



**20<sup>th</sup> November 2012**

**Agenda Item: 8**

## **REPORT OF GROUP MANAGER PLANNING**

**BROXTOWE DISTRICT REF. NO.: 5/12/00446/CCR**

**PROPOSAL: TEMPORARY STORAGE AND WASHING OF MEDIA ON  
AGRICULTURAL FIELD ADJACENT TO SEWAGE TREATMENT  
WORKS, WITH ASSOCIATED DEVELOPMENT**

**LOCATION: NEWTHORPE SEWAGE WORKS, HALLS LANE, NEWTHORPE**

**APPLICANT: SEVERN TRENT WATER LTD**

### **Purpose of Report**

1. To consider a planning application for the temporary storage and washing of filter media with associated development on an agricultural field adjacent to Newthorpe Sewage Treatment Works (STW), Halls Lane, Newthorpe. The key issue relates to the appropriateness of the development in the Green Belt and, as such, the development has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to planning conditions, as set out in Appendix 1.

### **The Site and Surroundings**

2. Newthorpe STW, which is a long established sludge treatment works, is located to the south of the A610 Eastwood and Kimberley bypass, to the south-west of Newthorpe. The A6096 (Gin Close Way) is located to the south-east of the site, beyond which is Awsworth (see Plan 1). It is situated within the Nottinghamshire Green Belt, and comprises a relatively large-scale operation.
3. Gilt Brook extends along the south-eastern edge of the site, with the River Erewash, which forms the county boundary, located approximately 650m due west. Greasley Footpath No. 62 abuts the eastern site boundary, with a further public right of way, Awsworth Footpath No. 16, running parallel to the south-eastern site boundary, just beyond Gilt Brook.
4. The nearest residential development to the existing Newthorpe site is located approximately 170m away in both northerly and south-easterly directions towards the southern edge of Newthorpe (to the south-west of Smithurst Road)

and the north-western edge of Awsworth (broadly off Gin Close Way), respectively. The site is accessed off Halls Lane via the A610.

5. The existing operational site covers an area of approximately 15 hectares. There is a mix of mature hedgerow/tree planting and Palisade fencing, colour-coated grey, around the site perimeter, giving a substantial element of screening to the site. Beyond the existing boundary treatment, the site is surrounded by agricultural fields, and it is a field directly abutting the site's south-western boundary that forms the current application site. Access to the proposed site would be gained via an existing gate situated towards the south-western corner of the STW site.
6. The STW comprises a mix of existing large and smaller scale plant structures including four large Humus tanks, kiosks, and tertiary filter plant. Filter beds and associated equipment are situated in the south-western sector of the existing operational site.
7. The proposed application site, comprising semi-improved neutral grassland, occupies the north-eastern sector of a flat agricultural field, which bounds the south-western boundary of the existing operational STW. The field is currently used for pasture, and is separated from the existing site by mature hedgerow and trees. Residential development is located approximately 350m away, within Barlow Cottage Lane, on the south-eastern side of Shilo Way (A6096), with the nearest development being a scrap yard, situated approximately 155m to the south-east of the proposed site.
8. The footprint of the proposed site area (temporary 'deposition' working area) is approximately 2.46 ha, and would be directly adjacent to existing filtration plant (filter beds and tertiary filter plant), albeit on the other side (south-western) of the existing boundary hedge. The proposed site would extend for a length of approximately 290m, and be to a maximum width of 100m, following a broadly rectangular shape before narrowing towards its north-western end, as it follows the 'line' of the existing STW site.
9. The south-eastern edge of the proposed site lies within Flood Zone 3 (high probability of flooding) as identified on the Environment Agency Flood Map.
10. The Nottingham Canal Local Nature Reserve (LNR) is located 625m to the south of the site, and Gilt Brook Nottinghamshire Local Wildlife Site (NLWS) located 10m to the south.

### **Proposed Development**

11. The application seeks planning permission to temporarily extend Newthorpe STW and develop a temporary working area, for the storage and washing of filter media from existing filter beds, on agricultural land outside of the operational sewage treatment site. It would involve erecting a media washer, which comprises a Hopper structure, with associated ancillary development (access road, screening bunds, and storage piles of un-washed and washed filter material). The temporary 'depositional' area would provide specialised washing facilities, to enable the cleaning of filter media (which is essentially

small stones), as part of the refurbishment of the Newthorpe site's existing filter beds (see Plan 2).

12. The agricultural field would be required for use as a temporary storage and washing facility for a period of approximately 18 months, after which time it would be restored to its original condition, using topsoil retained in storage bunds for the duration of the works.
13. The proposals would initially involve vegetation clearance and topsoil stripping of the agricultural field. The stripped topsoil would be stored in a screening bund, which would extend along the majority of the south-western boundary of the application site, for a length of approximately 210m, before extending in a north-easterly direction, for a further 50m. The bund would have a width of approximately 11m, and be to a maximum stocking height of 2m.
14. The 50m long screening bund would form the most south-easterly part of the proposed storage and washing operations, ensuring a clear distance of some 68m between the site boundary, which runs parallel to Gilt Brook and lies within Flood Zone 3, and the proposed operational development. This would ensure that all operational development, bar part of an internal access route, is outside the Flood Zone 3 area.
15. A single piece of fixed plant structure (a hopper) would be erected towards the south-eastern edge of the temporary working area, directly adjacent to the 50m stretch of topsoil bunding, running parallel to the south-eastern site boundary. It would be positioned on the north-western side of the screening bund, approximately 80m from the south-eastern site boundary and Gilt Brook.
16. The media washer would comprise a 4.9m high central fixed hopper, with two conveyors either side, on the north-eastern and south-western elevations of the structure. The conveyors would have a length of approximately 8.5m each and be to a maximum height of 6.4m. The central fixed hopper unit would have a footprint of approximately 51sq.m, with a length of 17m and a width of 3m.
17. The washing process itself would be a contained process, involving all washing liquids being returned through the existing sewage treatment process, at a controlled rate. The cleaning process would be carried out within the hopper, involving the un-washed filter media being dropped into the hopper, onto a vibrating screen. The media would then be subjected to high pressure sprays, which are fitted onto a high pressure spray bar system in the hopper. The process is completed by returning the 'dirty water' to the STW for treatment.
18. The process would involve removing filter media from existing filter beds, up to half a filter bed at a time, and transporting it to the prepared site for washing. On completion of the washing process, the clean material would be transported back to the refurbished filter beds, for re-use.
19. The un-washed filter media would be stored in up to three linear-shaped parallel stockpiles, approximately 71m in length, situated in the north-eastern corner of the temporary working area. It would be stockpiled to a maximum height of 3.0m, with the footprint being dependent on the volume of filter media being

processed. For example, half a filter bed represents 1,900 cubic metres, which at a height of 3m and with a maximum angle of repose of 40 degrees, would equate to two stockpiles of the length proposed. In this case, each stockpile would have a total footprint of 1,330 sq.m., with a length of 95m and width of 14m.

20. In terms of the construction traffic, it is anticipated that there would be between 10-20 lorry deliveries to the site to set up the proposal and to restore the extension site once operational works have been completed.
21. There would only be internal traffic movements associated with the actual operational phase of the works, and no anticipated impact on the surrounding highway network.
22. This would involve filter material being transported internally within the extended STW, with access to the storage and washing area being gained via an internal access road extending from within the Newthorpe site. This access road abuts the south-western edge of the filter beds, and would enter the extension site, via an existing gate at the south-western corner of the main site. An excavator and tipper wagons would be used to remove and transport the material.
23. Within the site extension, a haul road would be constructed, with a geotextile covering to protect the subsoil. This would extend from the access gate, into the new working area, for approximately 80m in a north-westerly direction, before branching off into two minor access roads, providing access to the media washer and storage area for washed material. The washed filter media would be stored in two 3m high stockpiles, and situated either side (north-east and south-west) of the hopper.
24. The proposed hours of operation would be 0730hrs to 1800hrs on weekdays and 0730hrs to 1300 on Saturdays.
25. Temporary security fencing would be erected to the extended site perimeter, along its north-western, south-eastern and south-western boundaries. Heras style fencing, to a maximum height of 2.8m is proposed. A planning condition could ensure that the fence is colour-coated Moss Green (RAL 6005).

## Consultations

26. **Broxtowe Borough Council** *raises no objections to the proposed development having given due regard to the site's factors and the relevant Local Plan policies.*
27. **Environment Agency Midlands Region (EA)** *now supports the proposed development having originally objected to the proposals on grounds that the development could potentially be at risk of flooding or could increase flood risk to others. It was noted that part of the application site lies within Flood Zone 3, which is defined by the EA Flood Map as having a high probability of flooding, and in the absence of a satisfactory flood risk assessment (FRA) it was advised that planning permission be refused.*
28. *The original proposals meant that the flood zone from Gilt Brook covered part of the proposed temporary workings including stockpiling. It was observed that*

*there should be no land raising (including stockpiling for the screening bund) within the floodplain, given that it would decrease floodplain capacity, and potentially increase flood risk to others.*

29. *The EA recommended that all works and land raising should be located outside the floodplain.*
30. *The applicant subsequently revised the development proposals, seeking to demonstrate that the temporary working area was capable of accommodating the storage and washing facilities, at a sufficient distance from that part of the site situated within the Flood Zone 3 area.*
31. *Whilst it was advised that the Lead Local Flood Authority (LLFA) be consulted on the proposals, for observations on the development's proximity to the watercourse, the EA is now able to support the revised temporary development. The objection is therefore lifted.*
32. **The Highways Agency (HA)** *has no objections to the proposal, given that the proposed development is not expected to have a material impact on the closest strategic route, the M1.*
33. **Nottinghamshire Wildlife Trust (NWT)** *is able to support the proposed scheme subject to restoration to species rich grassland, based on an MG5 (flower-rich hay meadow) community, which can be managed for its botanical diversity in the long-term through hay-cutting or extensive grazing.*
34. *It is noted that these works are being proposed to fulfil requirements to improve the water quality of the effluent from Newthorpe STW, which would be of benefit to both the Gilt Brook and the River Erewash, which suffer from elevated levels of Nitrate and Phosphate.*
35. *It is confirmed that the likely minor effects on fauna is capable of being mitigated by following the recommendations set out in the Habitat Survey.*
36. *The area of land on which storage of materials is being proposed is assessed as being semi-improved in the Extended Phase 1 Habitat Survey (Report Number: RT-MME-110893 Rev 1, dated December 2011 Revised May 2012). It is observed that this survey had been undertaken in November and after the field had been grazed. Thus, it is likely that more grassland species may be present than was evident at the time of the survey, i.e. it may be more diverse and of higher conservation area. However, whilst the survey has not accurately ascertained the value of the grassland that would be affected, it is noted that the grassland has not been designated as a Site of Importance for Nature Conservation (SINC).*
37. *It is observed that whilst the works are described as temporary, in reality the effect would be permanent, as the entire sward of the proposed working area would have to be removed, and the topsoil stripped and stored, amounting to the destruction of that part of the grassland.*
38. *In the Erewash Valley there has been a substantial loss of species-rich grasslands over recent decades and this habitat is a high priority for protection,*

restoration and recreation. Therefore, given the importance of grasslands in the Erewash Valley (a Living Landscape area and thus a priority for habitat restoration), regarding the area's restoration, NWT would expect to see the creation of species rich grassland, based on an MG5 community. The agreement of the applicant to this recommendation, means that the NWT is now able to support this scheme.

39. **NCC (Nature Conservation)** has observed that the Extended Phase 1 Habitat Survey and Protected Species Survey, indicate that the proposals would not give rise to any significant ecological impacts, provided appropriate mitigation is put in place, and secured by appropriate planning conditions. Planning conditions should seek to ensure that no vegetation removal takes place during the bird nesting season (March to August inclusive); that a 10m stand-off is maintained from the Gilt Brook to prevent impacts on this watercourse and any protected species using it (e.g. water voles); no artificial lighting should be used, unless details have been submitted and approved; and finally, that recommendations relating to a protected species are adhered to.
40. **NCC (Countryside Access)** has observed that whilst there are public footpaths and bridleways which border the STW, it is not anticipated that the proposals would have any effect on these Rights of Way.
41. **NCC (Planning Policy)** raises no strategic planning policy objections to this proposal, subject to appropriate planning conditions, securing satisfactory environmental protection; controls over the longevity of the proposal; the removal of washing equipment at the end of the temporary period and the restoration of the land to its former condition, in the event that planning permission is granted.
42. Attention is drawn to key policies within the Adopted Nottinghamshire and Nottingham Waste Local Plan (2002) (WLP) and the emerging Nottinghamshire and Nottingham Waste Core Strategy (proposed submission version, February 2012) (WCS), against which the application should be considered.
43. The main policy from the adopted WLP is W8.1 which provides for the extension to existing STW providing there are no unacceptable environmental impacts. The proposal therefore needs to meet the environmental protection policies set out within Chapter 3 of the WLP. Provided these issues are satisfactory, the policy would support the proposed development.
44. Similarly, emerging Policy WCS7 supports extensions which improve existing management methods and/or reduce existing environmental impacts. Policy WCS12 states that extended facilities must demonstrate that there would be no unacceptable impact on overall environmental quality or quality of life of those living or working nearby, and that the development would not result in an unacceptable cumulative impact. Policy WCS6 supports waste water treatment in open countryside/agricultural land and in the Green Belt, but only where it is small scale.
45. As the application site lies within the Nottingham-Derby Green Belt, in strategic planning terms, the East Midlands Regional Plan (March 2009) (RSS) and the

*National Planning Policy Framework (March, 2012) (NPPF) are relevant. RSS Policy Three Cities SRS2 states that the principle of the Nottingham-Derby Green Belt will be retained.*

46. *The NPPF states that the essential characteristics of Green Belts are their openness and permanence and inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
47. *The proposal does not fall within the categories of appropriate development as set out in the NPPF and the application should not, therefore, be approved unless the applicant has demonstrated that it is justified by very special circumstances. In this respect, it is noted that the proposal is for a temporary period of 18 months and it is considered that the harm caused to the Green Belt would be significantly reduced by virtue of the proposed development's temporary nature and upon its cessation the site could be re-instated to its current condition. There are therefore no strategic planning objections to this proposal.*
48. **NCC (Archaeology)** has yet to respond and any comments received will be reported verbally at Committee.
49. **NCC (Landscape)** considers that there are no unacceptable environmental impacts in landscape and visual impact terms, and is therefore in support of the application. *It is recommended that the topsoil mound is seeded with a low maintenance seed mix over the 18 month period to prevent top soil being washed away or nutrients being washed out. In addition, the hedgerow boundaries to the site require protection in line with BS 5837:2011, as recommended in the Extended Phase 1 Habitat Survey (page 15). It is observed that whilst these hedgerows, in habitat terms, are species poor, they are an effective visual screen of the existing site.*
50. *Attention is drawn to the fact that the Lawson's Cypress hedge is in poor condition, and in the long term it is recommended that it be replaced with a hedgerow more in keeping with the native species present in the Derbyshire and Nottinghamshire Coalfields Landscape Character Area.*
51. **NCC Highways (Development Control) Broxtowe** has confirmed that there are no highway concerns associated with the proposal. *It is confirmed that the junction on the A610 has been built to cater for larger lorries accessing the site, and as such there are no highway concerns regarding 10-20 construction lorries per day accessing the site.*
52. **NCC (Noise Engineer)** raises no objection to the proposal and finds the proposed working hours acceptable. *There is an assumption that works would not be allowed on Sundays. It is not considered necessary to recommend any specific noise conditions.*
53. **Lead Local Flood Authority (LLFA)** has no comments to make on this planning application.

54. **Greasley Parish Council, National Grid (Gas), Western Power Distribution and NCC (Reclamation)** have made no response.

## **Publicity**

55. The application has been publicised by means of site notices and press notice in accordance with the County Council's Adopted Statement of Community Involvement. No representations have been received in relation to this planning application.
56. Councillor David Taylor has been notified of the application.
57. The issues raised during the consultation process are considered in the Observations Section of this report.

## **Observations**

### Introduction

58. The application has been submitted by Severn Trent Water Limited (STWL) in order to improve the current provision of sewage treatment at the existing Newthorpe STW. The facility at Newthorpe is an integral part of the Company's regional sludge treatment strategy in the wider Derbyshire and Nottinghamshire area. The driver behind the proposal is a new, more stringent effluent consent which has been imposed on STWL by the EA, and which comes into force from 31<sup>st</sup> March 2014.
59. In practice, this means that there needs to be a reduction in ammonia levels in effluent leaving the works, from 5mg/l to 3mg/l. For this to be achieved during the waste water treatment process, the filter beds within the operational site need to work more efficiently. As such they require refurbishment, and part of these works involves renewing the filter material. This can be achieved either by disposing of existing material off site and importing new primary aggregate as a replacement, or alternatively, by cleaning and re-using what is already there.
60. If the existing filter media is to be renewed, then a relatively substantial area of land needs to be set aside, for the duration of the refurbishment works, as the process would involve removing the material from existing filter beds, and depositing it on an area of land, for cleaning. Due to a lack of space within the confines of the Newthorpe site to carry out these works, it is necessary to temporarily extend the operational site, for the duration of the refurbishment works. This has consequently given rise to the development under consideration in this report.
61. The aim of the planning application is primarily twofold. Firstly, it would enable STWL to beneficially treat existing filter material rather than having to dispose of, and renew the filter media with primary material, by providing the necessary space to undertake the filter washing process, within the immediate vicinity of the operational site. It is noted that the adjoining field provides the optimum location, given that the area of land is directly adjacent to the existing filter beds. Secondly, the proposal would deliver an integral part of the refurbishment works that will enable STWL to achieve more stringent environmental controls over



treated waste water, and to comply with a stricter effluent consent imposed by the EA.

62. Chapter 8 of the WLP sets out the policy approach towards waste water and sewage treatment. In terms of local waste policy implications, Saved Policy W8.1 WLP indicates that there is an overarching supporting policy for the extension of existing sewage treatment works provided that there are no unacceptable environmental impacts. Key to the acceptability of this proposal, in terms of environmental impacts, is its compliance with Green Belt policy, and the significance of any associated visual amenity impacts; together with locational impact, given that the proposed development is outside of the existing operational site.

#### Green Belt Policy considerations

63. The proposed site, along with the existing STW facility is located within the Green Belt. Central Government guidance on Green Belt policy is provided within Section 9 (Protecting Green Belt Land) of the NPPF. Locally Green Belt policy is set out under Policy E8 of the Broxtowe Local Plan (BLP) (Adopted September 2004). Also of relevance is Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) which remains as national guidance for waste planning matters.
64. The BLP Proposals Map incorporates land use designations within the Broxtowe area. It identifies the application site as being located within the Green Belt, and therefore not identified for development. Policy E8 of the BLP states that *'planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development. Appropriate development includes:*
- a) Buildings appropriate to agriculture and forestry;*
  - b) Essential facilities for outdoor sport and recreation;*
  - c) Essential facilities for cemeteries and for other uses of land which preserve the openness of the Green Belt and which does not conflict with the purposes of including land within it;*
  - d) Limited extension, alteration or replacement of existing dwellings;*
  - e) Limited infilling or redevelopment of major developed sites;*
  - f) Changes of use of agricultural and other buildings to employment and tourism uses which help to diversify the economy.*
65. Under the criteria set out under Policy E8, the temporary storage and washing of filter media from the adjacent STW is not identified as being 'appropriate development'. In the context of BLP Green Belt policy, the development must therefore be considered as 'inappropriate development'. As such, the proposal has been treated as a 'departure' from the development plan.

66. Policy W3.17 of the WLP specifically considers waste development in the Green Belt. The policy states that only landfill schemes which represent the best option for reclaiming mineral workings or other derelict voids may be considered as 'appropriate' within the Green Belt. The proposals for the temporary storage and washing of filter media cannot accord with this policy and the development must, therefore, be considered as a 'departure' to this policy.
67. As a result of the proposed development not according with these policies, the application has been advertised as a 'departure' from the Development Plan.
68. Direction is given under Section 38(6) of the Planning and Compulsory Purchase Act 2004, that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise.
69. Reference is now made to those material considerations considered relevant to the determination of this planning application, including Central Government policy as set out in the NPPF; national waste policy established under PPS10; and the fact that the planning application relates to a temporary extension to a major established STW, already located within the Green Belt. The ability of the scheme to meet improved environmental standards, and a better standard of waste water treatment at Newthorpe STW, are also material considerations.
70. The policy framework established under the NPPF seeks to ensure that urban sprawl is prevented, with the aim of preserving the openness and the permanence of the Green Belt. There is a general presumption against 'inappropriate development' in the Green Belt, and that such development should not be approved, except in 'very special circumstances'.
71. Paragraph 89 of the NPPF establishes a similar approach to the BLP in terms of listing appropriate forms of development in the Green Belt. The proposed development does not fall within the categories of appropriate development defined in the NPPF, and is therefore deemed to be 'inappropriate development'.
72. Where waste management development proposals in the Green Belt would result in 'inappropriate development' in terms of the NPPF, any wider benefits of the scheme may contribute to the 'very special circumstances' required by the framework for a development to be granted planning permission. Therefore, it is necessary to determine whether or not this consideration provides Green Belt policy support for this proposal. Paragraph 3.58 of the WLP states that responsibility lies with the applicant to demonstrate that 'very special circumstances' exist for permitting any proposal which is inappropriate to the Green Belt and contrary to Policy W3.17 of the WLP, as is the case with this particular development.
73. 'Inappropriate development' is deemed by definition as being harmful to the Green Belt. The onus is therefore on the applicant to demonstrate that there are 'very special circumstances' as to why permission should be granted. 'Very special circumstances' to justify 'inappropriate development' will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

74. In accordance with this, there are a number of criteria that would suggest that there is a case to be made under the 'very special circumstances' test. Firstly, the proposed development is required to ensure the efficient operation of the treatment works and is necessary to meet a requirement imposed by the EA. Secondly, the proposed development, although outside the operational boundary of the sewage treatment works, is temporary and the land would be returned to agricultural use. Therefore, the proposal does not affect the purpose of including land within the Green Belt. The use of this land, in such close proximity to the existing STW, would also eliminate the need for a significant number of HGV movements associated with the removal and return of filter media, thereby reducing traffic movements to an absolute minimum. This would result in a significantly reduced carbon footprint to a scheme that would otherwise require disposal off site and renewing of filter material with primary aggregate.
75. It has been noted that this proposal could meet the NPPF Green Belt Policy under the 'very special circumstances' test provided no harm is caused to the open character of the Green Belt, and the purposes of including that land in the Green Belt, as considered below, and subject to there being no unacceptable environmental impacts. The proposal cannot, however, meet BLP Policy E8 and WLP Policy W3.17, although the material considerations outlined above suggest that the harm caused would be outweighed by the wider benefits particularly given the temporary nature of the development.
76. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer Green Belt departure planning applications to the Secretary of State. Since the planning application is for temporary, comparatively insubstantial development within the Green Belt which does not trigger the thresholds for referral set out within paragraph 4 of this Circular, there is not a requirement to refer this application to the Secretary of State should Committee be minded to approve it.

#### Visual impact of development and impact on the open character of the Green Belt

77. 'Inappropriate development' can be acceptable where it can be demonstrated that the proposed activity has no greater impact on the open character of the Green Belt. The NPPF places significant weight on 'inappropriate development', if permitted, maintaining openness and not conflicting with the purposes of including land in the Green Belt.
78. The purposes of including land in the Green Belt are:
- *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*
  - *to assist in safeguarding the countryside from encroachment;*
  - *to preserve the setting and special character of historic towns; and*

- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
79. The application site is presently part of an agricultural field, and is set well away from the nearest residential development and highway network. Any attendant visual amenity impacts would mainly be confined to users of the surrounding land, including those using Awsworth Footpath No. 16. However, the scheme proposes to retain the hedgerow to the south-eastern site boundary thereby effectively screening the proposed operations from those using the public footpath. This element of screening together with the transient nature of footpath users, means that potential visual impact along the public footpath is considered minimal.
  80. Mature hedgerow and trees to the field margins would screen the proposed development from surrounding agricultural fields.
  81. WLP Policy W3.3 seeks to minimise the visual impact of waste management facilities by siting them in locations which minimise impacts to adjacent land, providing appropriate screening and minimising building and storage heights. Similarly, WLP Policy W3.4 seeks to secure both the retention and protection of existing features which have value in terms of screening, and the appropriate use of screening and landscape to minimise visual impacts, including earth mounding, fence, and/or tree and shrub planting.
  82. In the context of WLP Policy W3.3, the development's proximity to an existing large-scale STW with substantial plant structure and buildings, would give it the appearance of being part of an existing operational site. It is considered that it would appear visually well-integrated into its setting, when viewed against the backdrop of the existing STW. It is noted that the proposed plant structure and associated development (media piles) would comprise relatively low level development when compared to much of the existing operational plant, thereby minimising visual impact
  83. The proposed filter media piles and associated washing plant would be no higher than existing landscape features, which predominantly consists of mature hedgerows and hedgerow trees. It is considered that, subject to restrictions on the height of the filter media piles, and adequate screening from the soil bunding, the development would not harm the open character of the Green Belt. Planning conditions could ensure that storage heights are limited to 3m in height thus ensuring that these activities do not become visually intrusive. Subject to these planning conditions, the development satisfies the requirements of WLP Policy W3.3.
  84. As stated, WLP Policy W3.4 encourages the use of screening and landscaping around waste developments. The level of built development associated with this proposal, together with the proposed topsoil bunding along the south-western site boundary, would have a low level impact upon the open character of the Green Belt. The soil bunds would mitigate and break up views of the site, notably from users of the open field to the south-west, thereby minimising the visual impact of the development and its impact within the wider landscape. Planning conditions could ensure that the topsoil mound is retained at a suitable

height, seeded with a low maintenance seed mix over the 18 month operational period to prevent top soil being washed away and ensuring suitable protection of the hedgerow boundaries to the site. The proposed development is capable of being acceptably visually integrated into its setting in accordance with Policy W3.4. It is considered that no further landscaping, above and beyond the proposed soil bunding, is required, given the temporary nature of the development.

85. Whilst the development would encroach into the countryside, beyond the existing operational site, it is considered that the proposed development would not cause significant harm to the openness and permanence of the Green Belt, and the purpose of including land in the Green Belt designation, as outlined in paragraph 78 of this report, given the temporary nature of the development and the fact that the temporary working area would be returned to agricultural land. Any residual harm to the Green Belt must be weighed against the public and environmental benefits of the proposal in terms of complying with higher environmental standards, to meet more stringent EA controls. It is considered that the scale of any harm, in terms of impacts on the openness and permanence of the Green Belt would be relatively minor, and that the benefits of the scheme outweigh the impact to the Green Belt, subject to the overall environmental impact of the development being acceptable.
86. It is noted that the Borough Council has not objected to the development on Green Belt grounds and the development does not give rise to any adverse impact on surrounding areas. Furthermore, the County Council's Landscape Officer has indicated that there are no environmental impacts in landscape and visual impact terms.
87. The scheme would represent a sustainable means of dealing with the filter media, enabling the cleaning of material close to its source of use, i.e. the operational filter beds, and would have minimal impact on the open character of the Green Belt. It is considered that such material considerations indicate that it would be unreasonable to refuse planning permission, and would constitute the 'very special circumstances' required by NPPF to justify 'inappropriate development' within the Green Belt.

#### Waste Policy considerations regarding the location of the development

88. In terms of delivering on key planning objectives, PPS 10 acknowledges that planning authorities should seek to protect Green Belts but recognises the particular needs of some types of waste management facilities when determining planning applications; that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.
89. The proposed development meets the requirements established under PPS10, in that it is associated with an existing STW, which is already located within the Green Belt, relatively remote to residential development, and where there is a requirement on STWL to carry out essential refurbishment works if it is to meet EA targets for treated waste water. Therefore, there is an identifiable locational

need for the temporary storage/washing facilities to be sited on adjoining land within the Green Belt.

90. In this respect, the proposed development would be located directly adjacent to an existing treatment site, and would form part of existing operations to sustainably treat waste water to increasingly stringent environmental standards. The impact on the open character of the Green Belt from the proposed extension site and associated development would be relatively insignificant when compared to the existing STW. The development therefore is compliant with PPS10 guidance, which acknowledges that the locational needs of some waste developments means that they must be located within the Green Belt, subject to its acceptability in terms of local environmental impacts.
91. PPS 10 broadly sets out locational criteria under Annex E for new or enhanced waste management facilities. Key to this is the likely impact of a proposed development, on the local environment and on amenity. In testing the suitability of a development, consideration should be given to the proximity of sensitive receptors and the extent to which adverse environmental impacts can be controlled through the use of appropriate measures, including *'the use of appropriate and well-maintained and managed equipment'*.
92. The potential environmental impacts associated with the new development are now considered.

#### Noise impact

93. Policy W3.9 of the WLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, alternative reversing alarms, stand off distances, and the use of noise baffle mounds to help minimise noise impacts. The County Council's Noise Engineer is satisfied that no specific noise conditions are necessary in the case of this particular development. It is acknowledged that the development is remote from residential development, and is restricted to day time operations only.
94. It is not anticipated that noise levels on the proposed extension would be anything other than similar to those generated at present. However, it is considered prudent to condition operational hours to reflect those being proposed by the applicant, to ensure that there is no working on Sundays or Public and Bank Holidays. The Noise Engineer finds it satisfactory to extend the proposed working hours to Saturdays, and this is reflected in the proposed planning condition.

#### Dust impact

95. Waste operations have the potential to cause adverse impacts as a result of dust emissions. WLP Policy W3.10 identifies that dust emissions from waste processing facilities can be managed and reduced by implementing appropriate dust mitigation practices. Measures include the siting of facilities remote from sensitive receptors, the enclosure of dust generating operations within buildings and enclosed areas, and the use of water to dampen down stockpiles.

96. With regards to the proposed development, soil handling operations, haul roads, and stockpiles of soil and filter material have the potential to be a source of dust, especially when conditions are dry and windy. However, the extension site benefits from being relatively remote, with the nearest potentially dust sensitive residential development being some 300 to 350m away to the north-west and south-east of the proposed site. The distant proximity of these sensitive receptors means that the prospect of the operational development giving rise to any dust nuisance is considered to be relatively remote. Notwithstanding this fact, measures to minimise dust emissions are considered necessary to ensure that surrounding land users are not adversely affected.
97. The proposed development makes provision for certain ameliorative mitigation measures, as reflected in Policy W3.10 of the WLP. A screening bank would be constructed along the south-western extent of the operational pad, and partially along its south-eastern edge, which would help to suppress dust generation by trapping dust and reducing wind flow. In line with Policy W3.10, planning conditions could ensure that water bowsers are used to dampen haul roads, as and when required; and that the topsoil mound is seeded with a low maintenance seed mix over the eighteen month period, to prevent top soil being blown away, thereby minimising dust impact. These conditions are in accordance with WLP Policy W3.10.

#### Odour impact

98. WLP Policy W3.7 seeks to minimise odour emissions from waste management facilities by imposing controls over operations, including sheeting of lorries, restrictions on temporary storage of waste, and the use of contingency measures such as odour masking agents, or removal of malodorous material.
99. There is nothing to indicate that the proposed development would be adversely odorous, although potentially the stockpiling of unwashed filter material could by its very nature produce some level of odour. It is observed that the cleaning process is unlikely to cause any odour due to the containment of the process within a hopper, and the return of the 'dirty' effluence to the STW for appropriate treatment. It is noted that the pollution and nuisance control authorities and agencies (Environment Agency and Environmental Health Officer) raise no objections over potential emissions.
100. However, whilst the proposed development is relatively remote to the nearest residential development, the proximity of Awsworth public footpath No. 16 is noted. Whilst any odour nuisance if it were to arise would have only intermittent, transitory impact on surrounding land users, due to the nature of this use, it is nevertheless considered appropriate to place a requirement on the applicant, that in the event of odour becoming a nuisance to surrounding land users, triggering a complaint to the WPA, an odour management plan be submitted to the WPA. This might involve measures as simple as covering over the stockpiles of unwashed filter media. A suitably worded planning condition could ensure that a level of odour control is secured in accordance with Saved Policy W3.7 of the WLP, in the event of odour becoming a localised nuisance to users of the footpath and surrounding agricultural land.

## Ecological impact

101. The Nature Conservation authorities and organisations are able to support the proposed development given that it would not give rise to significant ecological impact. Any ecological impact associated with the proposals is capable of being suitably mitigated provided that the measures outlined in the ecological survey are implemented. Planning conditions could ensure that the recommendations set out in Section 6 of the 'Extended Phase 1 Habitat Survey' are secured in order to minimise the impact of the works on habitats and protected/notable species, both within and adjoining the site. This would ensure that for ecological purposes an absolute minimum of a 10m stand-off from Gilt Brook is maintained, to prevent impacts on the local watercourse, from the proposed access road as it enters the extension site via the gate in the south-western corner of the Newthorpe site; and that the grassland is restored to a species rich grassland.
102. There would be identified environmental benefits to be gained from the development. It would improve the water quality of the effluent from Newthorpe STW, which would benefit both Gilt Brook and the River Erewash, which suffer from elevated chemical levels. It would also restore the land to a more beneficial species rich grassland, and one which is more diverse and of higher conservation value than the present agricultural field. This would be of local importance, in light of the fact that the Erewash Valley has seen a substantial loss of species-rich grasslands over recent decades, and given that this habitat is a high priority for protection, restoration and recreation.
103. It is considered that the restoration scheme potentially delivers a net gain in terms of increasing the intrinsic ecological value of the site. The proposed restoration scheme would have ecological benefits in terms of it contributing to an increase in areas dedicated to species-rich grassland habitat, an important local habitat. The scheme would maximise the opportunity to increase biodiversity in this part of the Erewash Valley, which is a Living Landscape area and thus a priority area for habitat restoration. The scheme therefore accords with the NPPF which supports net gains in biodiversity under Section 11 '*Conserving and Enhancing the Natural Environment*', paragraph 109.

## Archaeology/heritage impact

104. WLP Policy W3.27 seeks to ensure that provision is made for the excavation and recording of remains, where development would affect archaeological remains of less than national importance, where there is an overriding need for the facility.
105. An archaeological survey indicates that potentially archaeological features of interest could be found during the course of the proposed development, particularly during topsoil stripping. Therefore, it is proposed to attach a condition to the granting of any planning permission requiring a scheme of archaeological mitigation to be submitted to the WPA for approval. Such a scheme would ensure the detailed monitoring of the site and appropriate contingency measures, should significant archaeological remains be found, in accordance with Policy W3.27 of the WLP.



## Surfacing and drainage

106. Policy W3.5 of the WLP states that planning permission should not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water or where there is the potential to affect the integrity or function of a floodplain.
107. It is noted that STWL proposes a contained drainage system with all 'dirty' water, from the cleaning process, being returned to the waste water treatment plant, for treatment. This would mitigate any potential impacts, in terms of polluting local ground or surface water, in accordance with WLP Policy W3.5.
108. The proposed development has been moved out of Flood Zone 3, so as not to impact on the integrity of the functional flood plain. In doing so, it has been demonstrated that the temporary working area is capable of accommodating the storage and cleaning facilities, at a sufficient distance from that part of the site situated within Flood Zone 3, to the satisfaction of the appropriate agencies and lead control authorities (the EA and the County Council as Lead Local Flood Authority). The development accords with Policy W3.5 of the WLP.

## Sustainability considerations

109. The proposal accords with the principles of sustainable development, as set out in NPPF. Here reference is made to development that helps to *'improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'*. In line with this policy direction, the proposed development delivers on core objectives, in terms of beneficially managing used filter media, rather than its disposal as waste.
110. The material would be re-used, via a contained cleaning process, rather than replacing it with primary raw material. The development therefore accords with the NPPF and with PPS10, which seeks to *'deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option'*.
111. Constraints on the existing operational site, means that the optimum location for the deposition and cleaning of filter media, is land directly adjacent to the filter beds. This would eliminate the need to transport the filter media elsewhere, for disposal as waste, and consequently would reduce traffic movements to an absolute minimum.
112. In accordance with the NPPF, this would result in a substantially reduced carbon footprint to a project that would otherwise require disposal and renewal of filter media.

## Highways implications

113. WLP Policy W3.14 states that planning permission will not be granted for waste management facilities where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable disturbance to local communities.

114. The construction and restoration phases of the development would involve relatively low level lorry movements, associated with importing plant and other materials associated with the construction of the internal access road and filter media storage areas; and activities such as soil stripping/bund formation and the laying of the internal access road. The County Council's Highways Officer has indicated that this level of HGV movements is considered negligible in terms of traffic impact on the surrounding highway network. The only movements associated with the operational phase of the development would be short internal hauls between the existing operational site and the adjacent extension site to transfer the filter media. Internal traffic impacts would be moderate, with removal and transportation of material being carried out by excavator and tipper wagons.
115. The proposal therefore accords with WLP Policy W3.14 given that the vehicular traffic associated with the development would have a minimal impact on the surrounding highway network and local community.

### **Other Options Considered**

116. 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.

### **Human Rights Act Implications**

117. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce some minor impacts in terms of visual amenity, noise, dust and odour, upon surrounding land users, including those using Awsworth Footpath No. 16. However, these considerations need to be balanced against the wider benefits of providing improvements in the waste water treatment process, and a higher quality effluence leaving the Newthorpe works, to meet a stricter environmental consent from the EA; coupled with the ability to control such amenity impacts through planning conditions. Members will need to consider whether these benefits would outweigh the potential impacts.

### **Statutory and Policy Implications**

118. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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**

119. The development would benefit from perimeter security fencing ('Heras' type) to prevent unauthorised access.

### **Conclusions**

120. In conclusion, whilst the development is a 'departure' development in the context of BLP and WLP Green Belt policy, material considerations including the NPPF Green Belt policy, which allows for development that meets the 'very special circumstances' test; the temporary nature of the development; and support provided through PPS10 and WLP environmental protection policies, argue in favour of the development on this site for the temporary period sought.
121. Whilst the site is located in the Green Belt, giving rise to an issue regarding the 'appropriateness' of the development in policy terms, on balance it is considered that the benefits of the development in terms of providing a sustainable means of dealing with the filter media, improved environmental outcomes in terms of enhanced effluent quality, and a lack of harm to the openness and permanence of the Green Belt, serve to provide the 'very special circumstances' which justify the proposal.
122. The application seeks to improve environmental standards at Newthorpe STW. In the context of PPS 10, there is a proven need for the development, both in operational and broader legislative terms, in terms of delivering on stricter environmental controls, established under a tighter effluent consent, being imposed on the Newthorpe works, by the EA.
123. There is overarching policy support for the extension of the existing sewage treatment works, in terms of Policy W8.1 of the WLP, and emerging WCS Policy WCS7, given that the development would give rise to no unacceptable environmental impact, subject to appropriate planning controls. Overall, there are deemed to be material considerations sufficient to outweigh the conflict with BLP Policy E8 and WLP W3.17. As such, the proposal is considered capable of being supported.

### **Statement of reasons for the decision**

124. In assessing the acceptability of the proposal, consideration has been given to the National Planning Policy Framework (March, 2012) (NPPF); PPS 10 'Planning for Sustainable Waste Management'; Policy E8 of the Broxtowe Local Plan (Adopted September 2004) (BLP); Policies W3.3 (Visual Impact) W3.17 (Green Belt) and W8.1 (Future Requirements) of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002) (WLP) and Policy WCS7 of the emerging Waste Core Strategy.
125. The BLP Proposals Map identifies the development site as being situated within the Nottingham Green Belt where there is a general presumption against 'inappropriate development'. Policy E8 of the BLP sets out those forms of development which are considered 'appropriate' within the Green Belt, and the proposal is 'inappropriate development' within the Green Belt when considered against the criteria of this policy. Similarly, it represents a 'departure' to WLP Policy W3.17.
126. Notwithstanding this, the site is relatively well screened by virtue of mature hedgerow/trees to the field boundaries, and the scale of the development is considered commensurate to existing structures on the adjoining Newthorpe Sewage Treatment Works. As such, it is considered that the proposal would

have limited impact on the openness of the Green Belt. The development is capable of being visually acceptably integrated into its setting subject to screening by soil bunds, and controls over stocking heights in accordance with WLP Policy W3.3.

127. In line with the NPPF and PPS 10, the development represents a sustainable means of dealing with the filter media, enabling the cleaning of material close to its source of re-use, i.e. the operational filter beds, and would have minimal impact on the open character and permanence of the Green Belt, given the temporary nature of the development. The benefits the proposal would provide in terms of enabling Newthorpe Sewage Treatment Works to comply with more stringent effluent controls imposed by the Environment Agency is also recognised. It is considered that such material considerations constitute the 'very special circumstances' required by the NPPF to justify 'inappropriate development' within the Green Belt.
128. There is a need for the development to be within a Green Belt location in order to carry out the satisfactory refurbishment of operational plant already located within the Green Belt. The development therefore is compliant with PPS 10 which acknowledges that the locational needs of some waste developments means that they must be located within the Green Belt.
129. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the WLP. Subject to the use of appropriate planning conditions, significant adverse impacts would not result. In reaching this conclusion, consideration has been given to WLP Policy W3.3 relating to visual impact, W3.7 relating to odour, W3.9 relating to noise, W3.10 relating to dust and Policy W3.13 relating to flooding.
130. There is overarching policy support for the extension of the existing sewage treatment works, in terms of Policy W8.1 of the WLP, and Policy WCS7 of the emerging Waste Core Strategy, given that there is no unacceptable environmental impact, subject to appropriate planning controls.
131. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

## **RECOMMENDATIONS**

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

**SALLY GILL**

**Group Manager Planning**

## **Constitutional Comments**

Committee have power to decide the Recommendation. SHB.07.11.12.

## **Financial Comments (DJK 07.11.12)**

The contents of this report are duly noted; there are no financial implications.

## **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 and Member Affected**

Beauvale

Councillor David Taylor

Report Author/Case Officer

Deborah Wragg

0115 9696510

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

W001035 – DLGS REFERENCE  
PSP.JS/PAB/EP5354  
09 November 2012

## APPENDIX 1

### RECOMMENDED PLANNING CONDITIONS

#### Scope of Planning Permission

1. The development hereby permitted is for the storage and washing of filter media from the filter beds at Newthorpe Sewage Treatment Works, on a temporary deposition area on an adjacent agricultural field, as shown in red on Drawing No. A5S01652-PA02632 Rev. C received by the Waste Planning Authority (WPA) on 9<sup>th</sup> September 2012, for a temporary eighteen month period. At the end of this eighteen month period the use shall cease and the media washer (hopper and conveyors), filter media, access road, and Heras fencing shall be removed from the site. The site shall thereafter be restored in accordance with the conditions below.

*Reason:* To define the development hereby approved and in recognition of the applicant's request that the planning permission only be granted for a temporary duration.

2. The development hereby permitted shall be begun within a period of 3 years from the date of this permission.

*Reason:* To define the development hereby approved and to comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

3. The WPA shall be notified in writing of the date of the commencement at least 7 days, but not more than 14 days prior to the commencement of the development hereby permitted.

*Reason:* To enable the WPA to monitor compliance with the conditions of

*the planning permission.*

4. This permission shall be for a temporary period of eighteen months from the date of commencement as notified to the WPA in accordance with Condition 3 above, to carry out the media washing operations. The WPA shall be notified in writing of the date on which the operations cease.

*Reason: In order to define the extent of the permission and in recognition of the applicant's request that the planning permission only be granted for a temporary duration.*

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

- a) Planning application form received by the WPA on the 20<sup>th</sup> July 2012;
- b) Design and Access Statement/Planning Statement, Ref. CAPL/203743/MH/TE dated July 2012 received by the WPA on the 20<sup>th</sup> July 2012;
- c) Archaeology Survey titled 'Newthorpe Sewage Treatment Works, Nottinghamshire, Desk Based Assessment' Ref: 79870.01 dated November 2011, by Wessex Archaeology received by the WPA on the 20<sup>th</sup> July 2012;
- d) Ecology Survey titled 'Extended Phase 1 Habitat Survey' Report Number: RT-MME-110893 Rev 1, dated December 2011 Revised May 2012, by Middlemarch Environmental Ltd received by the WPA on the 20<sup>th</sup> July 2012;
- e) Protected Species Survey Report Number: RT-MME-112082, dated June 2012 received by the WPA on the 20<sup>th</sup> July 2012;
- f) Site Location Plan Drawing No. A5S01652-PA02630 Rev. B received by the WPA on 9<sup>th</sup> September 2012;
- g) Plan titled 'Overall Site Layout' Drawing No. A5S01652-PA02631 Rev. B, received by the WPA on 9<sup>th</sup> September 2012;
- h) Plan titled 'Detailed Layout' Drawing No. A5S01652-PA02632 Rev. C received by the WPA on 9<sup>th</sup> September 2012;
- i) Drawing titled 'Elevations' Drawing No. A5S01652-PA02633 Rev. C received by the WPA on 9<sup>th</sup> September 2012.

*Reason: For the avoidance of doubt as to the development that is permitted.*

### **Hedge/Tree Protection**

6. Prior to any equipment, machinery and surplus materials being brought onto the site for the purpose of the development, the means of protection for all retained trees and hedges on site, or overhanging the site, including the hedgerow boundaries to the site, shall be protected in accordance with BS:5837:2005 'Trees in relation to construction'. The means of protection shall be retained on site until all plant, machinery equipment and surplus materials have been removed from the site.

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

### **Site Layout**

7. The layout of the site shall be maintained in accordance with the details shown on Drawing No. A5S01652-PA02632 Rev. C received by the WPA on 9<sup>th</sup> September 2012 except where amendments are agreed pursuant to the following conditions.

*Reason: To ensure the satisfactory working of the site and to ensure that no development occurs in Flood Zone 3 in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

8. No development shall take place until details of the design and construction of the site compound including the storage pads for the unwashed and washed filter media, and the internal access road, have been submitted to and been approved in writing by the WPA. The site compound and access road shall thereafter be constructed and managed in accordance with the approved design details.

*Reason: In the interests of visual amenity and to accord with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Construction hours**

9. Except in the event of an emergency or with the prior written agreement of the WPA no construction work, including deliveries, shall be carried out or plant operated other than between the following hours: 0730hrs to 1800hrs Mondays to Fridays, 0800hrs to 1330hrs on Saturdays and at no times on Sundays, Bank or Public Holidays.

*Reason: To protect the local amenity of surrounding land users and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Operating hours**



10. Except in emergencies to maintain safety at the site, which shall be notified to the WPA within 48 hours of their occurrence, the extension site shall only be operated in accordance with the time periods 0730 hrs to 1800 hrs Mondays to Fridays, 0730 hrs to 1300 hrs Saturdays, and at no times on Sundays, Bank and Public Holidays.

*Reason: To protect the local amenity of surrounding land users and to accord with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

#### **Deleterious material**

11. No vehicles associated with the temporary development shall leave the Newthorpe site in a condition whereby mud, clay or other deleterious materials are carried onto the highway.

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

#### **Dust**

12. Dust emissions 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 when filter media is being deposited and loaded. A suitable and sufficient water supply shall be provided to the site at all times to enable the suppression of dust by water spray;
  - b) The use as appropriate of water bowsers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
  - c) The regular sweeping of haul roads.

In the event that dust emissions are not contained within the site, the operator shall, within two weeks of a written request of the WPA, prepare and submit a mitigation strategy to remedy the nuisance. The mitigation strategy shall thereafter be implemented as approved in writing by the WPA, and the mitigation measures maintained throughout the operational life of the site.

*Reason: To minimise disturbance from dust from the operation of the site on surrounding land users in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

#### **Odour**

13. Measures shall be employed to minimise odour arising from the development hereby permitted. In the event of a complaint being received and considered by the WPA to be justified, the operator shall upon the request of the WPA submit

an odour management plan to be agreed in writing by the WPA. The scheme shall thereafter be implemented in accordance with the approved details.

*Reason: To safeguard the amenity of users of nearby land and Awsworth Footpath No. 16 in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Storage Heights**

14. The maximum storage height of filter media materials (un-washed and washed) stored on the site shall be 3m.

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

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no buildings, fixed plant or machinery, other than that approved by this permission, shall be erected or placed on the site.

*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 Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

### **Fencing**

16. Details of the height of the Heras fencing scheme shall be submitted to the WPA for its approval in writing. The perimeter fence shall thereafter be implemented in accordance with the agreed details.

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

17. The Heras type fencing hereby permitted to the site boundary, shall be colour-coated Moss Green (RAL 6005).

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

### **Archaeology**

18. The development hereby permitted shall not commence until a scheme for archaeological mitigation has been submitted to the WPA for its approval in

writing. The archaeological mitigation scheme shall thereafter be implemented in accordance with the approved details.

*Reason: To ensure that adequate archaeological investigation and recording is undertaken in accordance with Policy W3.27 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

## **Ecology**

19. Any excavations on site shall either be covered at night or fitted with suitable mammal ramps.

*Reason: To prevent any mammals from becoming trapped as a result of the works.*

20. No removal of trees, hedgerows, scrub, dense vegetation or grassland shall take place during the bird breeding season (March to August inclusive) without the prior written approval of the WPA, following confirmation by a suitably qualified ecologist that no nesting birds will be affected by the clearance works.

*Reason: In the interests of avoiding disturbance to birds during the bird breeding season and to accord with the legal protection afforded under the Wildlife and Countryside Act 1981 (as amended).*

21. A 10m stand-off from the Gilt Brook shall be maintained at all times during the construction, operational and restoration works.

*Reason: To prevent impacts on the watercourse and any protected species using it, and in order to minimise both disturbance and the potential for injuring or killing a protected species due to works operations and in order to accord with the legal protection afforded protected species under the Wildlife and Countryside Act 1981 (as amended).*

22. No artificial lighting shall be used, unless details have first been submitted and approved in writing by the WPA. The lighting scheme shall thereafter be implemented in accordance with the approved details.

*Reason: In the interests of nature conservation.*

## **Soil stripping, handling and storage**

23. The WPA shall be notified in writing at least 5 working days, but not more than 10 working days, before soil stripping is due to commence.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

24. No turf or topsoil shall be removed from the site.

*Reason: To ensure satisfactory restoration of the site, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

25. A detailed soil-handling scheme shall be submitted in writing to the WPA at least one month prior to the stripping of any soil. Such a scheme shall include the following details:

- a) The size, location, and volume of soil storage mounds;
- b) A methodology statement for the stripping, storage and replacement of soil;
- c) The types of machinery to be used;
- d) The routes to be taken by plant and machinery involved in soil handling operations;
- e) The depth of topsoil to be stripped/replaced;
- f) The spacing and depth of any post-replacement soil ripping and cultivations.

The soil-handling arrangements shall thereafter be carried out in accordance with the approved scheme.

*Reason: To ensure satisfactory operation and restoration of the site, in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

26. Topsoil shall only be stripped when it is in a dry and friable condition and movements of soils shall only occur:

- a) During the months of April to October inclusive, unless otherwise approved in writing by the WPA;
- b) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- c) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

27. All soil storage mounds shall be seeded within 3 weeks of their construction in accordance with a low maintenance seed mixture which has been previously agreed in writing by the WPA. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

## Soil Replacement

28. Topsoil shall only be replaced when it and the ground on which it is to be placed are in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of topsoil shall occur:
- During the months November to March (inclusive), unless otherwise agreed in writing with the WPA;
  - When it is raining; or
  - When there are pools of water on the surface of the storage mound or receiving area.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

29. Plant and vehicles shall not cross any area of replaced and loosened ground, or replaced topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

30. Only low ground pressure machinery shall work on re-laid topsoil to replace and level topsoil.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

31. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

- To provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- To the full depth of the topsoil plus 100mm; and
- Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site.

*Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

## Restoration

32. The site shall be restored to species rich grassland based on the National Vegetation Community 'MG5', to a suitable species mix which shall accord with the recommended species list entitled 'Recommended Species Mix for MG5 Cynosaurus cristatus-Centaurea nigra grassland creation in Nottinghamshire' received by the WPA on 16<sup>th</sup> October 2012. Landscape planting shall be undertaken during the first sowing season following placement of topsoils. Any sowing that fails within 5 years shall be re-sown during the first sowing season thereafter with others of similar species and maintained, unless the WPA gives written consent for a variation to be replanted.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

33. Prior to the carrying out of any landscaping planting required under Condition 32 above, details of all grasses and herb planting, and grassland establishment, shall have been submitted to the WPA for its approval in writing. These details shall include seed mixes to be used in herb and grassland establishment, methods, proportions, sources (which should be of local provenance), sowing rates, methods of establishment of species, ground preparation, cover material, proposed soil profiles and fencing off of planting areas. All landscape planting shall be carried out in accordance with the approved details.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

34. A management plan shall be submitted for the written approval of the WPA no later than 3 months following the completion of the temporary works permitted under this planning permission. The management plan shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

35. The management plan shall be implemented in accordance with the details approved under Condition 34 above.

*Reason: To ensure the satisfactory restoration of the site in accordance with Policy W4.6 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

## Early Cessation of Temporary Operations

36. In the event that the use of the site as a temporary deposition area for the storage and washing of filter media should cease for a period in excess of three months, then within one week of a written request from the WPA, the site shall be cleared of the media washer (hopper and conveyors), all un-washed and washed filter media storage piles, access road and Heras fencing. The site shall thereafter be returned to a condition suitable for its previous use.

*Reason: To ensure satisfactory restoration of the site in accordance with Policy W4.1 of the Nottinghamshire and Nottingham Waste Local Plan (Adopted January 2002).*

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

1. The attention of the applicant is drawn to Section 5.2 Recommendations R3 of the Protected Species Survey, Report Number: RT-MME-112082, dated June 2012, received by the WPA on 20 July 2012. In the event that the works have not commenced within eighteen months from the date of the planning permission, then the survey shall be updated.