



30 September 2014

Agenda Item:7

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

ASHFIELD DISTRICT REF. NO.: 4/V/2013/0359

**PROPOSAL: RETROSPECTIVE USE OF SITE FOR RECYCLING OF INERT
MATERIALS AND CONSTRUCTION OF A 5 METRE HIGH SOUND
ATTENUATION WALL**

LOCATION: PLOTS 10, 11, 12, 13, 14 AND 16 OFF WIGWAM LANE, HUCKNALL

APPLICANT: OAKFIELD RECYCLING LIMITED

Purpose of Report

1. To consider a planning application for the retrospective use of plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane for the recycling of inert materials and the construction of a five metre high noise attenuation wall. The key issues relate to noise, dust, highways and residential amenity. The recommendation is to grant planning permission subject to the signing of a legal agreement and the conditions attached to this report.

The Site and Surroundings

2. The application site is a roughly 'L' shaped piece of land, with an additional piece of land providing access to the public highway, located to the south of Wigwam Lane in Hucknall (see Plan 1). The application site, including access road, covers an area of just over one hectare and is approximately one kilometre south east of Hucknall town centre. Other industrial units are located to the north west and south east of the site including a waste transfer station operated by Central Waste and a concrete batching plant operated by Hanson, whilst to the north east of the site is a golf course which is located in the Green Belt (see Plan 1).
3. To the south west of the site are residential properties on The Brickyard. The curtilages of numbers 34 and 36 The Brickyard are adjacent to the site with only a small watercourse and a thin band of trees separating the properties from the site. The north eastern elevation of the properties is approximately 25 metres from the site boundary. The north eastern elevation of number 40 The Brickyard is approximately 50 metres from the site boundary whilst the northern elevation of number 32 is approximately 70 metres from the site boundary (see Plan 1).

4. The Brickyard continues in a southerly direction before crossing the Robin Hood Railway Line and the Nottingham Express Transit Tram Line which runs north west to south east approximately 130 metres west of the site. Beyond the train and tram lines are further residential areas in Hucknall.
5. The application site comprises a number of plots on the industrial estate, as highlighted on Plan 1. The site appears relatively flat although there is a slight fall from the north east end of the site (50 metres above ordnance datum (AOD)) to 49.35 metres AOD in the southern corner of the site. Levels then rise slightly across plots 12, 13 and 14 to a level of around 50.6 metres AOD on the western edge of plot 14.

Planning History and Background to the Application

6. The applicant presently benefits from planning permission (reference 4/2006/0409) on plot 16 for the recycling (crushing and screening) of topsoil, subsoil, crushed concrete items, stone and aggregates. Planning permission was granted in 2006 subject to 17 conditions covering matters such as operating hours, vehicle movements, stockpile heights, noise, dust, landscaping and contaminated land. An application (reference 4/2010/0640) to vary condition 8 of this permission to raise the height of the stockpiles from four metres to six was granted planning permission in 2011 but was never implemented.
7. Aerial photos show plots 10 and 11 being occupied by a company called PP Pallets from around 2004 until around 2011, with the company previously occupying plot 11 from around 2000, possibly earlier. Plot 10 benefits from a planning permission for a haulage and storage depot granted in 1987 by Ashfield District Council (ADC) (reference V/1987/0355) and aerial photos confirm this plot being used for this purpose in 2000. Plot 11 has a planning permission attached to it for a car dismantling and dealers business (reference V/1975/0151) granted in 1975 but it is not known under what permission this plot was used by PP Pallets. In 2011 the applicant purchased plots 10 and 11 and the fence between the existing waste site (plot 16) and plot 10 was removed and processed product was then taken from the waste processing site directly to plots 10 and 11 for storage.
8. Complaints were received in 2011 when the applicant's use of plots 10 and 11 commenced, alleging the unauthorised use of these plots for waste related development. However, given the district planning permissions in place for these plots and the fact that the Environment Agency (EA) had confirmed that the materials being stored on these sites were secondary aggregates, and therefore not waste, it was considered that this was in accordance with the storage use permitted for these plots under the existing ADC planning permissions. Complaints relating to activities on these plots were forwarded to ADC for action.
9. During 2012, the applicant purchased plots 12, 13 and 14 which adjoin plot 11 and advertised them for rental. Plots 12, 13 and 14 have planning permission (reference V/1993/0429) for B1 (business), B2 (general industrial) and B8 (storage or distribution) use, again granted planning permission by ADC.

Despite the advertising, the plots were not rented out and, at the beginning of 2013, the applicant removed the fence from between these plots and plot 11 with the intention of using this land in conjunction with its existing development.

10. Further complaints were received in 2013 as a result of the removal of this fence, again alleging the unauthorised extension of the site. In February 2013, ADC served a Noise Abatement Notice on the applicant with respect to noise from plant and machinery from plot 16. The notice requires the applicant to abate the noise nuisance within 150 days and prohibits the occurrence or recurrence of the noise nuisance.
11. Whilst it was considered that the storage of processed product on plots 10 and 11 complied with the ADC permissions as referred to above, it was not considered that the use could be extended onto plots 12, 13 and 14 under the terms of that ADC permission. Notwithstanding this, officers advised that there had been a material change of use of all the plots which had resulted into a single new planning unit. Officers therefore advised that planning permission would be required for the continuation of this activity. The County Council has therefore been in subsequent discussions with the applicant regarding the continued use of all the plots as part of a single operation and how this could be achieved whilst also meeting the requirements of the noise abatement notice and ensuring any impacts which might arise from this activity are suitably controlled. These discussions have resulted in the submission of this application.

Proposed Development

12. The application proposes to combine the existing waste operations on plot 16 with plots 10-14 to create a single site for the recycling of inert materials. The application states that the throughput at the site would be 75,000 tonnes per annum which is understood to mirror the existing limit allowed under the environmental permit issued by the EA.
13. The detailed site plan has been the subject of significant discussions between the applicant, the Waste Planning Authority and ADC's Environmental Health Officers (EHOs). The original site plan submitted has been amended in light of these discussions and is detailed on Plan 2. The original site plan submitted is detailed on Plan 3 to allow Members to appreciate the amendments that have been made. Reference to both the original site plan and the latest version which is being considered under this application is made throughout the Observations section of this report.
14. The detailed site plan now under consideration (Plan 2) shows separate access and exit points off Wigwam Lane with vehicles entering the site via the southernmost of these accesses. Vehicles entering the site with inert waste such as tarmac, fill sand, topsoil, hardcore and concrete would deposit the waste material into stockpiles on the south eastern boundary of plot 16 towards the north eastern end of the site near Wigwam Lane where they would await crushing and screening. The existing crusher and screener would be located immediately north west of these stockpiles, also within plot 16 in

this area. The site plan indicates that around 90% of vehicles having entered the site would exit by following a route around the crusher and screener before passing through a wheel wash close to the north western boundary of plot 16 and then exiting via the exit point to the north of the entrance point. The other 10% of vehicles leaving the site would do so via the entrance point and the site plan indicates a notional turning area which would allow all vehicles to leave the site in a forward gear.

15. The deposited incoming waste material would be passed through the crusher if required before being graded in the screener. Once suitably processed, various crushed and screened products would be moved and stockpiled on the remainder of the application site, i.e. on plots 10, 11, 12, 13 and 14. These would include topsoils, sand, and crushed hardcore of various sizes and specifications and it is proposed that the stockpiles would be up to six metres in height. Given the proposed access and entrance points onto Wigwam Lane, it is anticipated that the site operators would store those processed products with the greatest sales closest to the site exit, i.e. in plots 10 and 11, in order to aid the efficient operation of the site, with those products generating the least amount of sales being stored furthest away from the site exit, i.e. in plots 12 to 14. This would have a knock-on effect of reducing the level of activity on those areas of the site closest to residential properties.
16. Along the south western boundary of the site, processed products would be stockpiled against a proposed five metre high concrete wall which would be approximately 110 metres in length and which the application states would address issues relating to noise on the site. The wall, which would have a green plastic coated mesh attached to the side facing the nearby residential properties, would be constructed on slightly raised ground half a metre higher than ground levels on the site itself, meaning that the proposed stockpile heights of six metres above ground level would result in material being stockpiled half a metre higher than the top of the wall.
17. On top of the concrete wall and also along the entire south eastern boundary and along the north western boundary of plot 10, it is proposed to install automatic sprinklers which would help suppress any dust generated on site. These would be located approximately 15 metres apart and the site plan submitted shows 19 such sprinklers to be installed.
18. Behind the proposed concrete wall, there is already a row of conifer trees which the applicant has planted, commencing in the southern corner of the site and extending approximately 45 metres north westwards. The application proposes to extend this planting along the remaining length of the proposed concrete wall in order to screen views of it from the residential properties to the south west. Details of how the planting would be undertaken have been provided including ground preparation and the size of the trees (two metres in height, 10-14cm girth).
19. The application seeks permission for 150 vehicles to enter and leave the site with inert waste/processed material per day, which equates to 300 movements per day. A transport assessment has been submitted with the application which considers that such a level of traffic could be expected if all the units were individually operational under the planning permissions which presently

exist. The application states that not all of these vehicles would be HGVs as some products are collected in small pick-up trucks etc. In addition to the transport assessment, the application also includes dust and noise assessments.

20. The application proposes hours of operation of 7am till 6pm Monday to Friday and 7am till 1pm on Saturdays with no working on Sunday and Public and Bank Holidays.

Consultations

21. **Ashfield District Council** initially objected to the application as it considered that the noise survey had not given consideration to the overall noise level from all operations on site, as required by British Standards BS4142. The assessment had not included noise from some HGV movements, other mobile plant manoeuvring on site, the construction and dismantling of stockpiles and the emptying and filling of HGVs with aggregates at the stockpiles. A further noise assessment for all operations for a worst-case hour was requested to determine the overall noise impact upon the closest residential receptor. Ashfield District Council also objected to the application with respect to dust as the proposed mitigation measures would only be used during working hours and there would be no measures to deal with dust emissions outside these hours, especially from the top of stockpiles. Ashfield District Council considered that the application as originally submitted would have a detrimental impact upon the residential amenity of neighbouring residential occupiers by virtue of increased noise and disturbance and dust pollution.
22. In light of further noise assessments and the revised site layout plan, including the provision of dust suppression sprinklers, Ashfield District Council has removed its objection to the application subject to a number of conditions. A condition is recommended requiring noise levels from the site to not exceed existing background noise levels by 5dB (including a 5dB penalty for tonal/impulsive noise) when measured 3.5 metres from the nearest façade of the nearest property and in accordance with BS4142. A further condition is recommended requiring noise monitoring to be undertaken in the event of noise complaints being received to determine whether the noise limit is being breached.
23. A condition is also recommended requiring no plant or machinery to operate on top of any stockpile on the northern boundary of the site and stockpiles should not exceed five metres in height. A condition requiring a dust management scheme to be submitted for approval is also recommended which would need to include details of the sprinklers to be installed. Finally, a condition is recommended regarding landscaping works.
24. **The Environment Agency** has no objection although it is noted that the proposal would reduce the ability to access the adjacent water course and the applicant is reminded of their rights and responsibilities as riparian owners of this stretch of watercourse.

25. **NCC (Highways)** notes that the existing permission (for plot 16) allows for 100 two-way movements (50 in and 50 out). The traffic assessment provided with the application is generally acceptable although there are some reservations about the results.
26. The existing planning permissions in place for all the plots that form the application site have been assessed by the applicant for the likely number of vehicles trips each could be expected to generate in isolation. NCC (Highways) has made a similar assessment taking into account the existing permission in place for plot 16 and that plots 11 and 13 are unlikely to be developed for Class B1 office use given the surrounding operational waste sites. NCC (Highways) considers that assessing traffic generation based on Class B2 industrial use is more representative for the area and has calculated that the size of the plots would result in 179 passenger car unit (PCU) trips in addition to the 50 HGV trips for plot 16.
27. It is generally accepted that HGVs have a much greater impact on the public highway than a private car. A private car has a PCU value of 1 whereas a HGV has a PCU value of 2.3. Therefore, 179 PCU trips is equivalent to 78 two-way HGV trips (39 in and 39 out) which, when added to the permitted 100 two-way HGV trips for plot 16 (50 in and 50 out), gives a total of 178 HGV two-way trips, or 89 HGVs in and 89 HGVs out.
28. NCC (Highways) is prepared to accept a 10% increase on this estimate to accommodate any seasonal variations and would support the application if it restricts HGV movements to 200 per day (100 in and 100 out). Other recommended conditions include the operator keeping accurate records of loads entering and leaving the site, details of which should be made available to the County Council on request; the submission of a Transport Report including traffic surveys prior to the commencement of the development and at periods of 12 and 24 months after the development is first brought into use; the submission of a traffic management plan regarding access and egress so as not to compromise highway and pedestrian safety; the surfacing of the site access with a bound material for a minimum distance of 30 metres behind the highway boundary; the provision of wheel washing facilities; and the submission of a condition survey of Wigwam Lane. Confirmation is required that the existing site layout is large enough to allow two-way free-flow movements. Further notes to the applicant are recommended regarding the construction/alteration of the crossing point over a footway/verge of a public highway and the restriction of HGVs onto Hucknall High Street through the town centre.
29. **NCC (Noise Engineer)** has no objection subject to a number of conditions, namely the construction of the noise attenuation wall in accordance with specifications previously agreed with the Waste Planning Authority; noise levels from the site to not exceed existing background noise levels by 5dB (including a 5dB penalty for tonal/impulsive noise) when measured 3.5 metres from the nearest façade of the nearest property; all plant and vehicles under the control of the operator to only employ white noise reversing alarms; specifying the hours of operation at the site; limiting the amount of waste processed at the site to 75,000 tonnes; crushing and screening operations to be restricted to plot 16; the location of the wheelwash facility to be restricted to

plot 16; all plant involved in any operations to remain at ground level at all times; stockpile heights to be restricted to five metres; the maximum amount of plant operating at any one time to be limited to one crusher, one screener, one loading shovel and two 360° loaders; the noise levels of any alternative/replacement plant and machinery not to exceed that which it replaces; and plant and machinery to be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications; and restricting the number of HGVs entering and leaving the site per day.

30. **NCC (Landscape)** considers that the erection of the five metre high acoustic wall would not have a detrimental impact on the existing landscape. It is recommended that ground levels at the southern end of where the wall is to be located should be raised slightly to match ground levels to the north to maximise the effect of the acoustic barrier and to negate the need for the barrier to be stepped. Although a *Leylandii* hedge to the rear of the wall would not be out of place in an industrial setting, an alternative of planting ivy to grow up the rear of the wall would provide a green screen. Existing mature trees should be protected during the erection of the acoustic wall in accordance with British Standards BS 5837:2005.
31. Regarding the visual impact of the proposed development, numbers 34 and 36 The Brickyard are located to the south west of the site. The application site is fairly well screened by the trees and shrubs along the site boundary, although there would be clear views into the site during winter, particularly from first floor windows at number 36 The Brickyard. The proposed acoustic wall would initially have a slight negative visual impact although the proposed ivy would soften the visual impact whilst the proposed 3.5 metre high trees at 2.5 metre intervals would eventually form a green screen. Details of ground preparation works for the planting should be submitted (width/depth of concrete to be broken up and removed, and the specification and depth of topsoil to be imported) along with the planting itself (species/size, compost/fertilizer) and access details for future maintenance. The section of wall requiring new planting should be planted with new trees, rather than through the thinning out and relocation of existing perimeter conifer trees. Ivy should be planted at 750mm centres along the wall.
32. It is recommended that if any material is stockpiled in the vicinity of the acoustic barrier, a height limit should be imposed and machinery should only work from ground level so that they are not visible and the acoustic barrier is effective.
33. **NCC (Reclamation)** considers that the main concerns with respect to contamination would be fugitive emissions by wind action, dusting or washout during an intense rainfall event, but these appear to be addressed with controlled stockpiles and sprinklers to suppress dust. Operating licence conditions would restrict the types of materials accepted onto the site. Whilst the site appears to have a concrete/tarmac surface which would attenuate any infiltration/permeation of surface waters, there are no drainage details supplied and the site is on a primary aquifer and, as such, surface drainage should be considered.

Publicity

34. The application has been publicised by means of a site notice at the site entrance and a press notice in the Ashfield Chad. Neighbour notification letters have been sent to residential properties on The Brickyard to the south of the site and to various industrial premises close to the application site in accordance with the County Council's adopted Statement of Community Involvement.
35. Eight letters of objection have been received from members of the public living in six properties on The Brickyard, including a letter from a planning consultant representing one of these residents. Another letter has been received from a business close to the application site. The issues that have been raised are:
 - (a) Noise, including the lack of compliance with a noise abatement notice served by Ashfield District Council and the increase in noise which would result from the proposed development. Also, noise assessments should be based on the operation of plant on top of the piles of material. The proposed five metre high wall would make no difference to noise levels as plant operates on top of stockpiles. Reference to previous complaints made regarding noise are also made;
 - (b) Existing levels of dust which would increase as a result of the proposed development. It is also questioned how dust would be suppressed outside normal working hours when it could continue to be blown onto adjacent properties. The stockpiles of material on site should be lower than the height of the acoustic wall;
 - (c) A general intensification of activities on the site having an adverse impact on adjoining residential properties;
 - (d) Mud on the road;
 - (e) Surface water discharge into an adjacent brook which is a pollution threat;
 - (f) The proposed increase in the hours of operation;
 - (g) The lack of plans showing the proximity of the proposed operations to residential properties in addition to sight lines, the routeing of HGVs, the height of stockpiles;
 - (h) The removal and replacement of some existing conifer trees might not be successful and, as a result, some of the existing screening would be lost.
36. One resident has included a log of activities which they consider to be unacceptable.
37. Councillor John Wilmott, Councillor John Wilkinson and Councillor Alice Grice have been notified of the application.
38. The issues raised are considered in the Observations Section of this report.

Observations

Planning policy observations

39. There are a number of policies in the Nottinghamshire and Nottingham Waste Core Strategy (WCS) which are relevant to this application. Policy WCS3 (Future Waste Management Provision) seeks to ensure that future waste management proposals accord with the County and City Councils' aim of achieving 70% recycling or composting of all waste by 2025, with priority being given to the development of new or extended waste recycling, composting and anaerobic digestion facilities. Given that the application is for an inert recycling facility, it is considered that it accords with this policy.
40. Policy WCS4 (Broad Locations for Waste Treatment Facilities) considers the suitability of different sized waste treatment facilities in different areas of the county. According to the criteria in Appendix 2 of the WCS and when comparing this to the information submitted with the planning application, the proposed development is classified as a medium aggregates recycling facility (between one and two hectares in size and processing between 20,000 and 100,000 tonnes per annum). (The application site is actually just over one hectare in size and it is proposed to have a throughput of 75,000 tonnes of inert waste per annum). Policy WCS4 allows for small, medium and large facilities to be located in, or close to, the built up areas of Nottingham and paragraph 7.19 of the WCS confirms that the surrounding built up area of Nottingham includes Hucknall amongst other areas. The proposed development therefore accords with this policy.
41. Policy WCS7 (General Site Criteria) sets out the general locations, such as employment land, derelict land, the open countryside and the Green Belt, where different types of waste management facilities would be supported. Small, medium and large aggregates recycling facilities are considered likely to be suitable on employment land only, subject to their being no unacceptable environmental impacts and so, given the site's location on established employment land, it is considered that the proposals generally accord with this policy, subject to consideration of environmental impacts, which are considered in detail later in this Observations section.
42. Policy WCS8 (Extensions to Existing Waste Management Facilities) supports the extension, redevelopment or improvement of existing facilities where this would increase capacity or improve existing waste management methods, and/or reduce environmental impacts. This application has arisen as a result of the operators purchasing plots adjacent to their existing operational site (plot 16) and then extending operations into them in order to improve operations on site and it is accepted that increasing the size of the site would improve the way it operates and increase the amount of inert waste recycled there. However, these improvements on site need to be considered against their environmental impacts which are considered in detail below.
43. Policy WCS11 (Sustainable Transport) seeks to maximise the use of alternatives to road transport but the opportunities for this, particularly in relation to the nature of the proposed development, are limited. The inert

waste delivered to the site and the processed products taken off site are done so in small quantities. In addition to this, material arrives from a wide variety of locations and similarly departs the site heading to numerous locations and this way of working does not lend itself to bulk transportation. Whilst there is a rail line close to the site, this is part of the Nottingham Express Transit 'tram' system and would not be suitable or available for bulk transportation. It is therefore considered inappropriate to assess the proposed development against this policy.

44. Policy WCS13 (Protecting and Enhancing Our Environment) is probably the key WCS policy consideration for this application as it requires proposals to demonstrate that there would be no unacceptable impact on any element of environmental quality or the quality of life for those living nearby. In addition to this, the policy requires proposals not to result in an unacceptable cumulative impact and Members should be aware that there are a number of other waste management operations in the Wigwam Lane area along with other industrial activities such as a ready mix concrete business. There are also a number of saved policies in the Waste Local Plan (WLP) covering issues such as noise, dust and highways which are also relevant to this application. Assessment of the application against these policies is detailed below through consideration of a number of potential environmental impacts.

Intensification of the use of the site

45. The application site, and the surrounding industrial area in general, has been the subject of complaints in the past from local residents living on The Brickyard to the south west of the application site, with the nature of the complaints largely relating to dust, noise and the perceived increased intensity of activities and operations, particularly on those plots closest to these properties (plots 11-14). These complaints have been reflected in objections to this application and are also reflected by concerns raised by ADC's EHOs during the assessment of the application and the revised site layout proposals submitted by the applicant seek to address these complaints and concerns. As highlighted in the Planning History section above, ADC issued a Noise Abatement Notice on the applicant in 2013, the requirements of which remain in place to this day.
46. Regarding the intensity of the use of the site, it had originally been intended to create a one way system for the movement of HGVs through the site with HGVs accessing the site off Wigwam Lane and travelling south west through plots 16, 10 and 11 and then north west through plots 12, 13 and 14, where they would pass through a wheelwash before exiting the site via a private road heading north east back to Wigwam Lane. This original route is highlighted on Plan 3 in order to highlight how it compares to the revised situation which is now under consideration and detailed on Plan 2.
47. In light of concerns regarding the number of HGVs which would travel through the site along the originally proposed route and this route's close proximity to residential properties to the south west, the application has been amended so that the vast majority of HGVs would now enter the site via the existing site access off Wigwam Lane and would perform a 'U-turn' within the confines of

plot 16 and exit the site directly onto Wigwam Lane via an exit point approximately 30 metres to the north of the existing access, an exit point which has been used in the past and already has a dropped kerb in place (see Plan 2). The applicant anticipates a small number of HGVs (approximately 10% of the total) carrying out a three-point turn using a turning area within plot 16 and then exiting via the existing access point. In either case, there would no longer be a requirement for all HGVs entering the site to travel through the site and run close to the nearby residential properties.

48. This change being proposed would result in all HGVs entering the site with inert waste manoeuvring around the site within plot 16 only, thereby travelling no closer than approximately 70 metres from the south western boundary of the site, adjacent to which are the residential properties. HGVs entering the site to collect processed products would need to travel further into the site to where it is proposed to stockpile the processed products but clearly this would be significantly fewer HGVs, potentially half the number, than originally anticipated. It is also anticipated that, in order to run the site as efficiently as possible, the operators would stockpile those products which generate the greatest sales closest to the Wigwam Lane end of the site, in plots 10 and 11, in order to minimise the distance that HGVs collecting those products would have to travel through the site. Such a set-up on site would also minimise the distance that on-site plant would need to travel when moving processed materials from the crusher/screener area to the stockpiling area. What these proposals would result in would be far fewer HGVs and on-site plant travelling to and from plots 12, 13 and 14 than might have been the case and it is considered that this would significantly benefit adjacent residential properties in conjunction with other mitigation measures proposed.
49. Given that there is a point of exit from the site onto the private access road at the present time, the revised site plan indicates that this would be fenced off, although the applicant has recently indicated that the retention of the gates for emergency access would be useful. It is considered appropriate to confirm this matter by attaching a condition to any grant of planning permission requiring the gates at that access to be permanently closed and the access not to be used in association with the development, except when life, limb or property are in danger. This would ensure that the day to day running of the site would utilise the two access points onto Wigwam Lane, rather than this other entrance, in order to reduce the impact of the development on residential amenity.
50. Amendments have also been made to the proposed development with regards to the location of the crusher and screener, the activities on site which have the greatest potential to generate adverse environmental impacts. It was originally intended to locate the screener in plot 11, approximately 50 metres from the south western boundary of the site, with the crusher towards the south western end of plot 16, approximately 80 – 90 metres from that boundary. The application under consideration now would see both pieces of plant located in plot 16 with the screener approximately 90 – 100 metres from the south western boundary and the crusher approximately 110 – 120 metres. Once again, Plan 3 shows the original proposal in terms of the location of the screener and crusher whilst their location as now proposed is on Plan 2.

51. The stockpiles of processed material which have passed through the screener and are awaiting removal to the stockpile areas would partially screen the crusher from residential properties on The Brickyard which is considered beneficial given that the crusher is the noisier piece of plant. As both pieces of plant are mobile and can be moved as operations on site require, it is again considered appropriate to attach a condition to any planning permission granted requiring both pieces of plant to only operate within plot 16, to the benefit of residential amenity. This is also likely to be of benefit to the operators as their existing environmental permit issued by the Environment Agency only allows these pieces of plant to operate in plot 16, so no variation to this permit would be required with this restriction in place.
52. A final change that the revised site layout has brought about is the repositioning of the wheelwash. A wheelwash has been on site for some time now but the Waste Planning Authority has advised the operators that planning permission is required for its use. It has therefore remained unused and is presently located on plot 12, approximately 25 metres from the south western boundary of the site. The original site layout envisaged the wheelwash remaining in this location (see Plan 3) but the revised site layout (see Plan 2) would see the wheelwash relocated into plot 16 close to Wigwam Lane, approximately 115 metres from the south western boundary. Again, this would remove part of the operation of the site away from residential properties to the benefit of residential amenity and a condition ensuring that it remained in this position is considered appropriate.

Noise

53. Policy W3.9 of the WLP seeks to reduce the noise impacts of waste developments by restricting the hours of operation; sound proofing fixed and mobile plant; using alternatives to reversing beepers; providing stand-off distances between operations and noise sensitive receptors; providing noise baffle mounds and screen fences; and setting maximum noise levels at noise sensitive locations. With respect to minerals proposals, the NPPF makes it clear that unavoidable noise emissions should be controlled, mitigated or removed at source and appropriate noise limits should be established with respect to noise sensitive properties. Given the similar operating nature between minerals and waste operations, the NPPF is considered relevant in this respect and a noise survey was submitted with the application and subsequent revisions to that survey provided.
54. In order to mitigate the noise impacts of the proposed development, the applicant is proposing to install a five metre high concrete acoustic wall along the entire length of the south western boundary of the site, adjacent to the residential properties on The Brickyard. The wall would also serve as a push wall against which processed materials could be stockpiled prior to sale and removal from the site.
55. The applicant has updated the noise survey originally carried out to include an assessment of the impacts of the proposed development on Saturday mornings when background noise levels could be less than during the working week, in addition to taking into account the changes to the site layout now

being proposed and all the operations likely to take place on site at any one time, as requested by ADC's EHOs. The noise survey also takes into account recent upgrades the operators have made to the screener, crusher and a front loading shovel on site, plant which is considered to be quieter than the plant they replaced. The noise survey accepts that noise levels would vary depending on the position and heights of the stockpiles of processed material with larger stockpiles reducing the noise impact. However, the survey has been carried out on the assumption that the acoustic wall is the only noise attenuation in place.

56. The noise survey considers that the noise impacts of the proposed development with the acoustic wall in place would be no higher than of 'marginal significance' for weekday operations for ground floor, first floor and garden receptors at the nearest residential receptors at The Brickyard. This would also be the case for Saturday operations with the exception for first floor receptors where the noise impact would be above 'marginal significance'. The survey also states that further assessment would be required should operations on site change significantly from those being proposed in this application.
57. Both ADC, and in particular its EHOs, and the County Council's Noise Engineer are now satisfied that the proposed development would not lead to an unacceptable level of noise at nearby residential properties with the acoustic wall in place and taking into account the significant amendments that have been made to the proposed site layout and proposed operations. A number of noise related conditions are recommended to ensure noise impacts are within acceptable limits including the construction of the acoustic wall in accordance with previously approved details and its subsequent maintenance; setting noise limits, as measured from the nearby residential property on The Brickyard; providing for noise surveys should justifiable complaints be received and the implementation of any additional measures deemed necessary to prevent further justifiable complaints; restricting the hours of operation; the use of 'white noise' reversing alarms; restricting the location of the crusher, screener and wheelwash to plot 16; restricting the height of stockpiles; restricting the amount of material processed through the site per annum; and daily limits regarding the number of HGVs passing through the site. Whilst it is accepted that noise from the proposed development would not be totally eliminated from neighbouring properties, it is considered that these matters would help to keep noise levels at acceptable levels in accordance with Policy W3.9 of the WLP and Policy WCS13 of the WCS.
58. One issue that has been raised by local residents in the past has been the positioning of some plant and machinery on top of stockpiles of inert material. Not only does this raise issues of visual intrusion but it can also lead to increased noise levels and such a scenario in the future could lead to plant or machinery being located in a higher position than the top of the proposed acoustic wall, a situation which would diminish the acoustic benefits that the wall is intended to provide. The noise survey carried out by the applicant is based on all plant and machinery being at ground level and so another condition to this effect is considered appropriate. This would also have benefits in terms of the visual impact of the proposed development from neighbouring properties.

59. The application proposes to increase the hours of operation in place at the present time from 7.30am to 5.30pm Monday to Friday to 7am to 6pm and this has been an issue raised by objectors. For Saturdays, it is proposed to extend the operating hours from 8am to 1pm to 7am to 1pm. For the purpose of assessing noise, the National Planning Policy Framework (NPPF) Technical Guidance identifies 'normal working hours' as being from 7am to 7pm and so the hours of operation being proposed fall within these limits and are therefore considered acceptable.

Dust

60. Policy W3.10 of the WLP seeks to control dust from waste developments by using water bowsers on haul roads; using screen banks; enclosing fixed plant and machinery that generates dust; siting dust generating activities away from sensitive receptors; temporarily suspending operations when necessary; and using tree screens where relevant. With respect to minerals development, the NPPF makes it clear that unavoidable dust emissions should be controlled, mitigated or removed at source and dust assessments should accompany planning applications. Given the similar operating nature between minerals and waste operations, the NPPF is considered relevant in this respect and a dust assessment has been carried out by the applicant.
61. Dust has been another source of complaint in the past and objections to the application have been made, in particular making reference to how dust would be controlled outside of normal operating hours. This matter was also raised in ADC's initial objection to the application. Again, it is considered that the amendments that have been made to the application would bring about significant improvements to the present situation. As highlighted above, operations most likely to generate dust, such as the use of the screener and crusher, would be restricted to plot 16 to keep them as far away as practically possible from residential properties. The majority of traffic travelling through the site would pass through the wheelwash which would help to suppress dust and also prevent mud from being carried onto the public highway.
62. In addition to this, the revised site layout plan has introduced a number of sprinklers onto the perimeter of the site. Whilst details of these sprinklers have not yet been finalised, the applicant has indicated that they would be 'auto dampeners' and so would be triggered by a pre-determined level of dust in the air. This means they could control any dust generated, irrespective of whether the site is operational or not, as opposed to being manually operated only during operational hours. This is considered an important matter and one which has been raised by local residents objecting to the application and also ADC in its initial response.
63. The revised site layout plan shows 19 of these sprinkler units around the perimeter of the site and a condition would be attached to any grant of planning permission requiring a dust management scheme to be submitted, providing further details of the sprinklers to be installed along with matters such as sweeping and dampening internal haul roads, limiting the speed of vehicles on site, and the temporary suspension of operations during periods of unfavourably dry or windy conditions. The approved dust management

scheme would need to be implemented as approved and maintained throughout the life of the development. With these measures in place, it is considered that the site could operate without adverse impact on residential amenity and so would accord with Policy W3.10 of the WLP and Policy WCS13 of the WCS.

Highways

64. Policy W3.14 of the WLP does not allow for waste developments where the vehicle movements to be generated cannot be satisfactorily accommodated by the highway network or where they would cause unacceptable disturbance to local communities.
65. The application seeks permission for 150 vehicles to enter and leave the site per day. Condition 5 of Planning Permission 4/2006/0409, which the applicant presently operates under at plot 16, allows 50 vehicles to enter the site per day and the applicant considers that the increase to 150 vehicles a day is acceptable given that the proposed development now covers five further plots, all of which have planning permissions for various industrial uses and so which could be expected to generate their own levels of traffic if they were all operating independently. The applicant has also highlighted that not all of these vehicles would be large HGVs but would also include smaller pick-up vehicles and skip lorries. It is also worthwhile highlighting that, in addition to the traffic associated with the extant use of plot 16, the other five plots subject to this application benefit from planning permissions granted by ADC which have no controls in place with respect to traffic generation.
66. The Highways Authority has undertaken its own calculations in order to give a realistic idea of how many vehicles movements the additional plots would generate, taking into account the existing permission in place on plot 16 for the applicant's existing operation along with the nature of other developments in the area, namely the adjacent waste transfer station and concrete batching plant. With these other facilities in operation, the Highways Authority considers it unlikely that a Class B1 use (offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area) would operate on any of these plots and a Class B2 use (industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste)) would be more likely to operate in the area.
67. Based on this presumption, the Highways Authority considers that all the individual plots that form the application area could reasonably be expected to cumulatively generate 89 HGV trips per day, equivalent to 178 HGV movements. The Highways Authority considers that a daily limit of 100 HGV trips a day (200 movements) would be acceptable and would not result in an unacceptable impact on the local highway network and so would accord with Policy W3.14 of the WLP. Whilst this is 50 HGV trips per day less than is being applied for by the applicant, it is considered that the recommended daily limit would not detrimentally impact upon the operation of the site, based on the throughput of the site (75,000 tonnes per annum) not increasing above

and beyond what is presently permitted and for which the applicant works to with only 50 HGV trips per day.

68. Even if all HGVs entering the site with waste then leave without a load of processed product, each HGV would only need to carry 5.2 tonnes of inert waste in or out of the site to manage 75,000 tonnes per annum, based on a 50 week operating year and 550 HGV trips per week. However it is more likely that some HGVs entering the site with inert waste would then leave with a load of processed product. The limit of 100 HGV trips per week is therefore considered reasonable both in terms of the impact on the public highway and the efficient operation of the site.
69. A condition requiring the operator to keep records of loads entering and leaving the site would be attached to any planning permission granted to ensure this limit is being complied with. Other conditions have been recommended which are considered reasonable, although a recommended dilapidation survey of the section of Wigwam Lane immediately in front of the application area would need to be secured through a legal agreement as it relates to land outside the application area and outside the applicant's control. This would ensure that any obvious wear and tear to the highway resulting from the proposed development could be repaired at the applicant's expense but it is not considered reasonable to extend the survey further along Wigwam Lane give all the other HGVs that use the road in association with other developments in the area.
70. The Highways Authority has also recommended that HGVs associated with the proposed development be restricted from travelling onto Hucknall High Street and through the town centre. This is considered reasonable given that Policy W3.14 of the WLP seeks to protect local communities from unacceptable disturbance from HGVs. The Highways Authority has stated that the restriction would only apply to larger HGVs (18 tonne gross weight and above) and so skip lorries, which are smaller than this and which form a significant part of the applicant's business but would not have the impact on a busy high street that large HGVs would have, would not be captured by this restriction. It is therefore anticipated that such a restriction would not have a significant detrimental impact on the applicant's operation of their business but would reduce the disturbance of HGVs on the local community in accordance with Policy W3.14. Again, this matter would need to be secured by a legal agreement as it relates to matters outside the application area.

Landscape and visual impact

71. Policy W3.4 of the WLP seeks to reduce the landscape and visual impact of waste developments by retaining, enhancing, protecting and managing existing features of interest and value for screening; using features such as walls, fences, earth mounding and/or tree or shrub planting to screen sites; and by securing details of any planting to be provided, including the replacement of any failed planting.
72. In addition to providing acoustic benefits, the proposed wall on the south western boundary of the site would help screen views of the site from adjacent

residential properties. The applicant is proposing to attach a green plastic coated mesh to the side of the wall facing these residential properties and the County Council's Landscape Officer considers that there would be benefits from planting ivy at the base of the wall which could then grow up the mesh and reduce the visual impact of the wall.

73. In addition to this, the applicant is proposing to supplement existing Leylandii planting along the south western boundary with further planting in order that the entire length of the wall would be further screened by Leylandii planting. Whilst Leylandii are not necessarily typical of the local landscape, they are not considered inappropriate in this industrial setting and their evergreen nature would be beneficial in screening the site from nearby residential properties, given that another band of trees between the application site and neighbouring properties is largely deciduous. Leylandii are renowned for their fast growth but the applicant has demonstrated that the existing planting can be suitably maintained and a condition would be attached to any planning permission granted requiring the Leylandii planting to be maintained to a suitable height for the life of the development so that it doesn't create shading issues. It had been proposed to remove some of the existing Leylandii plants and to translocate them to provide the additional planting required but it is considered beneficial for the additional area to be planted with new plants as there is the danger of what are already fairly substantial plants failing if they are dug up and moved.
74. A condition is recommended requiring details of all landscaping proposals to be submitted for prior approval, including details of ground preparation and maintenance. With these measures in place it is considered that the proposed development would be suitably screened from neighbouring properties and so would accord with Policy W3.4 of the WLP and Policy WCS13 of the WCS.

The do-nothing scenario

75. Whilst the siting of the proposed extended waste transfer station in close proximity to residential properties has raised concerns, and given that the observations above confirm that the development as proposed would have a degree of impact on residential amenity, albeit one which would not cause unacceptable impacts, it is considered worthwhile setting out what the alternative scenario could be should planning permission be refused. As set out in the Planning History section above, the various plots as highlighted on Plan 1 which the applicant is applying to extend into benefit from a number of planning permissions granted by ADC. Given the age of these permissions, it is perhaps not surprising that they have few conditions attached to them to control the nature and scale of activities on them.
76. For example, planning permission V/1987/0355 for plot 10, which is immediately to the south west of plot 16 where the applicant presently has permission for their waste transfer station, allows for a haulage/storage depot and has a single condition simply requiring the development to begin within five years of the date of the permission. The permission for plot 11, which is immediately south west of plot 10, allows for car dismantling and dealers and has four conditions attached regarding commencement, the provision of

perimeter fencing, the height of stocked scrap cars, and the company to whom the permission benefits. Aerial photos and officer knowledge of the area indicate that both plots 10 and 11 have been used for the storage of pallets from at least 2004 until around 2011 and so the established use of both these plots for general storage has already been established and it is possible that certificates of lawful use could be secured for general storage on these two plots.

77. Planning permission 93/0429 for plots 12, 13 and 14 allows for B1 (business), B2 (general industrial) and B8 (storage or distribution) uses and includes conditions regarding the outside storage of materials, the use of former units on the site, screening and perimeter treatments. As stated above, it should be noted that the applicant is not using plots 12, 13 and 14 although they have been used recently by another nearby waste operator for skip storage.
78. The County Council as Waste Planning Authority therefore considers that it is not unlawful for plots 10 – 14 to be used for general storage and distribution which in effect is all that this application is seeking to do on these plots, now that the proposals have been revised to retain the crushing and screening activities on plot 16. In addition to this, the proposed development, if granted planning permission, would provide for the five metre high acoustic wall being proposed along with the dust suppression measures being proposed, matters that are not in place at the present time and which could not be secured under the existing permissions in place. Furthermore, various other conditions deemed appropriate to control the development so as not to cause unacceptable impact could be attached to any planning permission granted, such as various other matters to control noise and dust and a restriction on the number of HGVs that could enter the site. At the present time, there are not even any controls regarding the hours of working under the existing planning permissions for plots 10 – 14.
79. If planning permission was to be refused, any refusal would be accompanied by enforcement action requiring the operator to reinstate the fence which once separated plots 16 and 10. However, any such enforcement action could not stop the operator from continuing to use plot 16 under their existing permission and using plots 10 – 14 for storage and distribution, with processed inert material being transported from plot 16 to the other plots via the private road which runs from Wigwam Lane to the north western edge of plots 12 – 14. It is considered that this scenario would result in increased impacts on neighbouring residents, impacts which the planning system could do little to control to satisfactory levels. Any actions to deal with adverse environmental impacts would need to be dealt with by ADC's EHOs and the acceptance of what the 'do nothing scenario' might entail has been central to the lengthy discussions that have taken place between the Waste Planning Authority, the EHOs and the applicant to arrive at the proposal and recommendation before Members now.

Other matters

80. One final matter to consider is the response from the County Council's Reclamation Team which states that surface drainage should be considered in

order to prevent the discharge of any silt etc into the adjacent stream. A condition requiring all surface water drainage from the site to pass through trapped gullies is recommended and would ensure that the proposed development protects surface and groundwaters and accords with Policy W3.6 of the WLP.

Legal Agreement

81. As set out in the Observations section above, a legal agreement would be required to secure two highways related matters: the dilapidation survey of the section of Wigwam Lane immediately outside the site entrances, and a lorry routing agreement to prevent HGVs over 18 tonnes gross weight associated with the proposed development from travelling along High Street in Hucknall.

Other Options Considered

82. 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 although the potential implications should planning permission not be granted are set out in the Observations section above.

Statutory and Policy Implications

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

Crime and Disorder Implications

84. The development would be located within an established industrial area benefiting from perimeter security fencing.

Human Rights Implications

85. 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 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. The proposals have the potential to introduce impacts of noise, dust and general impacts on residential amenity to neighbouring properties. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of managing waste further up the waste hierarchy and also addressing a lack of planning control in the area as a result of historic planning permission in the area. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

86. These are considered in the Observations section of this report.
87. There are no service user, financial, equalities, safeguarding of children and human resource implications.

Statement of Positive and Proactive Engagement

88. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions, and assessing the proposals against relevant Waste Local Plan policies and the National Planning Policy Framework, including the accompanying technical guidance. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees and the applicant to resolve issues and progressing towards the determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, dust and traffic and have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

89. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to secure an annual dilapidation survey of the section of Wigwam Lane immediately adjacent to the application site and to restrict HGVs associated with the development with a gross weight over 18 tonnes from travelling along Hucknall High Street from its junction with Station Road north west to its junction with South Street.
90. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before 30 October 2014 or another date which may be agreed by the Team Manager, Development Management, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by 30 October 2014, or within any subsequent extension of decision time agreed with the Waste Planning Authority, it is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Constitutional comments shall be reported orally at committee.

Comments of the Service Director - Finance

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

[SEM 09/09/2014]

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 Members Affected

Hucknall Councillor Alice Grice
 Councillor John Wilkinson
 Councillor John Wilmott

Report Author/Case Officer

Jonathan Smith

0115 9696502

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

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09 Sept 2014

RECOMMENDED PLANNING CONDITIONS

Commencement

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

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Waste Planning Authority (WPA) shall be notified in writing, at least 7 days, but not more than 14 days, of the date of commencement of the development hereby permitted.

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Approved details

3. Except where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- (a) Planning application forms received by the WPA on 21 June 2013;
- (b) Planning Statement received by the WPA on 20 June 2013;
- (c) Plan entitled 'Location Map' received by the WPA on 10 June 2013;
- (d) Drawing Number 10428/101E – Layouts as Proposed received by the WPA on 29 May 2014;
- (e) Drawing Number 10428/102F – Layouts as Proposed (Cross Sections) received by the WPA on 29 May 2014;
- (f) Noise Assessment Report received by the WPA on 10 June 2013;
- (g) Dust Emissions Management Plan received by the WPA on 10 June 2013;
- (h) Transport Assessment received by the WPA on 1 October 2013;
- (i) Noise Assessment Report received by the WPA on 17 October 2013;
- (j) Noise Assessment Report received by the WPA on 29 May 2014.

Reason: For the avoidance of doubt.

Hours of operation

4. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), or with the prior written approval of the WPA, operations associated with the development hereby permitted shall only take place during the following hours:

Monday to Friday 7am to 6pm

Saturday 7am to 1pm

There shall be no working on Sundays, Public or Bank Holidays

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Vehicle movements and highways matters

5. The number of heavy goods vehicles (HGVs) entering the site shall not exceed 100 vehicles per day (200 two-way vehicle movements) and 550 vehicles per working week (1,100 two-way vehicle movements). Records shall be maintained by the operator of the number of HGV movements into and out of the site on a daily basis and shall be made available within seven days upon written request from the WPA. All such records shall be kept for at least 12 months.

Reason: To ensure the number of HGVs entering and leaving the site can be satisfactorily accommodated by the local highway network in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

6. Within three months of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, a Transport Report incorporating a methodology for the surveying of traffic generated by the development hereby permitted, including an assessment of employee car parking and the speed of traffic on Wigwam Lane, shall be submitted to the WPA for its approval in writing. The Transport Report shall provide for separate surveys and analysis to be undertaken in accordance with the approved methodology at periods of 12 and 24 months after its approval and the submission of these surveys and analysis to the WPA within one month of their completion. The Transport Report shall provide for the updating of the national TRICS database in accordance with the Standard Assessment Methodology, or a similar methodology to be approved in writing by the WPA, and shall summarise the trip data collected over the monitoring period and categorise the data into vehicle types, speed, associated loads and equivalent HGV loads.

Reason: To provide baseline data in the interest of highway safety.

7. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, a Traffic Management Plan demonstrating how the vehicles associated with the development hereby

approved access and egress the site so as not to compromise highway and pedestrian safety shall be submitted to the WPA for its approval in writing. The development hereby permitted shall be operated in accordance with the approved details.

Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

8. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, internal roadways up to the two site access/exit points onto Wigwam Lane shall be surfaced in a bound material for a minimum distance of 30 metres of the highway boundary. The areas subject to the surfacing works shall be maintained throughout the life of the development to ensure the continued presence of a bound surface in these areas.

Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

9. No development shall commence until the wheelwash, as detailed on Drawing Number 10428/101E – Layouts as Proposed, has been installed. The wheelwash shall be maintained in working order at all times throughout the development hereby permitted and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site.

Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

10. In the event that the wheelwash to be installed in accordance with Condition 9 above proves inadequate, then within 2 weeks of a written request of the WPA a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of mud, dirt or other debris materials upon Wigwam Lane shall be submitted to the WPA for approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within 7 days of approval and thereafter at all times.

Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

11. The gates at the existing vehicular access in the northern corner of the site, as identified on Drawing Number 10428/101E – Layouts as Proposed received by the WPA on 29 May 2014, shall not be used in accordance with the development hereby permitted and shall be kept permanently locked except when life, limb or property are in danger.

Reason: In the interest of residential amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

12. The car parking spaces and a notional turning area, as identified on Drawing Number 10428/101E – Layouts as Proposed received by the WPA on 29 May

2014, shall be retained and made available for their designated purposes at all times.

Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

13. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, details of the specification and construction of the five metre high noise barrier, the extent of which is detailed on drawing no.10428/101 Revision E – Layouts as Proposed received by the WPA on 29 May 2014 shall be submitted to the WPA for its approval in writing. The submitted details shall include a timetable for the construction of the noise barrier and details of measures to raise ground levels on the southern section of the line of the wall to negate the need for the wall to be stepped. The wall shall be constructed in accordance with the approved details and satisfactorily maintained throughout the life of the development.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to help screen the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

14. The rating level of the noise emitted from the site shall not at any time exceed the existing background noise level by more than 5dB (including a 5dB penalty for tonal/impulsive noise) when measured in the garden area 3.5 metres from the nearest façade of the closest property and when assessed in accordance with BS4142:1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

15. In the event of a noise complaint being received by the WPA regarding the development hereby permitted which, in the considered opinion of the WPA may be justified, the operator shall, within one month of a written request from the WPA, undertake a BS4142:1997 noise survey to determine if the noise level detailed in Condition 14 above is being breached and submit the survey results in a report to the WPA for its approval in writing . Details of the noise survey, including the position of noise monitoring equipment, the methodology to be used and the date(s) for the survey to be undertaken, shall have been agreed with the WPA prior to the survey taking place. In the event that the noise survey indicates that the noise criterion detailed in Condition 14 above is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

16. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

17. All plant and machinery involved in any operations associated with the development hereby permitted shall operate at ground level at all times. No plant or machinery shall operate on top of any stockpile on the site.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

18. All stockpiles of waste and processed inert material on site, including stockpiles of incoming inert waste, stockpiles of processed waste in the screener/conveyor area and stockpiles of processed material awaiting export from the site, shall not exceed five metres in height. The height of stockpiles on the south western boundary of the site shall not exceed the height of the noise barrier constructed in accordance with details pursuant to Condition 13 above.

Reason: In the interest of visual amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impacts of dust in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

19. Crushing and screening operations shall only be undertaken in Plot 16 and broadly in accordance with the locations detailed on Drawing Number 10428/101 Revision E – Layouts as Proposed received by the WPA on 29 May 2014.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

20. The wheelwash on the site shall be used only when located in Plot 16 and broadly in accordance with the location detailed on Drawing Number 10428/101 Revision E – Layouts as Proposed received by the WPA on 29 May 2014.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

21. The maximum plant and machinery compliment permitted to operate at any one time at the site shall be as follows:

1 x Crusher

1 x Screener

1 x Loading Shovel

2 x 360° Loaders

The noise emissions of any alternative or replacement plant and machinery shall not exceed that which it replaces.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

22. All plant and machinery on site shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

23. No development on site shall commence until a dust management scheme has been submitted to, and been approved in writing by, the WPA. The dust management scheme shall set out measures to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors to acceptable levels and provide a scheme for dealing with complaints. The dust management plan shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- (a) The submission of details for dust suppression sprinklers to be installed around the perimeter of the site, details to include the operation of the sprinklers which shall provide for their operation both during and outside normal operating hours;
- (b) The sweeping and dampening of access and haul roads, where necessary;
- (c) Limiting on-site vehicle speeds;
- (d) Provisions for the temporary suspension of crushing, screening, stockpiling of materials and vehicle movements during periods of unfavourably dry or windy weather conditions;
- (e) Details of the mechanism for dealing with any complaints received either directly from members of the public or via the WPA.

The dust management plan shall be implemented in accordance with the approved details and the dust suppression sprinklers shall be suitably maintained throughout the life of the development.

Reason: To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Operational matters

24. The maximum quantity of inert waste processed at the site should not exceed 75000 tonnes per annum. Only inert wastes shall be imported, processed and stockpiled at the site and no non-inert waste materials shall be brought onto the site. In the event that any non-inert waste arises from the inert waste processing, such waste shall be stored within separate waste skips and, once full, shall be removed from the site and disposed of at a suitably licensed facility.

Reason: In the interest of local amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Drainage

25. All surface water drainage from the site shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment and to ensure compliance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Floodlighting

26. No floodlighting shall be erected at the site until details have been submitted to and approved in writing by the WPA. The details shall include the location and height of any floodlights; shall ensure that they are angled downwards and suitably shielded to ensure that they do not result in glare or dazzle to surrounding land, property and other users; confirm that they shall not be used outside the hours of 7am to 6pm Mondays to Fridays, 7am to 1pm on Saturdays and not at all on Sundays, Bank or Public Holidays; and shall confirm that outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

Reason: In the interest of residential amenity.

Landscaping

27. Within one month of the date of the commencement of the development hereby permitted, as notified under Condition 2 above, a landscaping plan and landscaping details shall be submitted to the WPA for its approval in writing. The landscaping plan shall include the following details:

- (a) The erection of green plastic coated mesh on the south western face of the noise barrier approved in accordance with details submitted under Condition 13 above;
- (b) Details of ground preparation works for the planting of ivy and Leylandii on the south western side of the noise barrier approved in accordance with details submitted under Condition 13 above, including the location, width and depth of concrete to be broken and the specification of topsoil to be imported;
- (c) Details of the ivy and Leylandii to be planted, including species, sizes, spacings and the provision of compost and fertilizer;
- (d) A schedule of maintenance for the life of the development hereby permitted.

The landscaping shall be provided in accordance with the approved details and thereafter maintained in accordance with the approved maintenance details.

Reason: To screen the site from adjacent residential properties and reduce its visual impact in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.