

Planning and Rights of Way Committee

Tuesday, 13 December 2022 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Interests by Members and Officers
 - (a) Disclosable Pecuniary Interests
 - (b) Private Interests (Pecuniary and Non-Pecuniary)
- 3 Declarations of Lobbying
- 4 Minutes of the Last Meeting held on 1 November 2022 3 - 12
- 5 Variation of Planning Condition for Land off Private Road No.3,
Colwick Industrial Estate, Colwick, Nottingham 13 - 48
- 6 Development Management Progress Report 49 - 58

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Adrian Mann (Tel. 0115 804 4609) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting: Planning and Rights of Way Committee

Date: Tuesday 1 November 2022 (commencing at 10:30am)

Membership:**County Councillors**

Richard Butler (Chairman)
Jim Creamer (Vice Chairman)

Mike Adams	Nigel Moxon
André Camilleri	Philip Owen (apologies)
Robert Corden	Francis Purdue-Horan
Sybil Fielding (apologies)	Sam Smith
Paul Henshaw (apologies)	Daniel Williamson (apologies)
Andy Meakin	

Substitute Members

Errol Henry JP for Paul Henshaw
Tracey Taylor for Philip Owen

Officers and colleagues in attendance:

Tommi Cluley	-	Planning Monitoring and Enforcement Officer
Steven Eastwood Snr	-	Advanced Legal Practitioner
Neil Lewis	-	Countryside Access Team Manager
Jaspreet Lyall	-	Solicitor
Adrian Mann	-	Democratic Services Officer
David Marsh	-	Major Projects Senior Practitioner
Joel Marshall	-	Principal Planning Officer
Jonathan Smith	-	Interim Group Manager for Planning
Jo Toomey	-	Advanced Democratic Services Officer

Public speakers in attendance:

David Duffield	-	Registration of a Town or Village Green in South Scarle (item 5)
Kate Murrell	-	Registration of a Town or Village Green in South Scarle (item 5)
Peter Rowlands	-	Registration of a Town or Village Green in South Scarle (item 5)

1. Apologies for Absence

Sybil Fielding	-	medical / illness
Paul Henshaw	-	other County Council business
Philip Owen	-	other reasons
Daniel Williamson	-	other reasons

2. Minutes of the Last Meeting

The minutes of the last meeting held on 27 September 2022, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

3. Declarations of Interests

No declarations of interests were made.

4. Declarations of Lobbying

No declarations of lobbying were made.

5. Registration of a Town or Village Green in South Scarle

Neil Lewis (Countryside Access Team Manager) introduced application 366NVG by the South Scarle Parish Meeting to register land at the corner of Main Street and Swinderby Road, South Scarle as a Town or Village Green (TVG):

- a) The legal criteria for the registration of land as a TVG is that there must be a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, who have indulged in lawful sports and pastimes on the land as of right for a period of at least 20 years, and that they continue to do so at the time of the application. Any other issues such as suitability, desirability or community needs are not legally relevant to the consideration of an application to register land as a TVG.
- b) The land identified in the application is not registered with the Land Registry. The application has been made to formalise the free public access of the land, as an adjacent landowner has asserted that it is part of their private property and has carried out work to the land on this basis, without consultation with the wider community. In the past, an adjacent property had used the area for the raising of pigs. There is unrestricted access from the land to adjoining properties and fields, and a public footpath runs beside the land and is used in conjunction with it. Sections of the land have been used by the South Scarle Nature Project to plant flora.
- c) Letters were received from 12 local residents in support of the application, in addition to a collection of 88 signatures from local residents. The representations stated that the land is used regularly by walkers and horse riders, and that the Nature Project has used the land to plant flora. The first registration of the land was sought by the adjacent landowner with the Land Registry, but the application

was opposed by the Parish Meeting and so was not completed. The land was rough approximately 17 years ago and has since been improved by local residents, and there is a desire to implement further environmental developments and to protect the land as a public open space.

- d) Three objections to the application have been received, with these representations stating that, since 2002, drainage works have been carried out on the land by the adjacent land owner on the basis that it is private property. A large amount of rubble and other material was removed as part of these works and topsoil was laid and seeded, making the land usable by the public. However, the land has not had access or been used for lawful sports and pastimes for over 20 years.
- e) In terms of the assessment of the legislative requirements, the locality is identified as being South Scarle Parish, and this meets the criteria. There is nothing in the application to say that the limited use of the land was not as of right, and this meets the criteria. However, use has only been demonstrated on an occasional basis by a limited number of people – and this use ceased on a temporary basis prior to the application being made. It does not appear that the land has been used for lawful sports and pastimes for a period of at least 20 years. As such, the application is not considered to have met all of the required criteria for the registration of the land as a TVG.

With the permission of the Chairman, David Duffield, Peter Rowlands and Kate Murrell addressed the Committee in support of the application:

- f) The intention of the application is to register the area as a green space for the village in perpetuity, to guarantee public access and recreational use, and to enable to continuation of a nature trail and wilding project. The land is adjacent to a public footpath and has a track for farm vehicle access. General roaming has taken place over the land for generations, including by parishioners, dog walkers, members of the public and agricultural users.
- g) The Nature Project has been working to convert the area into a valuable green space since 2017. A wildflower meadow has been created elsewhere in the village and it is hoped that a re-wilding policy can be adopted for the area to keep the land available to all as a habitat-rich asset.
- h) An adjacent landowner has sought to discourage public use by asserting that the land forms part of private property, and has taken actions to reverse the Nature Project's work. The adjacent landowner has carried out works to the land to create a domestic landscape, rather than a natural one. However, the land is not registered and an application by the landowner for its first registration has not been successful.

After the presentation of the application and the representations made in support, the Committee discussed the following points:

- i) The Committee noted that the criteria for the designation of land as a TVG is governed by legislation, and that the associated registration process is carried

out at the County Council level. The designation of protected green space is managed at the District Council level, in the context of the associated Local and Neighbourhood Plans. As such, the Committee is only able to consider the application in terms of whether the land as identified on the submitted plan meets the legal requirements for registration as a TVG. The Committee is not able to consider whether the land should be protected as a green space under the appropriate District or Parish Council local plans, nor to comment on a land ownership dispute. Similarly, an independent public inquiry would only be able to consider whether the land meets the legal criteria to be registered as a TVG – not whether it should be protected as a public green space.

- j) The Committee was sympathetic to the applicants' aim of protecting a green space for the local community and the wider public, but it considered that an application to designate the land as a TVG was not the right approach in the context of the associated legislation, under which the application did not meet the required criteria. Members suggested that the applicants discussed other potential options for protecting a green space formally with Newark and Sherwood District Council and the Open Spaces Society.

Resolved (2022/051):

- 1) To reject the application for the reasons as set out in the report, as it does not meet all of the required criteria for the registration of the land as a Town or Village Green.

6. Amendment to Planning Permission for Staple Quarry, Grange Lane, Cotham, Newark-on-Trent

David Marsh (Major Projects Senior Practitioner) introduced application 3/22/00740/CMW by FCC Recycling (UK) Limited to amend the existing Planning Permission (3/16/00693/CMW) for the restoration of Staple Quarry from an agricultural to an ecological use:

- a) The applicant is seeking to change the currently approved restoration scheme for the former gypsum quarry to establish an ecological and habitat-based after-use, rather than the agricultural use proposed originally. This is because there is a shortfall of soil on the site to meet the needs of the restoration and, although this is being resolved through the import of soils from elsewhere, the soils available are of poor quality and are not suitable for an agricultural restoration.
- b) The revised scheme would create open glade habitats of grassland and woodland blocks, hedgerows, scattered trees and scrub. There are no proposed alterations to the ground levels already approved. The modifications to the planting proposals would have a minimal visual impact on the wider area and would not change the character of the landscape significantly. The conifers on the site would still be removed, as per the current approvals.
- c) The amended restoration scheme would be less dependent on the import of soils, some of which would be substituted for soil improvement materials to be sourced from by-products from the waste industry, including composts from anaerobic

digestion facilities and filter cake derived from the capture of silt and other sediments in river water abstracted for use in power station cooling. The soil improvers would be blended within the top layer of soil on the site to provide organic-rich matter for nutrition and a suitable soil structure to support the establishment of vegetation cover. This methodology would also ensure that by-products of the waste industry achieve a beneficial use in a sustainable way.

- d) The consultation and publicity responses to the amended proposals were supportive and informed some modifications to the scheme to enhance the ecological benefits derived from the development, including the reinstatement of Cotham Footpath No.7 on its original line. The permitted vehicle routing arrangements to the site have also been reviewed in response to representations received.
- e) The modifications to the restoration arrangements would enhance the ecological value of the site in a manner consistent with the Nottinghamshire Minerals Local Plan Strategic Policy, which promotes a biodiversity-led approach to the restoration and after-use of former mineral sites. Any potential adverse environment effects will be managed through both the proposed Planning conditions and the Environmental Permit regulated by the Environment Agency. The measures in this Permit will ensure that the soil improver materials imported onto the site are subject to appropriate pollution control limits, to protect ground and surface waters from contamination.
- f) The new proposals would not change the overall volume of material to be imported to the site, so there would be no overall change to the number of vehicles needed to transport the loads. Lorry routing is regulated within the existing Planning Permission through a Section 106 legal agreement that requires all delivery vehicles to access the site from either from the A52 or the A1, avoiding the less suitable minor rural and residential routes in the wider area. The routing arrangements have been reviewed in the context of the ongoing construction of the Newark Southern Link Road, which would also provide an acceptable access route to the site, once completed.

After the presentation of the application, the Committee discussed the following points:

- g) The trees to be cleared from the site are non-native conifers, which do not form part of the natural landscape. The adjacent belt of native trees will remain and continue to provide an appropriate visual screening.
- h) The current development is subject to an Environmental Permit from the Environment Agency, which would need to be reviewed in the context of the amended proposals. The nature of the soil improver to be imported will be regulated under the Permit to ensure that, as it is a waste product from industrial processes elsewhere, it is not contaminated and does not represent a pollutant. The Environmental Impact Assessment for the proposals will also be reviewed, as required.

- i) Newark and Sherwood District Council is currently carrying out a tendering process for the next stage of construction for the Newark Southern Link Road, and an update will be provided to Committee members on whether it is likely to be completed in time for this relief road to be used as an appropriate access route to the development site. Although the routes to be used by vehicles accessing the site can be determined as requirements within the Planning Permission, the Council has no powers to enforce how materials such as the soil improver are transported to the site via the public highway.
- j) The Committee considered, however, that it is vital to mitigate against the potential for load shedding of soil on the public highway and the negative impact that this can have, and so all loads should be covered by sheeting during transportation. Members requested that an advisory note is included within any new grant of Planning Permission to make this expectation clear.

Resolved (2022/052):

- 1) To authorise the Corporate Director for Place to grant Planning Permission for the development subject to the conditions as set out in Appendix 1 to the report, subject to the completion of the legal agreement before 1 February 2023 or an alternative date that may be agreed by the Team Manager for Development Management in consultation with the Chairman and Vice Chairman of the Committee.
- 2) To authorise the Corporate Director for Place to enter into a legal agreement under Section 106 of the Town and Country Planning Act to secure the appropriate lorry routing arrangements in connection with the development.
- 3) To authorise the Corporate Director for Place to refuse Planning Permission in the event that the legal agreement is not signed before 1 February 2023 (or within any subsequent extension of the decision time agreed with the Waste Planning Authority), on the grounds that the development has failed to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

7. Variation of Scheme for Bestwood 2 Quarry, Mansfield Road, Papplewick, Nottingham

David Marsh (Major Projects Senior Practitioner) introduced application 7/2022/0425NCC by Tarmac Aggregates Limited to vary the existing Planning Permission (7/2017/1491NCC) for the creation of offset and mitigation habitats:

- a) The application seeks to vary the currently approved scheme for the creation of mitigating habitat at the Bestwood 2 sand quarry. Planning Permission for an extension of the quarry was granted in December 2018, subject to conditions including both the establishment of ecological habitat on the site and the creation and management of a new heathland-based habitat at the Calverton Burnstump Quarry, as the level of ecological mitigation required could not be delivered fully at the Bestwood 2 site.

- b) The quarry has been operational for many years and has well-established infrastructure, with access via a purpose-built haul road joining the A60. The west, south and east parts of the quarry are areas of worked void, with the active mineral extraction now taking place within the new 4.5-hectare eastern extension.
- c) The extension area incorporated part of the wider Longdale Plantation Local Wildlife Site, which is noted for its oak-birch woodland habitat. During the initial assessment for the extension, the removal of a section of the Wildlife Site woodland was considered to be acceptable, provided that adequate habitat compensation was provided through the creation and subsequent management of offset and mitigation habitats.
- d) Proposals were agreed for the transfer and direct placement of woodland soils removed from the extension area to three receptor sites along the southern wall of the quarry void. Deadwood from the felling of the trees was then to be placed into the receptor sites to provide a habitat for plants and invertebrates, and to support the development of a wider ecosystem.
- e) In 2019, the excavated tree roots were placed into a single temporary store near the western soil receptor site, pending their planned distribution across the three receptor sites. However, the onset of very wet weather in late 2019 and early 2020 delayed the transfer of the felled timber, and site closure and business continuity issues arising during the Coronavirus pandemic meant that the timber was not relocated in either 2020 or 2021.
- f) An ecological assessment undertaken in October 2021 identified that the temporary timber store had since become an important habitat for amphibians and invertebrates, so a decision was taken to not disturb the new habitat by redistributing the timber from the store because of its ecological value and the likely negative impact its movement would have on biodiversity.
- g) Consequently, it is not possible for the deadwood placement to be delivered in full compliance with the approved scheme, so a variation is sought to import deadwood from appropriate species of tree from other sites such as Lockington quarry in Leicestershire, and Elvaston, Whitwell and Hindlow quarries in Derbyshire. The deadwood to be imported is estimated to constitute no more than 24 loads and would be distributed across the three woodland soil receptor sites to provide deadwood habitat. The retention of the existing deadwood pile, along with the importation of suitable deadwood from off-site, will ensure that the original objectives for the woodland creation can still be met.

After the presentation of the application, the Committee discussed the following points:

- h) No responses were returned as part of the public consultation carried out on the proposed variation to the scheme.
- i) The Committee considered that it was positive to see how quickly a new habitat established itself in the existing tree root pile. Members noted concerns, however, regarding the long delay in the carrying out of the habitat mitigation work intended

to offset the impact of the quarry extension, resulting in the need to import additional deadwood to the site by lorry, which would have its own carbon footprint.

- j) The Committee was assured that the deadwood to be imported would be sourced from within the East Midlands region, from quarries in Leicestershire and Derbyshire, to ensure the use of tree species appropriate for the area and to limit transportation distance. It was confirmed that, regarding the ash dieback disease affecting ash trees across the UK, there are no current restrictions on the transportation of ash timber, branches or leaves for introduction into the site.

Resolved (2022/053):

- 1) To authorise the Service Director for Investment and Growth to grant Planning Permission for the development subject to the conditions as set out in Appendix 1 to the report, subject to the completion of the legal agreement before 1 February 2023 or an alternative date that may be agreed by the Team Manager for Development Management in consultation with the Chairman and Vice Chairman of the Committee.
- 2) To authorise the Service Director for Investment and Growth to enter into a legal agreement under Section 106 of Town and Country Planning Act 1990 to secure the creation and the management for a period of 25 years thereafter of a new heathland-based habitat within Calverton (Burntstump) Quarry, and to provide for the continuation of a liaison meeting as set out in its constitution between the operator, the Minerals Planning Authority and representatives of the local community.
- 3) To authorise the Service Director for Investment and Growth to refuse Planning Permission in the event that the legal agreement is not signed before 1 February 2023 (or within any subsequent extension of the decision time agreed with the Maste Planning Authority), on the grounds that the development has failed to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

8. Development Management Progress Report

Jonathan Smith (Interim Group Manager for Planning) presented a report on the recent Planning applications received and decisions taken, and the details of applications likely to come to Committee in the near future. The following points were discussed:

- a) The report details the applications received between 9 September 2022 and 14 October 2022, and the decisions made since the last Committee meeting on 27 September 2022.
- b) In relation to the upcoming consideration of the application relating to Land off Private Road No.3, Colwick Industrial Estate (7/2022/1066NCC), the applicant has invited the Committee members to visit a similar waste transfer station in

Worksop to inform their understanding of the proposals being put forward for the Colwick site.

- c) The Committee considered that a site visit would be helpful in assessing the upcoming application regarding the Colwick Industrial Estate and noted that, as there is a potential public interest in the proposals, it is important to ensure that the voice of the local population is heard as part of the determination process.
- d) In relation to a pending application relating to the Daneshill Landfill Site, Lound (1/20/00544/CDM), a decision has been made by the Environment Agency on the Environmental Permit that is likely to have an impact upon the Environmental Impact Assessment associated with the application for Planning Permission.
- e) The Committee asked that members and the local community are kept updated as the situation regarding this application progresses.

Resolved (2022/054):

- 1) To request that an appropriate site visit is arranged in relation to the application concerning Land off Private Road No.3, Colwick Industrial Estate (7/2022/1066NCC).
- 2) To request that members are kept updated as to the progress of the application concerning the Daneshill Landfill Site, Lound (1/20/00544/CDM), following the Environment Agency's decision on the Environmental Permit.

There being no further business, the Chairman closed the meeting at 11:52am.

Chairman:



REPORT OF INTERIM CORPORATE DIRECTOR – PLACE

GEDLING DISTRICT REF. NO.: 7/2022/1066NCC

PROPOSAL: VARIATION OF CRITERIA C AND D OF PLANNING CONDITION 24 OF PLANNING PERMISSION 7/2021/0648NCC TO ENABLE THE WASTE TRANSFER STATION TO OPERATE WITHOUT THE USE OF THE PREVIOUSLY CONSENTED AIR FILTRATION PLANT DURING PERIODS WHEN THERE IS NO WASTE SHREDDING/REFUSE DERIVED FUEL PREPARATION ACTIVITIES UNDERTAKEN WITHIN THE BUILDING AND ALLOW THE PASSIVE VENTILATION OF THE BUILDING TO BE UNDERTAKEN BY PERMITTING THE OPENING OF THE AIR INLET LOUVRES.

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

APPLICANT: VEOLIA ENVIRONMENTAL SERVICES (UK) LIMITED

Purpose of Report

1. To consider a Section 73 planning application to vary the controls imposed under Condition 24 criteria c and d of planning permission 7/2021/0648NCC to allow the waste management facility to operate without the installation and operation of the air filtration plant and to permit the opening of the louvre air vents at night-time, specifically during periods when RDF manufacturing is not undertaken within the building but also when segregated food waste is not being stored or transferred. The main issue raised by this modification to the working practices relates to ensuring that the site continues to provide satisfactory odour control. The recommendation is to grant planning permission subject to the variation of Condition 24, as set out in Appendix 1.

The Site and Surroundings

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

3. The planning application site has road frontages onto Private Road No. 3 to the north and Private Road No. 5 to the west. It covers an area of approx. 2.18 hectares and is currently undeveloped, open and level with a stone surface. The front (northern) part of the site adjacent to Private Road No. 3 is currently used for the storage of empty waste skips and containers by the applicant, whilst the rear of the site is vacant (see Plan 2).
4. The land surrounding the application site is industrial in character with a mix of B2, B8 and sui-generis land uses. Amongst these is the Colwick driving test centre to the south, a vehicle repair workshop (formerly a skip transfer business) and ready-mix concrete plant to the west on the opposite side of Private Road No.5, and a gas cylinder company to the north on the opposite side of Private Road No. 3. The new Sainsbury's supermarket is on land to the north-west of the site on Private Road No. 3 at a distance of circa 80m. The more established Morrisons Supermarket is located to the north at a distance of circa 150m with the wider Victoria Retail Park, Netherfield beyond. The southern boundary of the site is some 80m north of the River Trent. The nearest residential properties are located within Netherfield beyond Colwick Loop Road, a distance of over 280m to the north (see Plan 3).

Background

5. Planning Permission for the Colwick waste management facility was granted by Nottinghamshire County Council on 16th September 2021 under Planning Reference 7/2021/0648NCC (see Plan 4).
6. The facility which is to be developed by Veolia Environmental Services (UK) Limited (hereafter referred to as Veolia) incorporates a new-build waste transfer and treatment centre which will provide a facility for the bulking, treatment and transfer of waste materials collected from local businesses and households. The waste transfer facility is designed to incorporate a series of internal bays for the storage of imported materials, including residual wastes, recyclates, clinical waste bins, and processed waste. There will also be eight external storage bays for glass, green waste, inert wastes and street sweepings (see Plan 5).
7. The waste management facility is anticipated to receive for processing and transfer up to 150,000 tonnes of waste per year. The approved development provides consent to incorporate a refuse derived fuel (RDF) manufacturing facility within the building. This RDF plant would utilise the residual waste streams delivered to the site, processing this waste by shredding to manufacture the RDF. The approved development also permits the importation of source segregated food waste for storage and transfer.
8. The approved design of the waste transfer station incorporates an odour abatement system consisting of air extraction equipment with activated carbon filters and exhaust stack designed to remove odours, odorous dust and bio-aerosols from the waste transfer building. The air extraction plant is designed to maintain the building under a negative air pressure, effectively meaning the facility sucks in air rather than pushes potentially odorous air out of the building and thus reducing the escape of potentially odorous emissions to the wider

environment. During the night-time period when RDF processing is not undertaken the air filtration plant would be turned off with odour control maintained by a requirement to close the louvre roof ventilation system and thus contain potentially odorous air in the building overnight until the air filtration system is switched on in the morning. Odour control was regulated through Planning Condition 24, as set out below:

Condition 24: Odour

Measures shall be employed to ensure that waste transfer operations associated with the development hereby permitted do not give rise to any malodours. Such measures must include but not necessarily be limited to the following:

- a. All residual and RDF unloading, processing, storage and loading shall be undertaken within the waste transfer building only and at no time from the open areas of the site.
- b. The fitment, use and regular maintenance of fast acting rapid-rise doors to the frontage (eastern elevation) of the waste transfer building. The doors shall remain shut at all times except to allow the passage of waste delivery/collection vehicles into/out of the building for unloading and plant working within the building to enter and leave. For the avoidance of doubt the doors shall be shut at all times during waste vehicle loading/unloading operations.
- c. The air filtration system shall be operated between 05:00 – 22:00 hours each day in accordance with the operating specification set out within paragraph 6.15 of the supporting statement to maintain the waste transfer station under negative air pressure and provide 2.5 air changes per hour.
- d. During the night-time period when the air filtration system is not operational the attenuated air inlet louvres shall be closed to prevent the escape of odours from the building.
- e. Residual waste and RDF shall be regularly rotated within the waste transfer building and shall be removed as soon as possible and in all events, within 72 hours of its receipt at the site.
- f. The regular cleaning of all areas within the waste transfer building.
- g. The use of masking agents where necessary to neutralise any malodours.
- h. External storage shall be strictly limited to glass, green, inert and road sweepings within the designated bays detailed on Drawing No. VES_TD_COLW_200_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31st August 2021 and no other external areas within the site.
- i. The use of odour abatement sprays within the road sweeping storage area when required.
- j. No vehicles loaded with waste materials shall be parked outside the

waste transfer building overnight.

- k. All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

In the event that these measures prove inadequate, then within one week of a written request from the WPA, details of additional steps or measures to be taken in order to prevent the release of odours from the site, including a timetable for their implementation, shall be submitted to the WPA for its approval in writing. The additional measures shall be implemented in accordance with the approved details within the timeframes specified and thereafter maintained for the life of the development.

Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Proposed Development

9. Planning permission is sought under a Section 73 planning application submission to vary the odour management controls imposed under Condition 24 criteria c and d relating to the requirement to install and operate the air filtration system and requiring the closure of the louvre vents during the night-time period.
10. The applicant explains that they have reviewed the development and initially would like to operate the site as a waste transfer station and to not undertake the potentially more odorous RDF manufacturing and importation/storage of segregated food waste.
11. During this initial operational period, and at times when RDF manufacturing and segregated food waste is not imported to the facility, permission is sought to amend the controls imposed under Condition 24 criteria c and d so as to allow the waste transfer activities to be undertaken without the installation and operation of the air filtration system and without the night-time closure of the louvre vents as originally approved.
12. The odour management plan which supports the planning application confirms the air filtration plant would be installed prior to the commencement of the RDF production or the importation of segregated food waste and thereafter the roof ventilation louvres would be closed at night-time on days when the air filtration plant is used. The odour management plan acknowledges that these activities have a medium to high odour potential and therefore identifies the need to install and operate the additional air filtration plant to manage odour releases.
13. Within their supporting statement the applicant explains that in their experience waste transfer stations are significantly less odour intensive than RDF manufacturing plants, stating that transfer stations result in much less disturbance and agitation of the waste and therefore lower levels of odour release. Because of the lower levels of odour release the applicant is satisfied

the facility can operate as a waste transfer station without the need to install and operate the air filtration plant.

14. The modification to allow the louvres in the roof to be opened during the night-time period is to allow the passive ventilation of the building in the absence of the air extraction and filtration plant. The applicant states that if the building was not vented during the night-time period, odour would accumulate in the enclosed building resulting in a 'spike' of intensive odour emissions when the roller shutter doors are opened in the morning. The applicant states that these sudden 'spikes' of odour emissions are much more likely to generate odour complaints than a steadier, lower level, of release which would disperse and dilute.
15. The applicant explains that they have obtained an environmental permit from the Environment Agency to enable the site to operate under the terms of the revised odour abatement controls set out above. The examination of the odour issues carried out as part of the permit submission was informed by an odour management plan. A copy of this approved odour management plan has been submitted in support of the planning application. This permit and its supporting odour management plan are reviewed in more detail within the planning considerations section of this report.

Consultations

16. Gedling Borough Council: *No representation received.*
17. Environment Agency: *The Environment Agency state they have reviewed the submitted documents and do not wish to make any formal comment on the submission.*

Publicity

18. The application has been publicised by means of site notices, a press notice in the Nottingham Post and the posting of notification letters to the occupiers of surrounding business properties in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
19. Cllr Mike Adams has been notified of the application and has requested the planning application to be referred to Planning and Rights of Way Committee for determination.

Observations

20. Planning policy in respect of odour and wider pollution control is incorporated within the Nottinghamshire and Nottingham Waste Core Strategy (WCS), the saved policies of the Nottinghamshire and Nottingham Waste Local Plan (WLP)

and the Gedling Borough Local Planning Document (Part 2 of the Local Plan) (GLP).

21. WCS Policy WCS13 (Protecting and enhancing our environment) states that new or extended waste treatment or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby including any unacceptable cumulative impacts.
22. WLP Policy W3.7 (Odour) states that when planning permission is granted for waste management facilities planning conditions will be imposed, where necessary, to reduce the impact of unpleasant odours.
23. GLP Policy LPD 10 (Pollution) states that planning permission will not be granted for development which would result in an unacceptable level of pollution or is likely to result in exposure to sources of pollution or risks to safety. GLP Policy LPD 32 (Amenity) states that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures.
24. The applicant acknowledges that odour emissions are frequently the subject of concern in relation to waste management facilities and therefore they supported their original planning application submission with a detailed odour assessment which gave extensive consideration to the anticipated level of odour emissions from the development and how they could be managed and controlled. The assessment had regard to the characteristics of the waste materials which the facility would receive, the processes used to manage this waste, the location of the development site in terms of its proximity to odour sensitive receptors and the control practises which would be put in place to manage/reduce the level of odour releases from the facility. No objections were received to the original planning application from local residents or adjoining businesses.
25. The controls imposed through Condition 24 of the planning permission sought to regulate the level of odour emissions from the development and prevent any unacceptable odour impacting the quality of life of people living or working nearby, consistent with the approach set out within WCS Policy 13, WLP Policy W3.7 and GLP Policies LPD10 & LPD32.
26. The appraisal of this current planning application requires an assessment to be made as to whether the alterations to the site's operation which seek to modify the composition of waste imported to the site, the arrangements for treating/processing this waste, and the arrangements to no longer install and use the previously approved air filtration equipment during periods when the facility would not be used for RDF production and for the delivery/storage of source segregated food waste, would continue to provide satisfactory odour control and thus ensure that the amenity of those living and working nearby is not significantly adversely impacted.
27. In terms of the potential source for odour releases from the waste management facility, the RDF production processing and the delivery/storage of source segregated food waste are potentially the most odorous aspects of the

approved waste management facility. Specifically, the RDF manufacturing process necessitates the shredding, agitation and disturbance of the waste with potential to release high levels of odour and the composition of the food waste has potential to be very odorous. The proposal to not undertake these activities when the air filtration equipment is not operational means that the overall level of odour release from the waste which is delivered and managed at the site is likely to be lower.

28. However, in terms of the potential pathway of any odour release to sensitive receptors, including residential properties and retail units, specifically the two nearby supermarkets and the wider Victoria Business Park, the proposed move away from the use of mechanical air filtration plant during daytime periods to a passive ventilation system and the opening of the louvres within building at night-time has potential to increase the risk that fugitive odours could be released to the wider environment with potential for these odours to impact the amenity of surrounding land and property if they were not to disperse to an acceptable level.
29. With specific regard to the air filtration system, the original decision acknowledged that the use of this system was required to control the level of odour emissions from the RDF shredding operations with Condition 24c requiring its operation throughout the daytime period when the RDF manufacturing activities were proposed to be undertaken but permitting the system to be switched off at night when the RDF manufacturing is not carried out.
30. In terms of the roof ventilation louvres, Condition 24d requires these louvres to be closed during the night-time period to minimise the escape of odour during this time-period when the air filtration equipment is switched off. The applicant seeks to modify this control to allow the louvres to be opened during the night-time period to allow some passive ventilation of the building, stating that the ventilation of the building is desirable to avoid odour concentrations building-up in the night-time period when the access doors would be shut for extended periods of time. The applicant states that the opening of the ventilation louvres would allow odour to disperse at a low level of intensity and thus avoid the potential for a spike of concentrated odour release first thing in the morning when the building is opened up and which has greater potential to be intrusive and generate odour complaint.
31. It is acknowledged that industry practice for waste transfer stations is that they generally operate without the necessity to have air filtration equipment installed. This is evidenced in Nottinghamshire where there are a number of operational waste transfer stations which do not incorporate air filtration systems, the exception being the Veolia facility at Welshcroft Close, Kirkby in Ashfield which does have air filtration plant installed but also incorporates an RDF manufacturing facility. Industry practice therefore is supportive of the odour management controls proposed within this current planning application submission.

32. Waste management facilities are required to obtain both Planning Permission and an Environmental Permit to enable them to lawfully operate. Planning and permitting decisions are separate but closely linked, with the focus of the planning permission decision being whether the development is an acceptable use of the land and the focus of the permitting decision being whether the operation of the facility can be managed on an ongoing basis to prevent or minimise pollution.
33. In terms of making a judgement as to whether the level of pollution control is appropriate to protect the amenity of those living and working nearby in accordance with the policy requirements of WCS Policy WCS13, WLP Policy W3.7 and GLP Policies LPD10 & LPD32, policy advice within the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) in relation to responsibilities for pollution control and its implications for planning decisions is relevant and provides useful guidance to inform the decision on the current planning application. Specifically, NPPF Paragraph 188 states:
- ‘The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.’*
34. More detailed national planning policy relating to pollution and odour control specific to waste management is set out within the NPPW in Paragraph 7 which states:
- ‘When determining waste planning applications, waste planning authorities should:*
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies; and*
 - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.’*
35. Appendix B of the NPPW states that considerations in respect of odour will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.
36. Since the County Council issued planning permission for the Veolia Colwick Waste Management Facility in September 2021, the operator has obtained an

Environmental Permit from the Environment Agency. This permit provides formal consent for the new facility to operate as a waste transfer station without the installation of the air filtration plant and allows the roof ventilation louvres to be opened during the night-time period, but once the site is used for RDF production/importation of segregated food waste the permit requires the air filtration plant to be operated and the roof mounted louvres to be shut during the night-time period. The current planning submission therefore seeks planning permission to enable the Colwick facility to operate in accordance with the consented permit.

37. The Environment Agency's appraisal of the level of odour emissions which they carried out prior to issuing the Environmental Permit was informed by a detailed odour management plan which identifies the location of the site and its proximity to potentially odour sensitive receptors, the sources of potential odour emissions, consideration of site processes, control processes to manage odour releases, and arrangements for reporting odour complaints.
38. In reaching their decision to issue an Environmental Permit for the operation of the facility the Environment Agency would have satisfied themselves that the facility would comply with the 'Odour Boundary Condition', which requires that:

'Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in an approved odour management plan, to prevent or where that is not practicable to minimise the odour' (Environment Agency guidance note H4: Odour Management paragraph 2.1)
39. Compliance with the permit requires the site to be operated to prevent odour pollution or minimise it when prevention is not practicable. The odour boundary condition does not mean the operator would necessarily be in breach of their permit controls if there was some residual odour emissions beyond the site boundary, but if this residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations.
40. Based on the policy set out within the NPPF paragraph 188 and NPPW paragraph 7, the issuing of an Environmental Permit for the operation of the site as revised is an important consideration in the context of assessing the current planning application. It is reasonable for this planning decision to proceed on the basis that odour emissions from the facility will be controlled and regulated under the Environmental Permit, and these controls will ensure the revised method of operation now sought planning permission would not result in significant adverse levels of odour emissions to nearby occupiers of land.
41. Whilst it is concluded that the air filtration plant would provide better control for odour emissions, this needs to be balanced against the fact that the composition of waste received at the site and the waste management techniques to be utilised are anticipated to be less odour intensive during the initial operational phase. Having regard to the clear guidance regarding responsibility for pollution

control and the avoidance of duplication of pollution controls within planning decisions it is concluded that odour emissions from the facility will be satisfactorily controlled to not significantly adversely impact nearby users of land and property.

42. The operation of the facility as a waste transfer station without the operation of the air filtration system would also be consistent with industry practice for similar facilities in Nottinghamshire.
43. It is therefore concluded that revised arrangements for the site will continue to provide satisfactory odour control, protecting the quality of life of people living or working nearby consistent with the requirements of WCS Policy 13, WLP Policy W3.7 and GLP Policies LPD10 & LPD32, and therefore it is recommended that the wording of Planning Condition 24 criteria c is modified to allow the site to operate as a waste transfer station with no waste shredding/refuse derived fuel preparation activities and no source segregated food waste deliveries/storage without the current requirement to install and/or operate the consented air filtration plant. It is also recommended that Planning Condition 24 criteria d is modified to permit the passive ventilation of the building by opening of the air inlet louvres during the night-time period during periods when the building is not being used for RDF manufacturing or for acceptance or storage of source segregated food storage.
44. The suggested modified wording for Condition 24 criteria c and d is set out below. The remainder of Condition 24 would remain as presently drafted.

- c. The air filtration system shall be installed prior to the commencement of the RDF shredding/manufacturing activities or the importation of source segregated food waste in accordance with the specification set out within paragraph 6.15 of the original planning supporting statement (Planning and Waste Statement dated March 2021). Thereafter, the air filtration system shall be operated between 05:00 – 22:00 hours each day during periods when RDF or source segregated food waste is manufactured or stored within the building to ensure the waste transfer building is maintained under negative air pressure, providing 2.5 air changes per hour.
- d. During the night-time period (22:00 – 05:00 hours) when the facility is being used for the storage of either RDF or source segregated food waste the attenuated air inlet louvres shall be closed to prevent the escape of odours from the building.

Other Options Considered

45. 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 as part of this planning application submission.

Statutory and Policy Implications

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

Crime and Disorder Implications

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

Data Protection and Information Governance

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

Financial Implications

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

Human Rights Implications

50. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the construction and operation of the waste transfer station. The proposals have the potential to introduce some minor odour effects however, these potential impacts need to be balanced against the wider benefits the proposals would provide by enabling waste to be managed locally and thus reducing the distance waste is transported, moving more residual waste up the Waste Hierarchy and away from disposal, Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

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

Implications for Service Users

52. The new waste transfer facility will provide be used by district council waste collection operatives to deposit collected waste at a local facility.

Implications for Sustainability and the Environment

53. These have been considered in the Observations section above.
54. There are no implications in relation to human resources or for the safeguarding of children/adults at risk.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

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

DEREK HIGTON

Interim Corporate Director – Place

Constitutional Comments

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council.

[JL 01/12/22]

Financial Comments

There are no financial implications arising from the contents of the report.

[KRP 1/12/22]

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4448

Electoral Division and Member Affected

Carlton East

Cllr Mike Adams

Report Author/Case Officer

Mike Hankin

0115 9932582

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

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RECOMMENDED PLANNING CONDITIONS

Commencement

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

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

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of 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, and for the avoidance of doubt.

Approved Plans

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

- a. Drawing No. VES_TD_COLW_200_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31st August 2021.
- b. Drawing No. VES_TD_COLW_200_002: Proposed WTS Building Layout – Colwick WTS/Depot received by the WPA on 29th March 2021.
- c. Drawing No. VES_TD_COLW_200_004 Rev. A: WTS Building Elevations – Colwick WTS/Depot received by the WPA on 29th March 2021.
- d. Drawing No. VES_TD_COLW_200_007: Proposed Site Location Plan – Colwick WTS/Depot received by the WPA on 29th March 2021.
- e. Drawing No. VES_TD_COLW_200_008: External Bay Elevations – Colwick WTS/Depot received by the WPA on 29th March 2021.
- f. Drawing No. VES_TD_COLW_200_011 Rev. A: Proposed Concept Drainage Plan – Colwick WTS/Depot received by the WPA on 31st August 2021.
- g. Drawing No. VES_TD_COLW_200_012: Perimeter Fence Details – Colwick WTS/Depot received by the WPA on 30th April 2021.
- h. Drawing No. VES_TD_COLW_200_015: Proposed Site Phasing Plan – Colwick WTS/Depot received by the WPA on 31st August 2021.

- i. Drawing No. S190209-101 Rev. C: 14No. (7 on 7) Bays 12mx3.0m, 2.4 Ceiling Height Option 1 – Ground Floor Plan Layout - Colwick WTS/Depot received by the WPA on 22nd April 2021.
- j. Drawing No. S190209-102 Rev. B: 14No. (7 on 7) Bays 12mx3.0m, 2.4 Ceiling Height Option 1 – First Floor Plan Layout - Colwick WTS/Depot received by the WPA on 22nd April 2021.
- k. Drawing No. S190209-301 Rev. A: 14No. (7 on 7) Bays 12mx3.0m, 2.4 Ceiling Height Option 1 – Elevations - Colwick WTS/Depot received by the WPA on 22nd April 2021.
- l. Drawing No. 3602530.dwg: Weighbridge Kiosk Floor Plan received by the WPA on 29th March 2021.
- m. Drawing No. 3602530: Weighbridge Kiosk Elevations received by the WPA on 29th March 2021.
- n. Diesel Tank Elevations received by the WPA on 30th April 2021.
- o. Ad Blue Storage Tank received by the WPA on 30th April 2021.

Reason: For the avoidance of doubt, and to define the permission.

Scope of Planning Permission

- 4. With the exception of the new security fence around the perimeter of the wider planning application site, the scope of development consented by this planning permission shall be restricted to the 'Phase 1 Development Area', as outlined in blue on Drawing No. VES_TD_COLW_200_015: Proposed Site Phasing Plan – Colwick WTS/Depot received by the WPA on 31st August 2021. There shall be no waste storage or processing activities within the Phase 2 area. The Phase 2 area shall remain in its established industrial/commercial/storage use unless a further planning permission is granted for any alternative development.

Reason: To define the scope of development approved by this planning permission.

Regulation of Construction Activities

- 5. Prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the WPA. The CEMP shall include but not be limited to:
 - a. Contractors' access arrangements for vehicles, plant and personnel, and facilities for parking of contractors' vehicles;
 - b. Contractors' site storage area/compound;
 - c. The number, size (including height) and location of all contractors' temporary buildings;
 - d. Temporary means of enclosure and demarcation of the site operational boundaries, to be erected prior to the commencement of construction

operations in any part of the site and maintained for the duration of construction operations;

- e. The means of moving, storing and stacking all building materials, plant and equipment around the site;
- f. Measures to ensure that dust emissions are minimised;
- g. Measures to ensure vehicles entering and leaving the site are covered to prevent escape of materials during transport;
- h. Details of external floodlighting installed during the construction period including hours of operation and the arrangements for shielding light spillage;
- i. Arrangements for the management of oil and chemical storage;
- j. Measures to ensure the risks to groundworkers arising from potential ground contamination are minimised;
- k. The method of controlling and discharging groundwater during construction to avoid pollution of surface water and the underlying groundwater;
- l. A method statement for minimising the amount of construction waste resulting from the development to include details of the extent to which waste materials arising from the site clearance and construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal;
- m. Details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway;

The CEMP shall be implemented as approved throughout the construction and commissioning of the development.

Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy W3.3 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan. These details are required prior to the commencement of the development to ensure that the construction works which are carried out from the start of the development are undertaken in accordance with an approved scheme.

Construction Materials

- 6. Notwithstanding the details shown on the approved plans, the implementation of the finishes shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby

permitted have been submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure compliance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

Ground Contamination and Stability

7. No works shall commence at the site until the applicant has provided the following information for approval by the WPA:
 - a. Supplementary ground investigation and monitoring report(s), with an updated environmental risk assessment and detailed quantitative risk assessments (DQRA). The report(s) will need to provide sufficient information, in combination with the existing Phase 2 investigation data, to develop a remediation strategy for the site, or part of site being developed.
 - b. A remediation options appraisal and remediation strategy, including timings of these works. No remediation works shall commence until the scope of works has been approved in writing by the WPA and the date of commencement notified to the WPA.
 - c. A remediation validation report shall be submitted within two months of each phase of remediation and on completion of the remediation / mitigation works. No development works shall commence until the validation reporting has been fully approved in writing by the WPA.

Reason: To protect the environment and ensure that the site has appropriate remediation/mitigation measures introduced to ensure that it is suitable for the proposed use in accordance with the requirements of the National Planning Policy Framework. These details are required prior to the commencement of the development to ensure that the initial groundworks which are carried out at the start of the development project remediate any contamination within the ground in accordance with an approved scheme.

8. If piled foundations are required, the applicant shall submit a piling risk assessment for approval by the WPA prior to any piling being undertaken. The piling design and methodology shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development will not introduce historical or future contamination to the aquifer and will not create any significant new pathways for contaminant migration.

9. Following satisfactory completion of all required remediation works and validation reporting, a watching brief to deal with contamination which may be encountered shall be submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details. If during development, contamination not previously identified is found to be

present, no further development shall be carried out, unless first agreed in writing by the WPA, until a remediation strategy to deal with un-expected contamination (including validation that contamination has been satisfactorily remediated) has been submitted to and approved in writing by the WPA. Development shall be carried out in accordance with the approved details.

Reason: To protect the environment and ensure that the site has appropriate remediation/mitigation measures introduced to ensure that it is suitable for the proposed use in accordance with the requirements of the National Planning Policy Framework.

Site Surfacing and Drainage

10. Prior to the commencement of the development hereby permitted details of site surfacing and drainage shall have been submitted to and approved in writing by the WPA. The surfacing and drainage details shall be consistent with the details shown on Drawing No. VES_TD_COLW_200_011 Revision A: Proposed Concept Drainage Plan – Colwick WTS/Depot received by the WPA on 31st August 2021 relating to the Phase 1 of the application site and include the following information:
- a. The means of construction and materials used within the external surfaces of the site which shall incorporate an impermeable surface for the waste storage and the HGV parking and circulation areas.
 - b. The means of construction of the internal surfaces within the buildings which are used for the receipt and processing of waste.
 - c. Drainage plans to identify the arrangements for the separate collection and management of clean surface water and potentially contaminated water, the location of the drainage systems within the site including specific details in relation to the location of any sealed sump to collect contaminated liquids, and calculations to ensure the surface water run-off rate is no greater than the equivalent green-field run-off rate;
 - d. A maintenance scheme to ensure the satisfactory continued operation of the drainage system.

The site surfacing and drainage scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter maintained in accordance with the maintenance arrangements embodied within the scheme. Notwithstanding the details illustrated on the Concept Drainage Plan, this planning permission does not convey any development approval for the drainage attenuation tank and interceptor in the 'Phase 2' development area of the site.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan. These details are required prior to the commencement of the development to ensure that the initial groundworks which will incorporate the preparation of drainage systems are carried out with an approved scheme.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and be either surrounded by impervious bund walls or be of a double bunded construction. The size of the bunded compound or bunded capacity of the tank shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Capacity of the Site

12. The maximum amount of waste material accepted at the site shall not exceed 125,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted each calendar month and such records shall be made available to the WPA within 7 days of a written request from the WPA. Records of the amount of waste material received on a monthly basis shall be kept and maintained for a period of 5 years.

Reason: To ensure impacts arising from the operation of the site do not cause unacceptable disturbance to local communities in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan

Access and Parking

13. The site shall not become operational until such time that the HGV and car parking facilities and associated manoeuvring areas have been surfaced, marked out and drained in accordance with the layout set out on Drawing No. VES_TD_COLW_200_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31st August 2021 and the details approved under Condition 9 above. The engineering works to construct the car park area shall incorporate a conduit network to ensure that three parking spaces are installed with operational electrical charging points on the day of opening and the remaining vehicle parking spaces are readily capable of being upgraded to provide electrical vehicle charging in future years. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure satisfactory off-street parking and manoeuvring on the site in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

14. Access to the waste transfer facility by HGV shall only be obtained from Private Road No. 3 via the access point specified on Drawing No. VES_TD_COLW_200_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31st August 2021.

Reason: To ensure HGV access to the site utilises routes designed to an appropriate specification and to minimise potential conflict with novice drivers accessing the driving test centre situated on Private Road No. 5.

15. Prior to the waste transfer station becoming operational, details of a specification for the installation of a covered cycle shelter shall be submitted to and approved in writing by the WPA and installed on site. The cycle parking facilities shall thereafter be installed before the waste transfer facility becomes operational and kept available for use by staff and visitors throughout the operational life of the facility.

Reason: In the interest of promoting sustainable travel and minimising adverse traffic impacts associated with the operation of the development in accordance with the objectives set out within Chapter Nine of the National Planning Policy Framework.

16. The operator shall appoint and thereafter continue to employ or engage a Travel Plan Coordinator throughout the operational life of the development. The Travel Plan Coordinator shall prepare, submit and obtain the WPA's written approval of a Travel Plan aimed at promoting sustainable transport initiatives which shall include but not be limited to:

- i. Introduce transport initiatives aimed at reducing reliance on the private car as the principal means of staff transport to and from the development, including timelines for monitoring, review and implementation, to the written satisfaction of the WPA.
- ii. Include initiatives to promote education relating to sustainable travel, raise awareness of the problems car journeys can create, promote car sharing, reduce travel by car and promote the use of cycling and public transport.

Following the development becoming fully operational, the Travel Plan Coordinator shall submit an annual report to the WPA for the first five operational years of the development to set out the extent that the aims of the Travel Plan are being met and where appropriate identify revised initiatives including implementation dates in the event that the aims of the Travel Plan are not being met. The annual monitoring report shall be approved in writing by the WPA.

Reason: In the interest of promoting sustainable travel and minimising adverse impacts associated with the operation of the development in accordance with the objectives set out within Chapter Nine of the National Planning Policy Framework.

Landscaping

17. Within two months of the commencement of the development, as notified under Condition 2 above, a landscaping scheme shall be submitted to the WPA for its written approval. The landscape scheme shall generally accord with the details contained on Drawing No. VES_TD_COLW_200_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31st August 2021 and include details of:
- a. Measures to retain and protect the existing boundary trees, hedgerow and shrubbery around the Private Road No. 3 and Private Road No.5 road frontages during both the construction and operational life of the site;
 - b. Areas to be planted/seeded within the application site;
 - c. The ground preparation and cultivation including any plant protection required for the establishment period in the planting/seeding area;
 - d. Species, planting density, size and position of trees and shrubs to be used within the landscape planting works;
 - e. A maintenance schedule for the landscape planting to run for a period of five years following completion of planting and seeding. This shall include details of a proposed mowing regime for the wildflower areas.

Any retained trees, hedgerows and shrubbery shall be protected in accordance with the approved details. All planting shall be carried out in accordance with the details approved in the first planting and sowing seasons respectively following the completion of the development. The planting scheme shall be maintained in accordance with the approved maintenance scheme for a period of five years following its implementation and any plants or trees which die, are removed, or become seriously damaged or diseased shall be replaced in the following planting season with similar specimens to those originally planted. The landscaping shall thereafter be retained for the operational life of the site.

Reason: In the interests of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan. These details are requested prior to the commencement of the development to ensure that the existing boundary hedgerow and shrubbery does not get damaged or removed during the construction works.

Protection of Nesting Birds

18. Site clearance/preparation operations that involve the felling, clearing or removal of vegetation or disturbance of bare ground shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the WPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist. In the event that breeding birds are identified, a Method Statement shall be produced detailing how works will progress (which may include delaying their onset).

Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife & Countryside Act 1981.

Hours of Operation

19. Except in the case of an emergency when life, limb or property are in danger and such instances which are to be notified in writing to the WPA within 48 hours of their occurrence, the waste transfer facility shall only be operated in accordance with the following hours:
- Processing internally within the waste transfer building and HGV bulker movements: 24hours (Monday to Sunday)
 - Delivery and collection of glass: 0700-1900 hours (Monday to Sunday)
 - Operation of odour control fan operation: 0500 to 2200 hours (Monday to Sunday)
 - HGV bulker movements arriving and exiting the site at a maximum rate of two HGV trips per hour (four movements) during the 22:00 hours to 06:00 hours period (Loading and unloading of these HGVs shall only take place within the Waste Transfer Building), with no other external activities during this time period.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby residential properties in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

20. Noise levels from the site will not exceed the background noise level (L90) at any nearby receptor when assessed in accordance with BS4142:2014. The noise level will include any penalties as required in BS4142.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

21. In the event of a justifiable noise complaint received by the WPA, the applicant shall conduct a noise survey to determine compliance with Condition 18 above. In the event the noise level is exceeded the applicant shall submit a scheme of noise mitigation for approval to the WPA within 30 days. Once approved the applicant shall install any agreed mitigation within a further 30 days and carry out a further noise assessment within 7 days of its installation to confirm noise levels comply with Condition 18. The additional noise mitigation measures shall thereafter be maintained for the life of the development.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

22. Vehicles under the operator's control shall be fitted with broadband type (white noise) reversing alarms

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

23. The waste transfer building shall be constructed using materials with the following acoustic properties:

- a. Building roof and walls min composite $R_w=24\text{dB}$.
- b. Doors formed by standard electric roller shutter doors having a minimum $R_w=12\text{dB}$.
- c. Odour control fan to be acoustically enclosed or clad to reduce noise levels to a level not exceeding 78dB(A) @ 1m.
- d. Fan stack to be fitted with an attenuator (installed just prior to the stack) to reduce the noise at the end of stack to a level not exceeding 75dB(A) @ 1m.

Reason: To minimise noise impacts arising from the operation of the site, and to protect the amenity of nearby occupiers in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Odour

24. Measures shall be employed to ensure that waste transfer operations associated with the development hereby permitted do not give rise to any malodours. Such measures must include but not necessarily be limited to the following:

- a. All residual and RDF unloading, processing, storage and loading shall be undertaken within the waste transfer building only and at no time from the open areas of the site.
- b. The fitment, use and regular maintenance of fast acting rapid-rise doors to the frontage (eastern elevation) of the waste transfer building. The doors shall remain shut at all times except to allow the passage of waste delivery/collection vehicles into/out of the building for unloading and plant working within the building to enter and leave. For the avoidance of doubt the doors shall be shut at all times during waste vehicle loading/unloading operations.
- c. The air filtration system shall be installed prior to the commencement of the RDF shredding/manufacturing activities or the importation of source segregated food waste in accordance with the specification set out within paragraph 6.15 of the original planning supporting statement (Planning and Waste Statement dated March 2021). Thereafter, the air filtration system shall be operated between 05:00 – 22:00 hours each day during periods when RDF or source segregated food waste is manufactured or stored

within the building to ensure the waste transfer building is maintained under negative air pressure, providing 2.5 air changes per hour.

- d. During the night-time period (22:00 – 05:00 hours) when the facility is being used for the storage of either RDF or source segregated food waste the attenuated air inlet louvres shall be closed to prevent the escape of odours from the building.
- e. Residual waste and RDF shall be regularly rotated within the waste transfer building and shall be removed as soon as possible and in all events, within 72 hours of its receipt at the site.
- f. The regular cleaning of all areas within the waste transfer building.
- g. The use of masking agents where necessary to neutralise any malodours.
- h. External storage shall be strictly limited to glass, green, inert and road sweepings within the designated bays detailed on Drawing No. VES_TD_COLW_200_000 Rev. D: Proposed Site General Arrangement Plan – Colwick WTS/Depot received by the WPA on 31st August 2021 and no other external areas within the site.
- i. The use of odour abatement sprays within the road sweeping storage area when required.
- j. No vehicles loaded with waste materials shall be parked outside the waste transfer building overnight.
- k. All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

In the event that these measures prove inadequate, then within one week of a written request from the WPA, details of additional steps or measures to be taken in order to prevent the release of odours from the site which shall include a re-assessment of the need to install the odour filtration plant to manage odour releases, shall be submitted to the WPA for its approval in writing. The additional measures shall be implemented in accordance with the approved details within the timeframes specified and thereafter maintained for the life of the development.

Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Litter and Dust

25. Measures shall be employed to ensure that litter and dust generated within the site during the operational phase are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
 - a. The use as appropriate of a dust suppression system throughout all working areas;
 - b. The storage of waste materials within dedicated storage bays/areas inside the waste transfer building;

- c. The use as appropriate of water bowsers and/or spray systems to dampen the vehicle circulation and manoeuvring areas;
- d. The regular sweeping and cleaning of all internal and external hard surfaces;
- e. Ensuring that the fast acting rapid-rise doors are maintained in good operational order at all times;
- f. The sheeting of all unenclosed waste carrying vehicles accessing and leaving the site.

Reason: To minimise disturbance from windblown litter and dust in accordance with Policy W3.8 and Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

26. The perimeter fencing shall be erected in accordance with the approved details prior to the site first receiving waste and thereafter be maintained in a secure condition during the operational life of the site.

Reason: To minimise disturbance from windblown litter in accordance with Policy W3.8 of the Nottinghamshire Waste Local Plan, and to ensure satisfactory enclosure of the site.

Vermin

27. Measures shall be employed to ensure that vermin is controlled at the site. In the event that these measures prove unsuccessful, then upon the written request of the WPA the applicant shall, within 7 days of such a request, submit for approval in writing an action plan specifying the steps proposed to control vermin. The vermin action plan shall thereafter be implemented immediately in accordance with the approved measures and maintained for the life of the development.

Reason: To ensure satisfactory environmental management at the site.

Floodlighting

28. The development hereby permitted shall not be brought into use until external lighting and floodlighting units on the site have been installed in accordance with details previously submitted to and approved in writing by the WPA. The details shall confirm that all external lighting required in connection with the operations hereby permitted shall:
 - a. Be angled downwards into the site and suitably shielded so as to minimise light pollution, spillage and glare onto adjoining land;
 - b. Not cause a nuisance to adjacent land users, sensitive habitats and users of the highway.

The floodlighting shall be installed and maintained in accordance with the approved details.

Reason: To protect the amenity of surrounding land and property.

Flood Management

29. The development shall be carried out in accordance with the submitted flood risk assessment (ref PRC-BWB-ZZ-XX-RP-YE-0001_FRA, revision P03, dated 14/07/21 and compiled by BWB Consulting) and the following mitigation measures it details:
- a. Finished floor levels for the proposed office building shall be set no lower than 500mm above existing levels, as detailed within section 4.3;
 - b. Flood resilient design and construction methods, as detailed within sections 4.5 to 4.7;
 - c. The implementation of flood contingency plan and evacuation procedures, as detailed within sections 4.8 – 4.13.

These mitigation measures shall be fully implemented prior to occupation in accordance with the scheme's timing/phasing arrangements and thereafter retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Closure of the Site

30. In the event that the use of the site for the importation of waste shall cease for a period in excess of seven days then, within seven days of a written request from the WPA, the site shall be cleared of all stored waste and recycled materials.

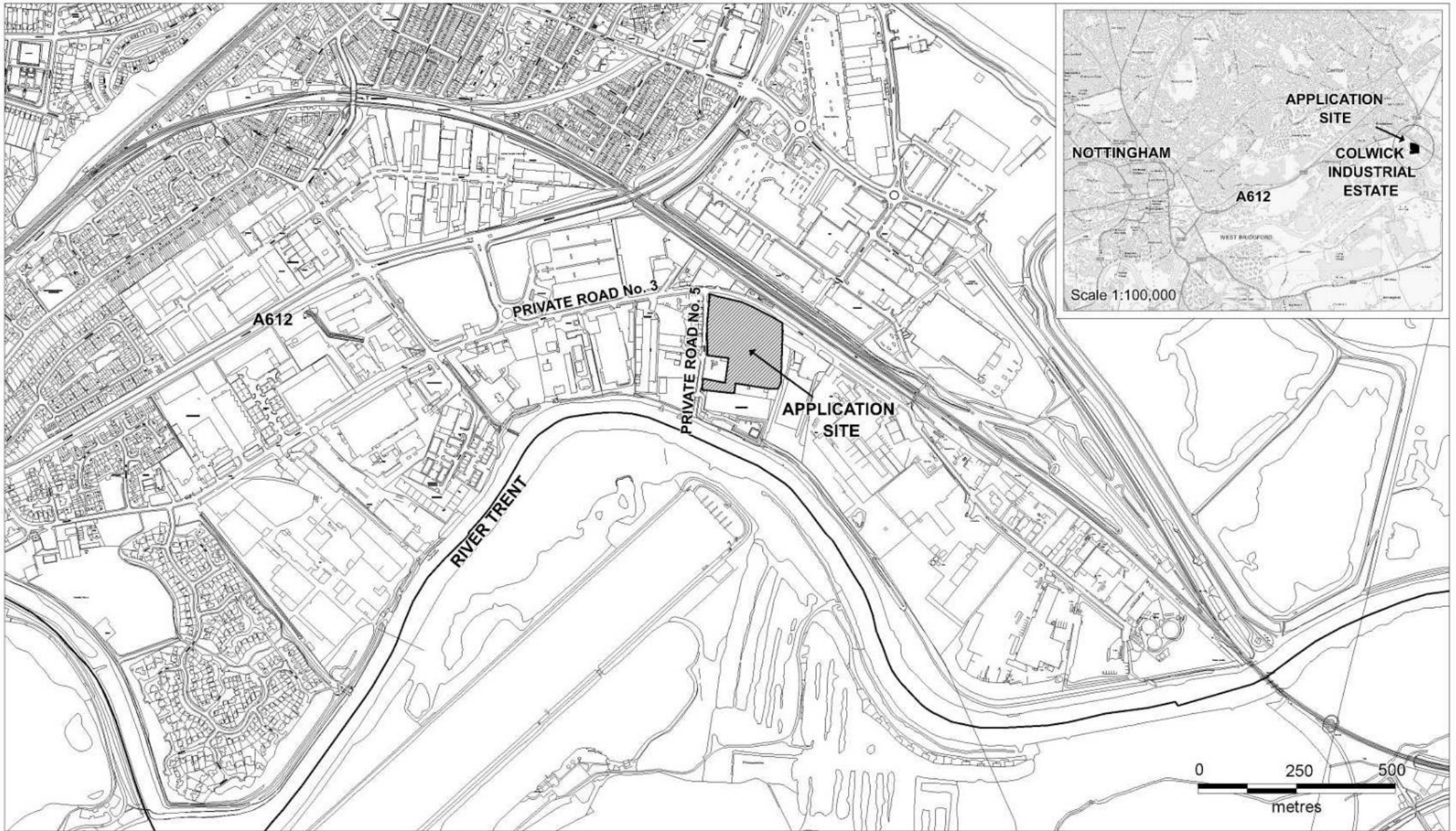
Reason: To minimise potential nuisance from odour in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

Informatives/notes to applicants

1. The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

2. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at www.stwater.co.uk or by contacting Severn Trent Water New Connections Team (01332 683369). Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
3. The Environment Agency advises that all building work should be in compliance with best working practices and in particular Government guidance on 'Construction, inspection and maintenance' www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance. You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out pollution prevention visits. Please contact EastMidWaterQuality@environment-agency.gov.uk for further information and advice.
4. Western Power Distribution has Network within this site. Any excavations or works to be conducted within proximity to Western Power apparatus must be undertaken in accordance with Western Power guidance documents HSG47 and GS6.
5. Carlton Footpath 22 runs to the north of the application site. NCC Rights of Way team advise that:
 - The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
 - Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
 - There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
 - The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
 - If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
 - If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.

- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
- Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.
<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoardingand-advertising-boards>
- If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottscc.gov.uk
- If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit.
<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic

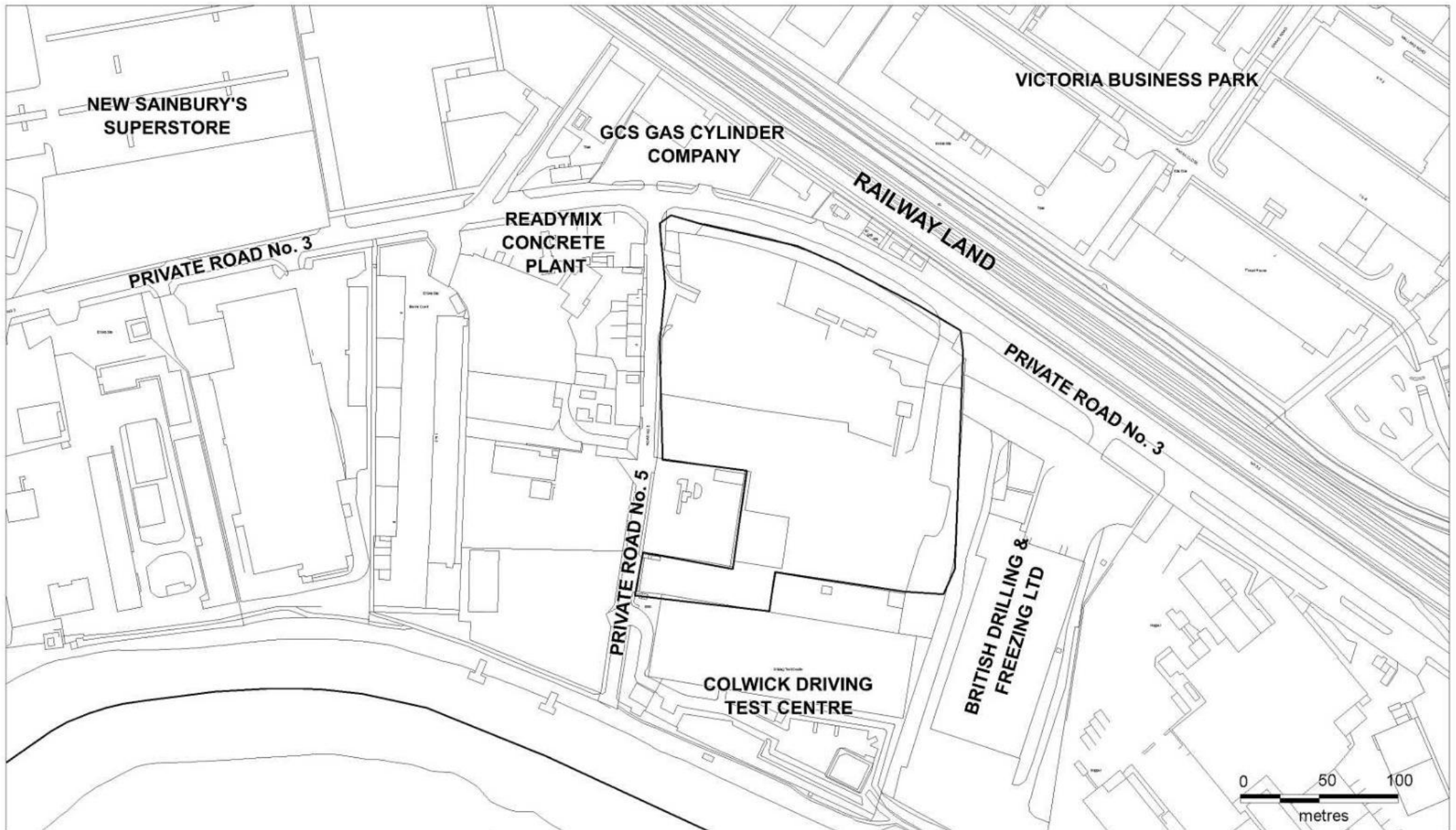


Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.
 Land off Private Road No.3, Colwick Industrial Estate, Nottingham, Colwick, Nottinghamshire.
 Planning Application No. 7/2022/1066NCC

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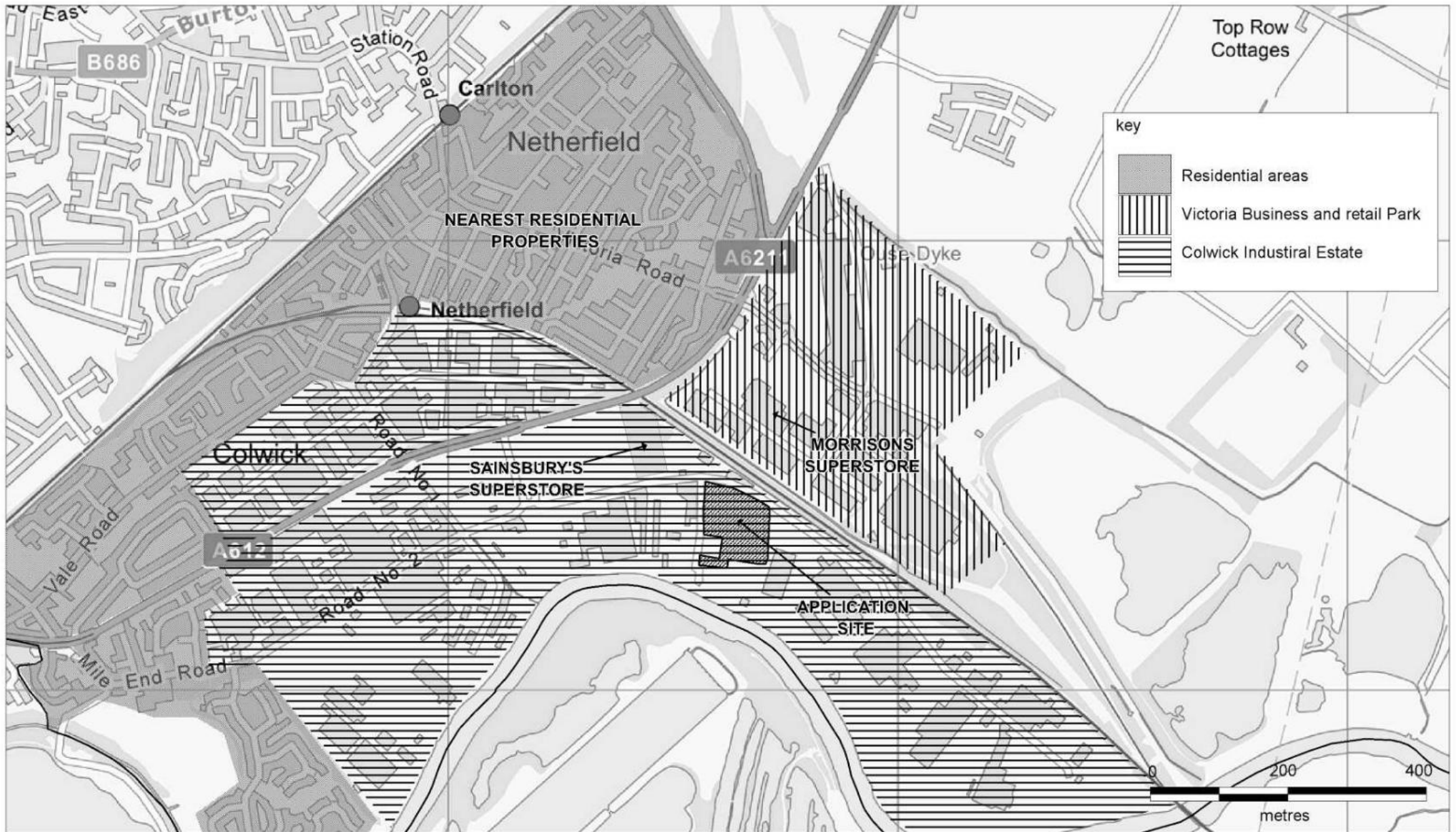


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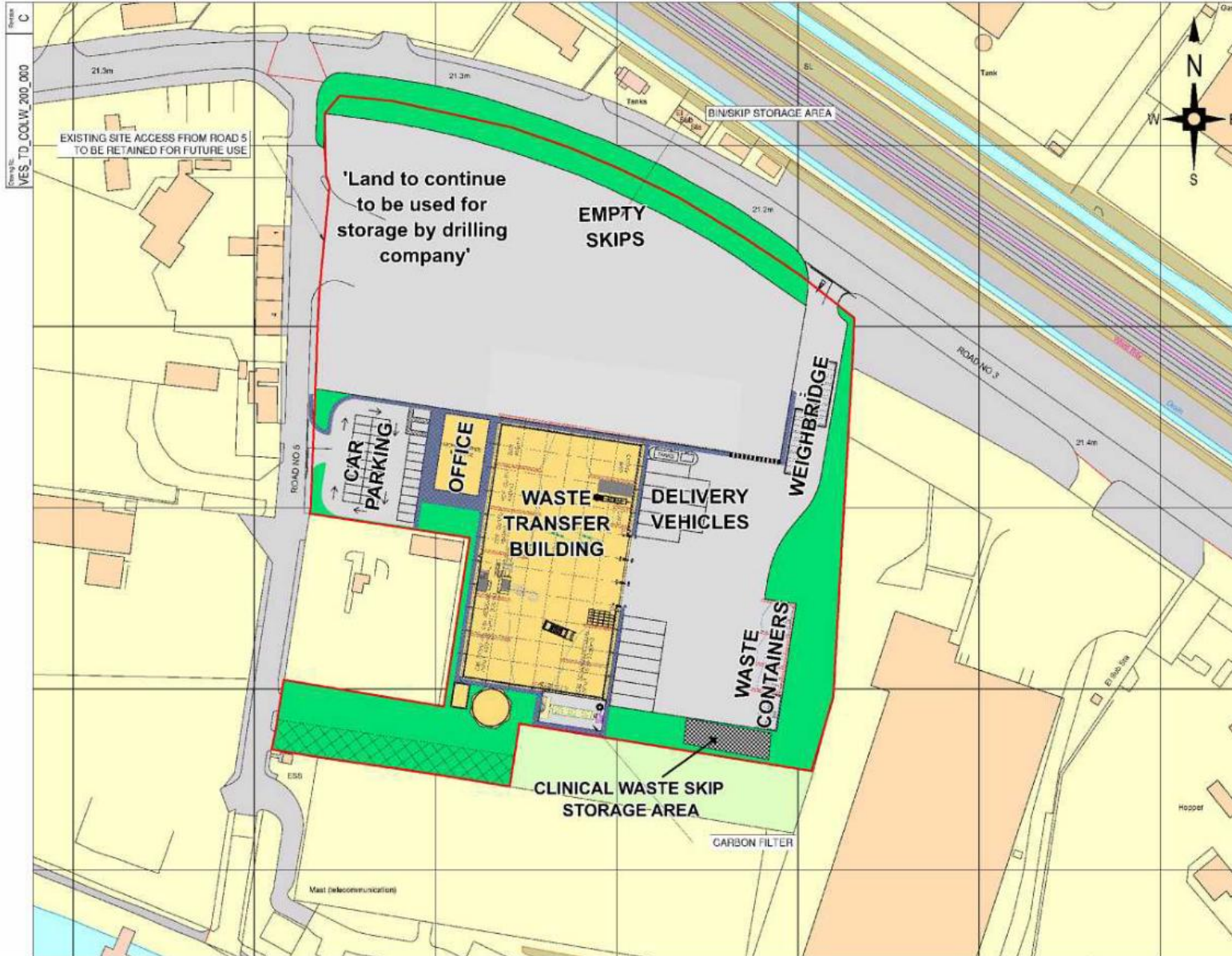


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SITE BOUNDARY —

REV	DESCRIPTION	DATE
C	CARBON FILTER ADDED	19.03.24
B	BAYS MOVED	05.10.20
A	SITE UPDATED	21.10.19

VEOLIA
 Technical Director,
 8th Floor, 210 Pentonville Road, London, N1 9JF
 Tel: 0207 812 5185

COLWICK WTS/DEPOT

PROPOSED SITE GENERAL ARRANGEMENT

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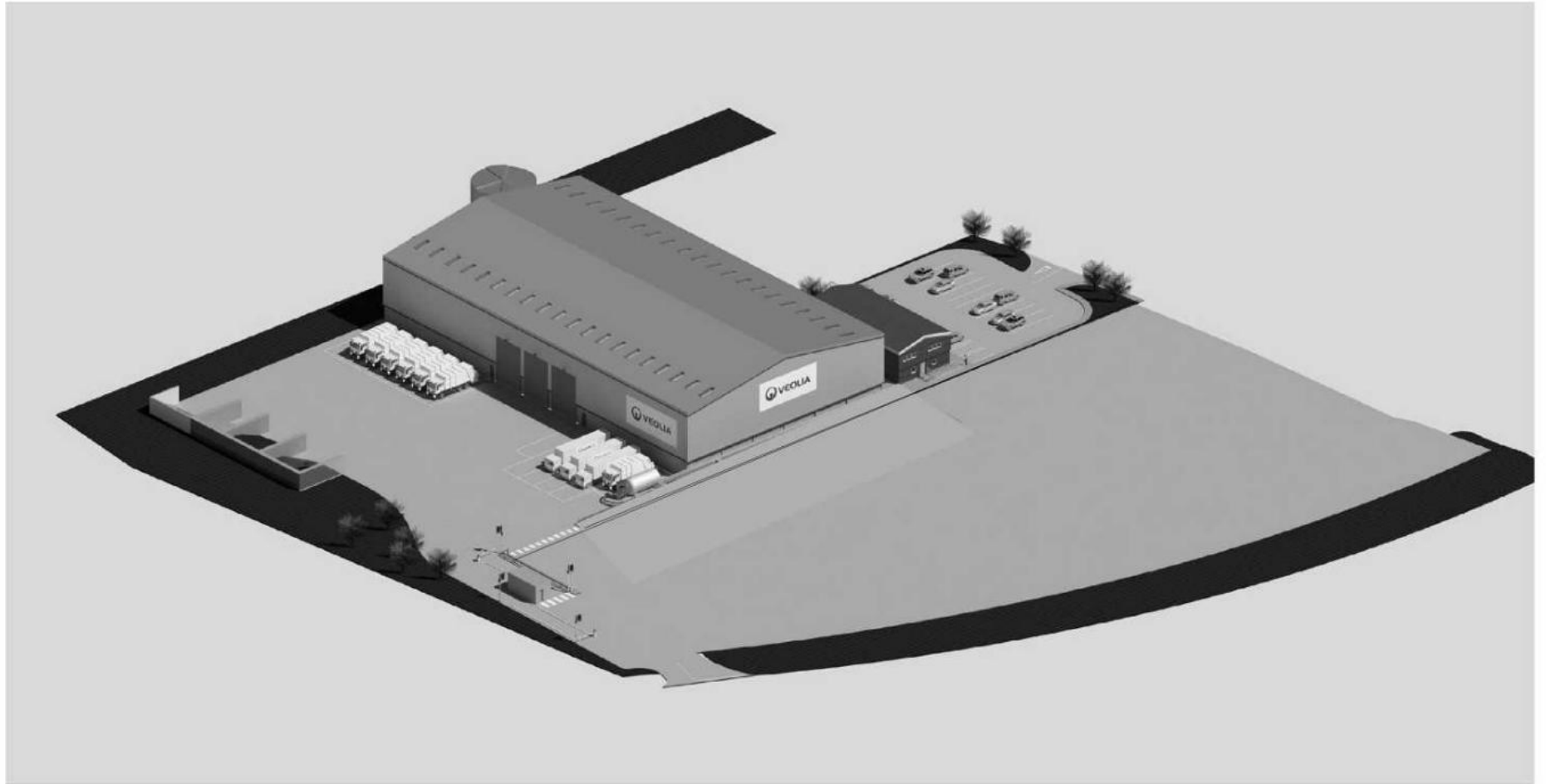
Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.
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PLAN 4



**Nottinghamshire
County Council**

Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings and wood, an area for the storage of bin skips, perimeter fencing, fuel tank and associated works.

Land off Private Road No3, Colwick Industrial Estate, Nottingham, Colwick, Nottinghamshire.

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Planning Application No. 7/2022/1066NCC



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PLAN 5

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13 December 2022

Agenda Item 6

REPORT OF CORPORATE DIRECTOR - PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

Purpose of the report

1. To report on planning applications received by the Development Management Team between 14 October 2022 and 25 November 2022, to confirm the decisions made on planning applications since the last report to Members on 1 November 2022, and to detail applications likely to come before Committee in the coming months.

Background

2. Appendix 1 highlights applications received since the last Committee meeting, and those determined in the same period. Appendix 2 sets out the Committee's work programme for forthcoming meetings of Planning and Rights of Way Committee and Members are asked to give consideration to the need for any site visits they consider would be beneficial on any application scheduled to be reported to committee in the near future.

Statutory and Policy Implications

3. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
4. 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 are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

- 1) That Committee considers whether there are any actions they require in relation to the contents of the report.

Derek Higton

Interim Corporate Director - Place

Constitutional Comments – (JL 29/11/2022)

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report.

Financial Comments – (SES 29/11/20)

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

Background Papers Available for Inspection

- None

Electoral Division(s) and Member(s) Affected

- All

For any enquiries about this report please contact:

Report Author / Case Officer
Rebecca Kirkland
0115 9932584

Planning Applications Received and Determined

From 14th October 2022 – 25th November 2022

Division	Member	Received	Determined
BASSETLAW			
Tuxford	Cllr John Ogle		Construction of an underground foul water rising main at Land to the west of Cottam Power Station. GRANTED on 24/11/2022.
MANSFIELD			
Warsop	Cllr Bethan Eddy		Planning application to retain existing temporary classrooms for 5 years, at Church Vale Primary School. GRANTED on 11/11/2022.
NEWARK & SHERWOOD			
Newark East	Cllr Sam Smith		Planning application to retain existing temporary classrooms for 5 years at Chuter Ede Horticultural Unit. GRANTED on 11/11/2022.
Sherwood Forest	Cllr Scott Carlton		Construction of silage clamp extension at Rainworth Energy Ltd. GRANTED on 14/11/2022.
Muskham and Farnsfield	Cllr Bruce Laughton		Planning application to retain the existing wellsite for a temporary extended period, at Whip Ridding Farm Wellsite. GRANTED on 19/10/2022.

Division	Member	Received	Determined
ASHFIELD			
Sutton Central and East	Cllr Samantha Deakin	Installation of a 3.8MW solar array together with temporary site access and construction compound at To Oaks Quarry. Validated on 11/11/2022.	
Selston	Cllr David Martin		Planning application to retain existing temporary classrooms for 5 years, at Jacksdale Primary School. GRANTED on 10/11/2022.
Sutton Central and East	Cllr Samantha Deakin		Change of use existing pastureland north of The Mill Adventure Base to outdoor sports recreation usage. Installation of aerial recreational course equipment. Construction of amenity building and associated hard and soft landscaping, at the Mill Adventure Base. GRANTED on 19/10/2022.
Sutton North	Cllr Helen-Ann Smith		Change of use from a residential dwelling to a small (2-bed) home for children in the care of the local authority, at 1 Saville Road, Skegby. GRANTED on 26/10/2022.
GEDLING – NONE			

Division	Member	Received	Determined
RUSHCLIFFE – NONE			

Schedule of future planning applications to be reported to Planning and Rights of Way Committee

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

Target Committee	Planning App No.	Location	Development	Current Progress
17 th January 2023	4/V/2022/0678	Bentinck Colliery Tip, Park Lane, Kirkby in Ashfield, Nottingham	Extension to the duration of importation and grading/reclamation works to 7 March 2024 to allow for the scheme to be completed in line with the approved plans (variation of condition 3 of permission 4/V/2012/0096)	Consultation completed and report is being prepared for committee.
17 th January 2023	3/22/01790/CMA	Ness Farm and Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	Proposed southern extension to the quarry for the extraction of approximately 550,000 tonnes of sand and gravel with restoration to agriculture and nature conservation	The planning application consultation responses are currently being received and assessed.
17 th January 2023	3/22/01788/CMA	Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	To allow for amendments to the working scheme and restoration plan, to facilitate working a southern extension at Ness Farm	The planning application consultation responses are currently being received and assessed.
17 th January 2023	3/22/01787/CMA	Cromwell Quarry, The Great North Road, Cromwell, Nottinghamshire, NG23 6JE	To allow an update to the method of working plans and the retention and use of the plant site, access, haul road and silt lagoons in order to work a proposed extension at Ness Farm	The planning application consultation responses are currently being received and assessed.
28 th February 2023	7/2022/0752NCC	Calverton (Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	Variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043	The applicant has been requested to make modifications to the restoration scheme and also submit updated biodiversity calculations. Report to be brought to committee once this has been received and consulted upon.
28 th	7/2022/0751NCC	Calverton	Variation of condition 2 of	The determination of this planning application

February 2023		(Burntstump) Quarry, Ollerton Road, Arnold, NG5 8PR	permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042	is linked to 7/2022/0752/NCC (above) and will be determined at the same planning committee.
28 th February 2023	1/22/00867/CDM	Misson Quarry, Bawtry Road, Misson	Proposed western extension to existing Misson Grey Sand Quarry incorporating modifications to previously approved restoration schemes referenced 1/15/01574/CDM and 1/32/11/00020	A number of ecological matters have been raised which will require the submission of further information and subsequent re-consultation.
28 th February 2023	1/22/00865/CDM	Misson Quarry, Bawtry Road, Misson	The application seeks approval to amend the approved restoration scheme that relates to approval 1/32/11/00020. The amended scheme will allow the implementation of the proposed western extension	The implementation of this planning application is linked to 3/22/00059/CMM for the western extension of the quarry and therefore will be determined at the same time as the proposed quarry extension development.
28 th February 2023	1/22/00864/CDM	Misson Quarry, Bawtry Road, Misson	The application seeks approval to amend the approved restoration scheme that relates to approval 1/15/01574/CDM. The amended scheme will allow the implementation of the proposed western extension.	The implementation of this planning application is linked to 3/22/00059/CMM for the western extension of the quarry and therefore will be determined at the same time as the proposed quarry extension development.
28 th February 2023	4/V/2022/0643	Parts Emporium Ltd, Sidings Road, Kirkby in Ashfield, Nottinghamshire, NG17 7JZ	Part Retrospective change of use of land and buildings for the acceptance, storage and treatment of end-of-life vehicles including ancillary storage of salvaged parts	Further noise information and ground remediation is being sought from the applicant.
28 th February 2023	3/22/00059/CMM	Land south of Church Street, Southwell, Nottinghamshire, NG25 0HG	Flood alleviation works including construction of an earth bund, flow control structure, and related groundworks, landscape planting, boundary works including fencing, and ancillary operations.	Revisions to scheme have been requested in relation to preparation and submission of additional flood risk assessments, maintaining pedestrian access over the flood defences, and further advice being sought on detailed heritage considerations, with further

Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.

Planning Application: 8/22/01279/CMA
 Location: John Brookes Sawmill, off the A46, Nr Widmerpool. NG12 5PS
 Proposal: Southern extension to the waste wood and green waste storage yard (part retrospective)
 Current Progress: Drainage, surfacing and the magnitude of dust emissions from the extended operational site are issues arising and have previously been raised with the agent with no reply. It is now understood the agent is no longer acting for this applicant. This will be discussed further direct with the applicant and Officers may utilise delegated powers to refuse if matters are not resolved.

Planning Application: 3/19/00100/CMM
 Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
 Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.
 Current Progress: A request for the submission of supplementary environmental information was made under Reg. 25 of the EIA Regs in May 2019. This request for information covered air quality, transport, access, quarry dewatering, floodlighting, landscaping, ecology, noise, protection of River Trent, contaminated land and archaeology. The planning application raises key planning issues in respect of need and mineral supply within Nottingham. The applicant initially delayed their response to the Reg 25 request to allow decisions to be made regarding site allocations as part of the review/examination of the Replacement Minerals Local Plan. The Cromwell North site has not been allocated as part of this process. Officers have recently met with the applicant who has confirmed that they are now in the process of compiling the additional information that has been requested with a view to submitting this information over the next couple of months and progressing the planning application for determination.

Planning Application: 1/20/00544/CDM
 Location: Daneshill Landfill Site, Daneshill Road, Lound, DN22 8RB
 Proposal: Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations
 Current Progress: The Environment Agency has recently decided to issue an Environmental Permit which does not allow for the processing of soils containing asbestos at the site. The applicant is currently considering their options and whether to proceed with a revised proposal.

Planning Application: 3/20/01244/FULR3N
 Location: British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL
 Proposal: Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to

construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.

Current Progress:

A supplementary flood risk assessment has been requested from the applicant. British Sugar are currently considering the scope of information required to provide their flood risk response.