and to prevent any new pathways for any residual contamination in the made ground and underlying aquifers to migrate to sensitive receptors, such as the River Trent to the south and the SPZ III in the north of the site.
33. Shallow groundwater levels were recorded at the site (<1.5m). Sufficient information will be needed to ensure that the foundation designs take account of the shallow groundwater levels and that the materials used are resistant to chemical attack from the soils and shallow groundwater.
34. During the construction stage of the development, appropriate measures will need to be in place to safely collect and dispose of any residual contaminated materials encountered, e.g. contaminated groundwater entering excavations. Contaminated materials are likely to require disposal as hazardous waste, subject to a waste classification assessment.
35. **Via (Noise Engineer):** Raise no objections to the development, subject to planning conditions to regulate noise emissions.
36. The planning submission is supported by a noise impact assessment which calculates the predicted level of noise emissions from site operations including construction works and transport related noise emissions. The noise assessment satisfactorily demonstrates that peak noise emissions are unlikely to exceed reasonable threshold levels and thus the operation of the site is unlikely to result in justifiable noise complaints.
37. Planning conditions are recommended to regulate the noise emissions from the site to ensure that:
  - Noise levels from the site will not exceed the background noise level (L90) at any nearby receptor when assessed in accordance with BS4142:2014.



- *In the event of a justifiable noise complaint received by the WPA, the applicant shall conduct a noise survey to determine compliance with the above condition and in the event the noise level is exceeded the applicant shall submit a scheme of noise mitigation.*
  - *Vehicles under the operator's control shall be fitted with broadband type (white noise) reversing alarms.*
38. **NCC (Highways):** *Raise no objections, subject to planning conditions.*
39. *The Highway Authority is satisfied that the transport associated with the development would not have a detrimental impact on highway safety. Planning conditions are recommended to require the vehicle parking and turning facilities to be fully constructed and the provision of cycle parking facilities prior to the site becoming operational.*
40. **VIA (Countryside Access):** *Raise no objections. Carlton Footpath 22 runs to the north of the application site but would not be impacted by the development.*
41. **Canal and River Trust:** *Raise no comments.*
42. **Cadent Gas Limited Company:** *Do not object, but Cadent Gas identify that they have apparatus within close proximity of the development site and request the developer contacts Cadent Plant before any works are carried out to ensure the apparatus is not affected by the proposed works.*
43. **Western Power Distribution:** *Do not object, but the company confirm they have apparatus within close proximity of the development site.*
44. **Severn Trent Water Limited:** *No representation received.*

## **Publicity**

45. The application has been publicised by means of site notices, the publication of a press notice in the Nottingham Post and neighbour notification letters sent to the occupiers of adjoining businesses in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
46. Cllr Mike Adams has been notified of the application.

## **Observations**

### Need for the Facility

47. Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS 3: Future Waste Management Provision seeks to provide sufficient waste management capacity to meet Nottinghamshire's needs and ensure that the new

waste management capacity is delivered which manages waste in accordance with the waste hierarchy. The policy is set out below:

#### Policy WCS3 Future waste management provision

The Waste Core Strategy will aim to provide sufficient waste management capacity for its needs; to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham. Future waste management proposals should accord with our aim to achieve 70% recycling or composting of all waste by 2025. Proposals will therefore be assessed as follows:

- a) priority will be given to the development of new or extended waste recycling, composting and anaerobic digestion facilities;
- b) new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid;
- c) new or extended disposal capacity will be permitted only where it can be shown that this is necessary to manage residual waste that cannot economically be recycled or recovered.

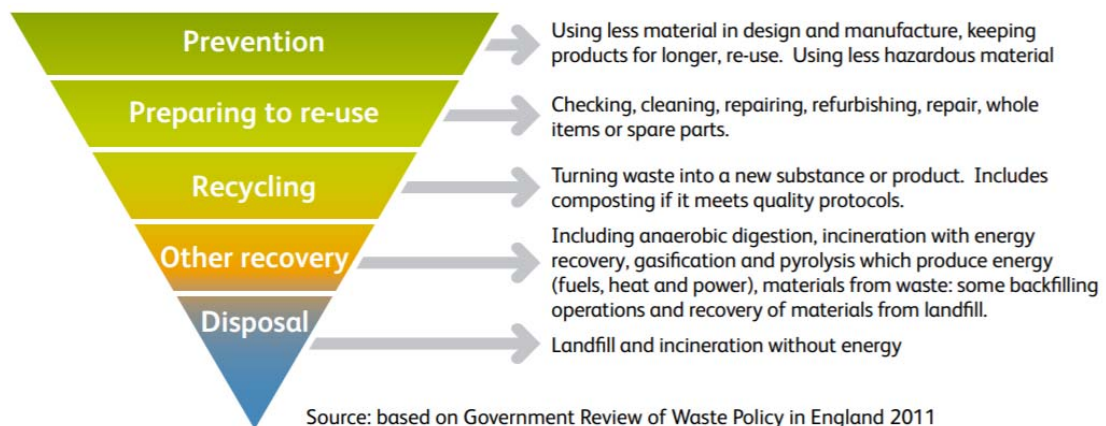
48. The applicant, Veolia Environmental Services UK Limited has a long-term contract with Nottinghamshire County Council to provide a network of facilities to manage Nottinghamshire's municipal waste arisings. The existing waste transfer station at Freeth Street serves an important part in delivering this contract insofar that it receives approximately 35,000tpa of residual and co-mingled dry recyclable Local Authority collected waste from Broxtowe, Gedling, Rushcliffe and Nottingham City and 5,000tpa of street sweepings, but the restricted size of the site constrains the operational capacity of the facility.
49. The proposed Colwick facility is designed to have a significantly larger maximum operational capacity at 125,000tpa. The applicant states the larger capacity is required to reflect changes to the type and frequency of wastes that will be required by the Resources and Waste Strategy including the potential for weekly waste food collections, free green garden waste collections from all properties and additional recyclable collections. The specification of the Colwick waste transfer station provides flexibility to accommodate these changes as well as provide the ability for the applicant to develop its commercial offering within Nottinghamshire.
50. The fire at the Freeth Street site has restricted the operational capacity of this existing facility and the imminent redevelopment of the Waterside area limits the amount of capital investment the applicant is willing to spend on this site, putting at risk the medium to long term availability of the Freeth Street waste transfer site. If the Freeth Street facility was to close without a suitable replacement site being available the local authorities which currently feed into the site would not have any locally accessible facilities to manage their waste resulting in extended journey distances and meaning that Veolia would not be fulfilling its contract obligations.
51. The Colwick waste transfer station would provide a replacement facility for the Freeth Street site, serving as a strategic bulking point for general waste and recyclable materials originating from the Greater Nottingham area. Its use would contribute to the overall waste management capacity of the County and provide a

modern facility to support sustainable waste management for municipal and commercial and industrial waste streams, enabling them to be bulked for onward transportation of residuals and recyclable materials to facilitate their reuse and recovery. As part of a wider network of waste management facilities the Colwick waste transfer station would ensure that there is an appropriate geographical network of waste facilities to manage Nottinghamshire's waste arisings.

52. The development therefore is consistent with first part of Nottinghamshire and Nottingham Waste Core Strategy Policy WCS3: Future Waste Management Provision which seeks to provide sufficient waste management capacity to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham.

### Waste Management Policy

53. The second part of WCS Policy WCS3: Future Waste Management Provision seeks to ensure that planning decisions are made in accordance with the waste hierarchy. Figure 2.1 of the WCS identifies the waste hierarchy and is set out below.



54. There is a raft of European and national legislation, policy and targets which all seek to deliver more sustainable waste management, underpinned through the application of the Waste Hierarchy which gives priority to preparing waste for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).
55. The Waste (England and Wales) Regulations 2011 requires everyone involved in waste management to use all reasonable measures to apply the waste hierarchy (except where, for specific waste streams, departing from the hierarchy is justified in lifecycle thinking on the overall effects of generating and managing the waste). This legal obligation on waste producers and transferors provides over-arching controls within the waste industry and assists in ensuring that waste is sent to an appropriate facility for treatment. The regulations are regulated by the Environment Agency through the Environmental Permitting (England and Wales) Regulations 2010.

56. Waste transfer stations such as the facility proposed at Colwick serve an important intermediary role to receive smaller amounts of waste collected locally from both householders and local businesses enabling them to be bulked prior to onward transportation to the relevant recycling, recovery and disposal facilities. These intermediary facilities deliver more beneficial management of locally derived waste streams, enabling a greater proportion of materials to be recycled, treated and/or recovered; and reducing transport distances and thus make an important contribution to delivering sustainable waste management.
57. There is an established need for a waste transfer facility to serve the Broxtowe, Gedling, Rushcliffe and Nottingham City areas. The development of the Colwick waste transfer station would address concerns relating to potential shortfalls in the local availability of capacity if the Freeth Street site was to close. The new facility would enhance the current level of sustainable waste management specifically in respect of increasing the level of capacity to manage commercial and industrial waste streams whilst forming an essential component of the Nottinghamshire Waste PFI contract. The new waste transfer station would therefore contribute to delivering sustainable waste management, contributing towards national and local targets to increase levels of recycling and diversion of waste from landfill disposal.
58. The operations associated with this particular waste transfer station adds a more beneficial step in terms of the treatment of residual waste in relation to its processing into RDF. This adds value to the residual waste stream and is beneficial in that it moves residual waste higher up the waste hierarchy enabling its recovery off-site and diversion from landfill.
59. The proposed development is therefore consistent with the waste hierarchy as set out in national policy and underpinned by WCS Policy WCS3.
60. Paragraph 1 of the National Planning Policy for Waste (NPPW) advises waste planning authorities to plan positively to deliver new waste management infrastructure which assists in delivering waste management at a higher level in the waste hierarchy.

#### Location of development in context of the development plan policy

61. WCS Policy WCS4: Broad locations for waste treatment facilities in conjunction with Appendix 2, Table 8 (Indicative size of waste treatment facilities) seeks to promote a spatial pattern of development in relation to developing waste facilities across the County based on their scale and size. Appendix 2 of the WCS identifies 'large' scale transfer stations as those with a minimum throughput capacity of 50,000 tonnes per annum and a site area of between 1 and 1.5 hectares. Taking these indicative thresholds, the proposed waste transfer station, with an annual throughput of 125,000 tonnes per annum developed on a site area of 2.179 hectares would be termed a large-scale facility in the context of appendix 2 of the WCS. As such, there is explicit local waste policy support for this size of facility in the Colwick area, close to the built-up urban areas of Nottingham.

62. WCS Policy WCS7: General Site Criteria sets out a criteria-based approach to identify the types of locations that are likely to be suitable for different waste management processes including an indication of the size/scale of development that is likely to be acceptable. The policy identifies that new waste transfer stations can be appropriate development in employment locations and on derelict land, which has been previously developed, subject to there being no unacceptable environmental impacts. This approach is broadly supported by Paragraph 4 of the NPPW which prioritises the re-use of previously developed land as appropriate locations for new waste management facilities.
63. The Gedling Borough Local Planning Document Policies Map confirms that the planning application site is located within a designated industrial estate. Gedling Local Planning (GLP) Document: Part 2 Local Plan 'Policy LPD 44 - Retention of Employment and Employment Uses' is the relevant policy for the industrial area. Policy LPD 44 seeks to retain industrial land in employment use within Use Classes B1 – B8 and sui generis uses of a similar nature and is supportive of the further expansion of these sites for employment purposes subject to there being no unacceptable environmental and amenity impacts. The application site is also previously developed land.
64. It is therefore concluded that the locational policies of the development plan are supportive of the development of the waste transfer facility within Colwick Industrial Estate, subject to there being no unacceptable environmental impacts. The development is similar in character to the predominantly employment uses located elsewhere across the wider Colwick Industrial Estates and would provide valuable local employment both directly in terms of the transfer station itself, and to associated transport and supporting local businesses in terms of providing a valuable local waste collection and management service.

#### Consideration of Environmental and Amenity Impacts

65. NPPF paragraph 180 states that the focus of the planning decision should be to ensure that the new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
66. Both the NPPF and NPPW reference the fact that it is the pollution control organisation's responsibility to control processes or emissions, and that planning authorities should assume that these regimes would operate effectively. The Environment Agency have confirmed in their planning consultation response that the day to day control of environment emissions will be regulated and enforced through an Environmental Permit and there is clear direction set out within NPPF paragraph 183 that pollution controls should not be duplicated by the planning authority.
67. Whilst acknowledging that the day to day control of environment emissions from the process are regulated and enforced by the Environment Agency through an Environmental Permit, there is an obligation in the assessment of this planning

application to have an understanding of the level of environmental releases from the process to enable the planning authority to determine the effect these emissions would have on the amenity of occupiers of adjacent properties and this approach is reflected in WCS Policy WCS13.

68. WCS Policy WCS13: Protecting and enhancing our environment supports the development of a network of waste management facilities which maintain and where possible enhance environmental quality. The policy is set out below:

#### Policy WCS13 Protecting and enhancing our environment

New or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.

69. Supporting paragraph 7.61 acknowledges that the detailed impacts will be controlled through the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP) and relevant policies from the District Councils' Local Development Frameworks.
70. Appendix B of the NPPW incorporates further guidance on the potential environmental issues associated with waste development, advising that particular consideration should be given to protection of groundwater, instability, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions including dust, odours, vermin and birds, noise, light and vibration, litter, and potential land use conflict.

#### Traffic and access considerations

71. WLP Policy W3.14: Road Traffic states that planning permission will not be granted for waste management facilities where the vehicle movements likely to be generated cannot be satisfactorily accommodated on the highway network or where such movements would cause unacceptable disturbance to local communities.
72. The new Colwick waste transfer station will replace the existing Freeth Street facility and displace the existing vehicle movements associated with this existing facility to Colwick and therefore not generate additional traffic on the wider highway network.
73. The planning application is supported by a transport statement which provides a quantified assessment of the maximum levels of operational traffic associated with the development and assess the capacity of the surrounding road network to accommodate the projected traffic levels, taking into account issues of safety and general site accessibility.



74. The transport statement incorporates a calculation of the number of trips that are likely to be generated by the development based on waste throughput. The assessment is based on an annual throughput of 125,000 tonnes, but in order to provide a robust assessment of the traffic associated with the facility, a 20% contingency for waste (HGV) movements has been applied. The assessment identifies that the development is forecast to generate an average daily traffic flow of 95 HGV deliveries (190 two-way movements) and 35 cars (70 two-way movements). During the morning peak period (08:00 – 09:00 hours) the development would generate an hourly flow of 16 HGV deliveries, whilst during the evening peak period (17:00-18:00 hours) the development would generate an hourly flow of 2 HGV deliveries.
75. For comparative purposes, the traffic statement also incorporates a calculation of the predicted traffic flows that would be expected from a typical industrial redevelopment of the application site. This assessment indicates that the waste transfer facility would generate lower levels of trip generation than that would be expected to occur for a typical alternative industrial/warehouse redevelopment of the site and thus enable a conclusion to be reached that the volume of traffic associated with the development is considered reasonable.
76. The waste transfer facility would have separate accesses for HGVs and cars with HGVs accessing from Private Road No.3 via the existing vehicular access to the northeast of the site and staff and visitors accessing from a new access onto Private Road No.5. Swept path analysis has demonstrated that HGVs and cars can successfully navigate the site. The site design segregates cars from larger commercial vehicles and benefits safety on site. The case officer has met with representatives of the Driving Standards Agency who have highlighted that the location of their driving test centre on Private Road No.5 means there are a lot of novice learner drivers in the area and therefore they fully support the fact that HGVs will access the site from Private Road No.3 thus assisting in reducing the number of HGVs on Private Road No. 5 and separating these larger vehicles from novice drivers starting and finishing their driving tests. A planning condition is recommended to regulate the access facilities into the site and ensure that HGVs only access from Private Road No.5.
77. Car parking provision at the site has been provided at a level which is consistent with the parking standards incorporated in Gedling Borough Council's Local Planning Document Part 2 Local Plan. Although this document does not contain any standards for waste developments, it does incorporate standards for B8 – Storage or Distribution uses and this has been referenced to guide the provision of 32 spaces in the staff and visitor car park (including 2 disabled spaces), along with 13 HGV spaces in the internal service yard and 10 cycle spaces. A planning condition is recommended to ensure that the HGV and car parking facilities including associated manoeuvring areas and the cycle spaces are provided as part of the development.
78. In terms of access to the wider higher network, Private Road No. 3 forms part of a network of industrial access roads which serve Colwick Industrial Estate and connects to the A612 Colwick Loop Road via either Private Road No. 1 or the recently constructed new access junction onto the A612 to the east. A third

potential access route to the A612 via Mile End Road to the west is regulated by an environmental weight restriction which was put in place to protect occupiers of residential properties on Mile End Road from environmental disturbance from HGVs and would prohibit HGVs associated with this development from using this road (see Plan 6).

79. Whilst WLP Saved Policy W3.15 provides scope to impose lorry routeing restrictions upon waste development, in this instance the ready access of the site to the A612 and the weight restriction on Mile End Road means that there would not be a requirement for any lorry routeing controls as part of the planning permission in this instance.
80. Overall, the proposed development would not result in any material adverse impacts on the surrounding road network. The A612 provides efficient access to the main urban centres of waste arisings including, Nottingham city, Broxtowe, Gedling and Rushcliffe and there is nothing to indicate that the proposed route to be taken by vehicular traffic accessing and egressing the site would be anything other than suitable in terms of highway capacity and safety.
81. The proposed waste transfer station is in accordance with WCS Policy WCS11: Sustainable Transport given that it would provide a local waste management facility within close proximity to the main centres of waste arisings in the Nottingham, Broxtowe, Gedling and Rushcliffe areas, so helping to deliver a reduction in the distance that waste is transported and associated carbon emissions. The new waste transfer station would deliver an accessible local delivery point capable of storing, treating and bulking up local waste for subsequent onward transportation to suitable recovery facilities, in larger vehicles. As such, the proposal would accord with WCS Policy WCS14 (Managing Climate Change), given that it has been designed and located, and would be operated, so as to minimise potential impacts on climate change.
82. The Highways Authority underlines the acceptability of the proposals, subject to the parking and turning areas being surfaced in a bound materials and cycle parking provision being provided. As such, the proposed development is considered to accord with WLP Saved Policy W3.14 and the NPPF.

#### Sustainable Transport

83. The development incorporates 32 car parking spaces with reference made in the planning statement for the provision of electric vehicle charging but with no specific numbers or locations. In line with paragraph 104 of the NPPF developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. To facilitate the uptake of low emission vehicles a planning condition is recommended to ensure the proposed electric vehicles points are installed and maintained.
84. Furthermore, it is recommended that a planning condition is imposed to require a detailed travel plan to be provided to demonstrate how car based trips to and from the site will be minimised through encouraging the use of more sustainable



transport including plans for encouraging the use of low emission vehicles at the site.

### Landscape and Visual Impact

85. Paragraph 7 of the NPPW seeks to ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
86. WLP Policy W3.3: Plant and Buildings seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Saved Policy W3.4: Screening seeks to secure both the retention and protection of existing features which have value in terms of screening and landscaping to minimise visual impacts, including earth mounding, fencing, and/or tree and shrub planting.
87. WCS Policy WCS15 (Design of waste management facilities) states that all new or extended waste management facilities should incorporate high standards of design and landscaping, including sustainable construction measures.
88. In terms of the landscape effects, the development site is located within a large industrial estate and segregated from residential receptors. The development would not change the landscape character of the site or the surrounding area which is characterised by industrial uses and their associated buildings. It is therefore concluded the proposed development would have a minimal impact on the existing landscape.
89. Visually, the 17.5m stack associated with the odour attenuation unit would be the tallest element of the proposal. It is located adjacent to the proposed waste transfer building which although is lower in height at 13m tall to the ridge, has a much greater scale. WLP Policy W3.3 encourages the siting of waste transfer facilities in locations which minimise impact on adjacent land, acknowledging the benefit of siting facilities adjacent to existing buildings has in reducing visual impacts. The planning application is centrally located within Colwick Industrial Estate and there are no sensitive visual receptors within the wider industrial estate or beyond. The buildings and structures proposed to be built are of a similar scale to surrounding development wherein it is noted the adjacent premises to the east incorporate a four-storey warehouse. The development is a modern, well designed facility of a scale and appearance commensurate to the wider industrial estate setting thus satisfying the policy requirements of WCS Policy WCS15. It is therefore concluded that there would not be any significant adverse visual impacts from the development and the design and siting of the facility is considered appropriate in the context of WLP Policy W3.3.
90. To ensure the development visually integrates into the wider area planning conditions are recommended to regulate the construction materials used within the buildings and to require the submission of a landscaping scheme for the site

including the retention, management and supplementary planting of the existing perimeter hedge and shrub planting in accordance with WLP Policy W3.4.

### Noise

91. WLP Policy W3.9: Noise enables planning conditions to be imposed to reduce the potential for noise impact. The policy encourages restrictions over operating hours, sound proofing plant and machinery, alternative reversing alarms, stand-off distances, and the use of noise baffle mounds to help minimise noise impacts.
92. A noise assessment has been undertaken to consider the levels of noise emissions from both the construction and operation of the proposed facility and the potential for these emissions to affect the amenity of adjacent and nearby land users. The noise assessment has been prepared in line with technical guidance contained in British Standard BS4142:2014+A1:2019, 'Methods for rating and assessing industrial and commercial sound'.
93. The noise assessment has taken recordings of background noise levels at the nearest sensitive receptors comprising residential properties at Nether Pasture in Netherfield, residential properties in Holme Pierrepont, recreational users in Holme Pierrepont Country Park and the adjacent industrial unit. The representative background noise levels at these locations was shown to vary between 45dB to 51dB LA90 during the daytime period (07:00 – 23:00). Night-time periods (23:00 – 07:00) show representative background sound levels to range between 34dB to 35dB LA90.
94. The level of noise likely to be generated at these receptors during both the daytime core operating period and for the night-time operations has been calculated based on the following operational controls:
  - Delivery and collection of glass between 07:00-19:00 hours (Monday to Sunday);
  - Operation of waste transfer building and RDF production/bulking 24 hours and 7 days per week;
  - The proposed core hours of operation will typically be expected to be 06:00 – 22:00 hours with occasional export bulker movements (typically 1 or 2 per hour) outside these hours;
  - The odour control fan would operate between 05:00 to 22:00 hours.
95. The results of noise assessment conclude:
  - The predicted noise contribution at the nearest residential receptor from the operation of the waste transfer facility and bulking activities during daytime shows a level ranging between 27dB(A) to 37dB(A) Leq1hr which are well below typical residual sound levels that would provide good masking of any site attributable noise. During night-time periods the noise level range from peak noise activities is shown to range between 27dB(A) to 30dB(A) Leq15mins.

- The predicted noise contribution from the operation of the site at Holme Pierrepont country park is shown to vary between 46dB(A) to 54dB(A) Leq1hr. This is not deemed to be significant when considering guidance for protection of amenity in accordance with World Health Organisation and BS8233:2014.
  - Noise level at the nearest office (i.e. within an industrial unit) is likely to range between 52dB to 64dB LAeq8hrs during the daytime and is within a design range of 55dB to 65dB LAeq8hrs in accordance with BS8233: 2014 (assuming an open window) and 65dB to 75dB LAeq8hrs with a closed window.
  - The results of noise calculations (in accordance with BS5228-1: 2009+A1:2014) of the highest likely noise levels generated during the construction phase of the development shows that during peak noise periods noise levels are unlikely to exceed reasonable threshold levels for short term temporary noise sources at nearest residential receptors. The noise level at the nearest commercial office (within an industrial unit) may be exceeded for short periods, however this is a temporary noise situation and best practice would be applied during the construction works to control and minimise noise.
96. This noise assessment demonstrates that the proposed operation of the site would generate noise levels within relevant noise standards and guidelines. The site is located in an industrial location with the closest residential receptors around 280m to the north west beyond Colwick Loop Road. The analysis of the data concludes that, subject to the recommended mitigation measures, the proposed development would not result in adverse noise impacts upon the nearest sensitive receptors and noise would not result in any significant detriment to the amenity of occupiers of adjacent land.
97. VIA's Noise Engineer has reviewed the noise assessment and agrees with its conclusions, raising no objection to the development on noise grounds subject to the incorporation of planning conditions to regulate the level of noise emissions from the site to ensure that:
- Noise levels from the site do not exceed background levels at any residential receptor.
  - The operator investigates and takes action in the event of a noise complaint.
  - The use of broadband (white noise) reversing alarms.
  - Restrictions on the hours of site activities in accordance with the scheme sought planning permission.
  - The building construction incorporates noise attenuating features.
98. It is therefore concluded that the proposed construction and operation of the waste transfer station would not result in any significant adverse noise impacts to nearby sensitive noise receptors or any significant detriment to the amenity of occupiers of adjacent industrial/commercial land and therefore, subject to

recommended planning conditions, the development accords with WLP Policy W3.9.

### Odour

99. The waste transfer station would receive mixed waste streams including both recyclable and residual waste streams. Whilst the composition of recyclable waste means that it has limited potential to release odour, residual waste can be extremely malodorous and if not properly managed can result in an odour nuisance to surrounding land users.
100. The issue of odour release is frequently the subject of concern in relation to waste management facilities and so consequently the waste industry has evolved its practices to minimise the potential for odour releases. The planning submission incorporates a consideration of the odour management control process that would be utilised to reduce the level of odour releases from the installation. These controls include:
- The building would be of an air-tight construction.
  - The building would be fitted with fast acting door closures which would ensure the access doors within the waste transfer building would only open to allow the passage of delivery vehicles into and out of the building.
  - An odour abatement system incorporating air extraction equipment, activated carbon filter and stack would be installed in the waste transfer building. The system would remove odours, odorous dust and bio-aerosols from the extracted air at a rate of 2.5 air changes per hour and keep the waste transfer building under negative pressure thus reducing fugitive odour emissions escaping when the doors are open. During non-operation hours, the odour abatement system would not operate, but air inlet louvres will automatically close to prevent the escape of odours from the building. The odour abatement system would be programmed to operate 1 hour before operations recommence to avoid higher intensity emissions from the build-up of odour within the building overnight being combined with mechanical operations agitating the materials at the start of the business day.
  - Unloading of waste would be undertaken within the building.
  - Delivery vehicles would be enclosed to prevent fugitive odour emissions during transport.
  - Regular movement of wastes off the site will ensure there is a constant turnover of waste further minimising the potential of any malodours.
101. The level of odour control draws on experience built up by the applicant in terms of managing these types of waste facilities using proven techniques which have been adapted with the aim of ensuring effective management control of odours and are therefore considered to be robust.

102. The planning consultation response from the Environment Agency acknowledges that the Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations, but recognises that there are limits to the measures that an operator can take to eliminate all emissions and thus identify potential for some residual odour impacts which may cause local concern, specifically identifying the potential for impacts within 100m radius of the site.
103. Having regard to the advice from the Environment Agency in terms of the potential for some localised odour emissions from the facility, it is important in the context of the planning decision to ensure the location is appropriate in terms of its proximity to surrounding uses which may be sensitive to odour, particularly residential property. In this context, the location of the planning application site is located centrally within the industrial estate and remote from residential properties, the nearest of which are located around 280m away. The potential for odour nuisance to impact on the amenity of residential property is therefore considered to be low.
104. The development site is directly adjoined by industrial and business properties which could be exposed to some level of odour from the operation of the site. The Environmental Permit will ensure the operation of the site utilises 'best available technique' to limit the level of odour release, with controls also recommended through the planning conditions to ensure that all residual waste transfer and RDF processing including storage are undertaken within the building, that the building is operated with an air filtration system to maintain negative air pressure as set out in the planning submission and the doors of the building are kept shut with fast acting closures, except to allow for the passage of delivery vehicles.
105. The odour abatement system would predominantly be required in the daytime when RDF shredding operations are undertaken. Outside the daytime hours waste processing is not proposed and therefore the abatement system would be shut down over night when activities are limited to occasional deliveries. If these control practices were not sufficient, Condition 22 incorporates a requirement for the operator to take additional steps or measures to reduce odour releases and under the requirements of this condition the 24 hour operation of the odour abatement system could be requested, if considered necessary.
106. With these environmental controls in place it is concluded that the level of odour emissions from the development would be satisfactorily controlled and ensure that the level of odour release would not be significant at surrounding industrial and business properties thus satisfying the requirements of WLP Policy W3.7.

### Dust

107. WLP Policy W3.10: Dust identifies that dust emissions from waste processing facilities are capable of being managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting of facilities

remote from sensitive receptors and the enclosure of dust generating operations within buildings and enclosed areas.

108. The composition of the waste streams received by the facility comprising mainly residual waste and dry recyclables have low potential for dust generation. These materials would be handled, stored and processed within an enclosed building thereby containing potential dust releases.
109. External storage of waste is limited to comparatively small quantities of glass, green waste, inert waste and road sweepings within dedicated storage bays, and the storage of empty skips with no processing of these waste streams. Furthermore, the external servicing areas within the site would be hard-surfaced to minimise dust generation associated with movement of vehicles.
110. Planning conditions are recommended in accordance with WLP Policy W3.10 to regulate the level of dust emissions from the site including controls relating to the location of waste storage on the site, the sheeting of delivery lorries, the cleaning of hard surfaces and storage bays, and to ensure the main doors to the proposed waste transfer building remain closed when not in use for vehicular entry/exit.
111. The construction activities associated with the development of the waste transfer station has potential to generate dust emissions but these can be satisfactorily managed through a Construction Environmental Management Plan regulated by planning condition to ensure that construction practices are employed to minimise the level of dust emissions and thus reduce the significance of any impact.
112. It is therefore concluded that the development would not give rise to significant dust issues at any phase of the development, including during the construction works and thus ensure compliance with WLP Policy W3.10.

#### Mud

113. The external servicing areas within the site would be hard surfaced to minimise mud generation associated with movement of vehicles, and to prevent any arisings of mud and debris. Potential mud and detritus from construction activities can be regulated through the Construction Environmental Management Plan. As such, the proposals fully accord with WLP Policy W3.11: Mud.

#### Litter

114. WLP Saved Policy W3.8: Litter seeks to control litter generation on waste management facilities by the imposition of planning conditions and controls over operating practices.
115. A number of key measures would be adopted to minimise the occurrence of windblown litter. Principal control would come from the Environment Agency's

permitting regime which would place controls over litter. The waste transfer station would operate under strict site management procedures to ensure windblown litter is effectively managed in accordance with its Environmental Permit. Measures deployed would include tipping and storage of residual and recyclable waste materials within the waste transfer building which would effectively minimise the potential for windblown litter and the transportation of waste materials in enclosed or sheeted vehicles. External storage of waste would be restricted to waste streams which are not vulnerable to windblow. Perimeter security fencing would also assist in minimising windblown litter releases from the site.

116. Subject to planning conditions securing aspects such as the sheeting of lorries servicing the site, storage location of waste facilities and the erection of perimeter fencing, the proposed development would not give rise to any significant litter concerns and would be compliant with WLP Policy W3.8.

### Vermin

117. The main controls to limit nuisance from vermin (rodents, flies and birds) would be imposed through the Environmental Permit issued by the Environment Agency, and in line with the NPPF and NPPW direction, the planning authority would not be seeking to duplicate these controls.
118. The permitting regime would control site operations, and in particular, would ensure the regular throughput of incoming waste and its rapid turnaround, which would limit the potential for vermin nuisance.
119. Efficient operational practices would seek to minimise the potential for vermin and pests. Mitigation measures would include the handling and storage of waste materials in the confinement of the waste transfer building only; ensuring all external doors are secure; ensuring the main building is well-maintained and weather proofed at all times; and ensuring the rapid transit of collected waste to approved treatment facilities to minimise the time waste is held on site after receipt.
120. Subject to the implementation of the measures detailed above and the rigorous application of the Environmental Permit, vermin would be suitably controlled and the proposals should not give rise to any associated problems.

### Lighting

121. 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.
122. The location of the site is distant to residential property and separated from the public highway by intervening industrial units. A planning condition is recommended to require the submission of a floodlighting scheme with details

of appropriate angling and shielding to minimise light spill to adjacent land and minimise the potential for adverse impact on local amenity.

### Flood Risk

123. Planning policy relating to the management of flood risk is incorporated in the NPPF and its supporting Planning Practice Guidance Note concerning flood risk and coastal change. NPPF paragraph 159 encourages development to be undertaken in low flood risk areas and directs development away from areas at highest risk but acknowledges that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. NPPF Paragraph 167 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding and where it can be demonstrated that:
- a. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b. the development is appropriately flood resistant and resilient;
  - c. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d. any residual risk can be safely managed; and
  - e. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
124. GLP Policy LPD 3 - Managing Flood Risk is consistent with NPPF policy insofar that it states that where development in areas of flood risk is considered acceptable it will only be considered appropriate when informed by a site specific flood risk assessment. Proposals should include mitigation measures to protect the site and deal with any residual flood risk to include flood resistance/resilience measures, provide safe access and escape routes. WLP Policy W3.5: Water Resources states that planning permission will not be granted for waste management facilities where the development affects the integrity or function of floodplains unless the harm can be mitigated by engineering measures and/or operational management systems.
125. The planning application is supported by a flood risk assessment which has been supplemented during the course of processing the planning application to resolve an objection originally raised by the Environment Agency and incorporate a flood evacuation and management plan in the event of a sudden breach of the River Trent flood defences.
126. The planning application site is located in Flood Zone 3 of the River Trent. Flood Zone 3 is land assessed as having the highest level of flood risk with an annual probability of the land flooding 1 in every 100 years or greater.



127. Although the site is sited within Flood Zone 3, it does benefit from the flood defences of the Nottingham Trent Left Bank Flood Alleviation Scheme which provide a level of flood protection up to at least the 1 in 100 Year event. However, the flood risk assessment acknowledges that flood defences can be breached and if this was to occur in a worse case flood event comprising a 1 in 100 year flood event plus 30% addition for climate change the development site would become inundated with flood water with flood levels predicted across the entire site to be 22.23m AOD in comparison to existing ground levels in the range from 20.49 to 22.70m AOD meaning that flood depths would range from 0 – 1.740mm.
128. The flood risk assessment identifies that it is impractical to raise finished floor levels above the 1:100 year + 30% climate change level. Additionally, external levels need to be kept at existing to ensure access/egress of lorries delivering material to the site. The flood risk assessment therefore recommends that the site retains its existing level, except for the office space which should be raised a minimum of 500mm above existing levels with flood resilience and resistance measures employed through the adoption of a flood contingency plan whereby the site would receive flood alerts and flood warnings relating to the River Trent flooding from the Environment Agency and the site operator would implement a flood evacuation plan in the event of a flooding event. The flood contingency plan would have specific reference to securing waste material that could be carried away by flood waters and establishing a safe evacuation procedure for staff in the event of flooding. The Environment Agency has reviewed the supplementary flood risk assessment and has not raised any objections to the planning application subject to a planning condition being imposed to require flood resilient design and construction techniques are incorporated in the development of the site in accordance with the specification set out within the revised flood risk assessment including the setting of finished floor levels within the proposed office building being set now lower than 500mm above existing levels.
129. It is therefore concluded that subject to the implementation of the proposed mitigation measures which would be regulated by planning condition, the development could proceed without being subject to significant flood risk and the development would not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site as set out in the following section.
130. The approach identified by the applicant to manage flood risk is considered consistent with the requirements of NPPF, GLP Policy LPD 3 and WLP Policy W3.5.

#### Management of Surface Water

131. NPPF Paragraph 169 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. WLP Policy W3.6: Water Resources encourages the use of planning conditions to protect surface and groundwaters, supporting the use of impermeable hardstandings where waste is stored, handled or treated and the use of separate drainage systems for clean and dirty site water run-off.

132. GLP Policy LPD 4 - Surface Water Management is consistent with the NPPF insofar that it requires all development proposals to pro-actively manage surface water including the use of appropriate surface treatments and sustainable drainage systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
133. The planning application is supported by a concept surfacing and drainage plan which details the waste transfer site would be hard surfaced with rainwater and foul/contaminated waters collected and managed separately. The scheme details areas of parking and manoeuvring would be hard surfaced with drainage falls engineered to discharge water. Surface water from these parking areas would be collected together with rainwater from building roofs and discharged to an underground attenuation tank before being released to the wider surface water drainage system of the industrial estate at a greenfield rate after passing through an oil interceptor and thus provide attenuation for storm events. Some of the surface water would be used by the waste transfer station for dust control suppression and firewater. Water discharges from areas used for waste storage including the internal area of the waste transfer building and the external storage bays and the foul water from the office/welfare facility would be separately collected from surface water to manage risk from contamination and disposed to mains sewer. Modifications made through the submission of revised plans have amended the drainage layout and reconfigured the siting of the underground surface water attenuation drainage tank and associated pipework into the 'Phase 1' development area.
134. The concept drainage system is considered satisfactory in principle insofar that it ensures that drainage flows are attenuated to a green field rate and managed to control pollution therefore representing a sustainable drainage solution for the site in accordance with the policy tests set out within the NPPF, GLP Policy LPD 4 and WLP Policy W3.6, subject to a planning condition requiring the submission of a detailed drainage scheme for the site prior to the commencement of the development.

#### Ground Contamination

135. The NPPF strongly supports the re-use of land that has been previously developed and of low environmental value. It identifies that when re-development proposals come forward for previously developed land, opportunities should be taken to remediate and mitigate the despoiled, degraded, derelict condition of the land, address any contamination issues and ensure the land is suitably stable. NPPF paragraph 183 states that planning decisions should ensure that:
- a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation),

- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990, and
  - adequate site investigation information, prepared by a competent person, is available to inform these assessments.
136. GLP Policy LPD 7 - Contaminated Land identifies that planning permission will be granted for development on land potentially affected by land contamination provided effective and sustainable measures are taken to assess, treat, contain or control the contamination so as to ensure that it does not expose the occupiers of the development and neighbouring land users to any unacceptable risk, threaten the structural integrity of any building built on or adjoining the site and/or compromise the operation of utilities infrastructure, cause or allow the contamination of any watercourse, water body or groundwater, or cause or allow the contamination of adjoining land. The policy encourages the use of planning conditions to ensure that appropriate assessment, remediation and verification of contaminated land is undertaken in the development process.
137. The planning application incorporates a Phase 1 Geo-Environmental Assessment to assess the nature and degree of contamination at the site and the implications that any ground contamination from the historical use of the site has on the proposed future use of the site.
138. Based on the observations and test results provided by the applicant ground remediation works will be required to progress the development to protect the River Trent to the south from groundwater contamination. This could involve the removal of source material such as residual tanks, asbestos or contaminated made ground, in-situ treatment of contaminated ground, or a combination of measures.
139. Gas protection measures will also be required in buildings on site, to protect future site users from ground gas and vapours. The results indicate that as a minimum hydrocarbon resistant membranes will need to be incorporated however further monitoring is required to confirm this, and this may identify a requirement for more stringent measures.
140. During the construction stage of the development, appropriate measures will need to be in place to safely collect and dispose of any residual contaminated materials encountered, e.g. contaminated groundwater entering excavations. Contaminated materials are likely to require disposal as hazardous waste, subject to a waste classification assessment.
141. A planning condition is imposed to ensure that any unexpected contamination which may be encountered during groundworks is appropriately managed.
142. The Environment Agency in their consultation response agree with the conclusions of VIA Reclamation that the initial desk top study incorporated in the Geo-Environmental Statement identifies the need for a further intrusive investigation of the site to be carried out and a remediation strategy to deal with the risks associated with contamination of the site in respect of the development is

submitted for approval in writing. Both the Environment Agency and VIA Reclamation are satisfied that this can be regulated by planning condition.

143. In terms of the geology of the site and ground stability, the ground investigation indicates that the development may require deeper foundations for the proposed buildings, but this would be confirmed through a piling risk assessment to ensure the Secondary A and Secondary B Aquifers are protected from further contamination and prevent any new pathways for any residual contamination in the made ground and underlying aquifers to migrate to sensitive receptors, such as the River Trent to the south and the groundwater source protection zone to the north of the site. Shallow groundwater levels were recorded at the site (<1.5m). Sufficient information will be needed to ensure that the foundation designs take account of the shallow groundwater levels and that the materials used are resistant to chemical attack from the soils and shallow groundwater. These matters can also be regulated by planning condition.
144. It is therefore concluded that the Phase 1 Geo-Environmental Assessment satisfactorily considers the nature and degree of contamination at the site and sets the agenda for a further intrusive site investigation and actioning remedial measures regulated through planning condition. This approach is consistent with the approach set out within the NPPF and GLP Policy LPD 7 and the planning consultation advice received from the Environment Agency and VIA Reclamation. Since the revised plans incorporate all new development within the 'Phase 1' southern area of the site with no works undertaken in the northern part of the site as part of this planning application, the scope of ground remediation works would be limited to the southern area.

#### Ecological Assessment

145. Planning policy in relation to biodiversity is incorporated within Section 15 of the NPPF. The policy seeks to prioritise development towards areas of low ecological value whilst aiming to provide appropriate mitigation and compensation for any ecological impacts that may result from undertaking development.
146. In terms of the ecological value of the development site, the site is industrial in character, predominantly hard surfaced and does not incorporate any ecological features which would be affected by the proposed development. The site therefore is considered to have a low ecological value and the development proposals incorporate landscape areas around the perimeter of the site, retaining existing hedges and shrubs that straddle the boundary.
147. With regard to the ecological sensitivity of the wider area, a single record of great crested newt was recorded circa 1.7km north of the site. In terms of bats, a series of bat roosts are located within 2km of the application site, the majority of which are associated with residential dwellings to the west but no identified bat roosts within circa 500km of the site. Otters and water voles have been recorded on the River Trent and other associated water bodies of the Netherfield Lagoons LNR and Colwick Park but these sites are separated from the application site by existing industrial buildings, with limited potential for mammals on the application

site. With regard to designated sites in the wider area, there are no International or European designated sites within 2km of the site. There is a SSSI and two local nature reserves within 2km of the site (Colwick Cutting SSSI, Colwick Woods LNR and Netherfield Lagoons LNR) and two priority habitats (ancient woodland within Colwick Woods LNR and floodplain grazing marsh). No significant ecological impacts are anticipated to these sensitive receptors having regard to their distance from the development site and the presence of intervening ecological barriers including roads, railways and land use.

### Employment implications

148. Chapter 6 of the NPPF incorporates planning policy in relation to the socio-economic effects of development. Specifically, NPPF paragraph 81 states that:

*‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.*

149. NPPF paragraph 7 confirms that achieving sustainable development is the primary objective of the planning system with NPPF paragraph 8 confirming the importance that the economic role of development has in delivering sustainable development.
150. In terms of assessing the socio-economic effects of the proposal including impact on the local community, the new waste transfer facility is expected to employ around 32 staff. The construction phase would further support a raft of jobs, and bring benefits to the local economy.
151. Overall, the proposed development would have some beneficial effects to the local economy. The proposal would support the economic viability of the wider Colwick Industrial Estate and contribute towards the economic sustainability objectives of the NPPF.

### **Other Options Considered**

152. 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**

153. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such

implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

154. The proposed waste transfer station would be located within a secure compound surrounded by perimeter security fencing and security gates. There would potentially be some operational activity during night-time hours, and consequently surveillance by staff at these times. The site would be locked outside of operational hours. CCTV cameras would be installed to provide coverage across the site.

#### Data Protection and Information Governance

155. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

#### Financial Implications

156. The County Council has a joint PFI contract with Veolia, but it is understood that the applicant is responsible for the design, commissioning and construction of the proposed waste transfer station under the terms of the Nottinghamshire Waste PFI contract as well as having the responsibility for operating and maintaining the facility.

#### Human Resources Implications

157. None arising

#### Human Rights Implications

158. 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 due to the construction and operation of the waste transfer station. The proposals have the potential to introduce impacts such as noise, dust, odour, traffic impacts and visual amenity, however, these potential impacts need to be balanced against the wider benefits the proposals would provide by enabling waste to be managed locally and thus reducing the distance waste is transported, moving more residual waste up the Waste Hierarchy and away from disposal, with the processing of residual waste into RDF for energy recovery offsite; and enhanced resource efficiency. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

### Public Sector Equality Duty Implications

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

### Safeguarding of Children and Adults at Risk Implications

160. None arising

### Implications for Service Users

161. None arising

### Implications for Sustainability and the Environment

162. These have been considered in the Observations section above.

## **Conclusion**

163. The fire at the existing Freeth Street waste transfer site has restricted the operational capacity of this existing facility and the imminent redevelopment of the Waterside area limits the amount of capital investment the applicant is willing to spend on this site, putting at risk the medium to long term availability of the Freeth Street waste transfer site and results in a need for a suitable replacement site to ensure that the local authorities and commercial waste which currently feeds into the existing facility continues to have a locally accessible facility to manage waste.
164. The Colwick waste transfer station would provide a replacement facility for the Freeth Street site, serving as a strategic bulking point for general waste and recyclable materials originating from the Greater Nottingham area. Its use would contribute to the overall waste management capacity of the County and provide a modern facility to support sustainable waste management for municipal and commercial and industrial waste streams, enabling them to be bulked for onward transportation of residuals and recyclable materials to facilitate their reuse and recovery. As part of a wider network of waste management facilities it ensures that there is an appropriate geographical network of waste facilities to manage Nottinghamshire's waste arisings.
165. The development therefore is consistent with WCS Policy WCS3 which seeks to provide sufficient waste management capacity to manage a broadly equivalent amount of waste to that produced within Nottinghamshire and Nottingham and also contributes to the sustainable management of waste consistent with the waste hierarchy.

166. The location of the development site within Colwick Industrial Estate is supported by WCS Policy WCS7 subject to there being no unacceptable environmental impacts.
167. Potential environment effects from the operation of the site including dust, noise, odour and associated traffic impacts have been considered within the preceding sections of the report where it is concluded that appropriate mitigation of any adverse impacts is capable of being provided by strict management practices regulated through the recommended planning conditions set out in appendix 1 and through the Environmental Permit. The site is remote from residential properties and the operation of the waste transfer station is compatible with the surrounding business/commercial uses within Colwick Industrial Estate.

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

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

### **RECOMMENDATIONS**

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

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments**

Constitutional Comments will be reported orally at the meeting.

### **Financial Comments (SES 17/08/2021)**

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

The County Council has a joint PFI contract with Veolia, but it is understood that the applicant is responsible for the design, commissioning and construction of the proposed waste transfer station under the terms of the Nottinghamshire Waste PFI contract as well as having the responsibility for operating and maintaining the facility.



## **Background Papers Available for Inspection**

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

## **Electoral Division and Member Affected**

Carlton East            Cllr Mike Adams

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Mike Hankin

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