

RECOMMENDED PLANNING CONDITIONS

Scope of the permission and approved plans

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

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

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

- (a) the commencement of the development hereby permitted;
- (b) The commencement of waste importation onto the site.

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

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:

- (a) Dwg RG-M-01 'Location Plan', dated 13/02/2020 and received by the WPA on 06/04/2020;
- (b) Dwg 3982-CAU-XX-XX-DR-1805, 'Proposed Layout Plan' Rev P2 dated 24/03/2020 and received by the WPA on 06/04/2020;
- (c) 'Site Entrance Plan', received by the WPA on 06/04/2020;
- (d) Dwg 3982-CAU-XX-XX-DR-C-1806, 'Sections Drawing', dated 05/02/2020 and received by the WPA on the 06/04/2020.

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

4. This permission shall be for a limited period only, expiring 10 years from the date of commencement as required to be notified under condition 2a at which point the use shall cease. The site shall be cleared of all waste soils/materials, buildings and equipment and engineered pads and associated infrastructure within 3 months of the 10 year cessation date in preparation for its restoration pursuant to condition 34.

Reason: To reflect the proposal and to ensure that upon cessation the site is available for restoration as part of the comprehensive restoration strategy.

Ecology and habitats

5. No site clearance or construction shall take place until a Precautionary Method of Works in relation to protecting any reptiles which might be present on site, has been submitted to and approved in writing by the WPA. The approved methods shall be followed in undertaking the development.

Reason: To minimise the impact of the proposal on reptiles and other wildlife.

6. Operations that involve the removal and destruction of vegetation, including any removal of scrub, shall not be undertaken during the months of March to August inclusive except with the prior written approval of the WPA which shall only follow the submission of a report to the WPA confirming that the vegetation to be removed has been checked for nesting birds by a suitably qualified ecologist and that any necessary mitigation measures to protect active nests have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed following the WPA's approval in writing.

Reason: To avoid disturbance to breeding birds and to accord with the Wildlife and Countryside Act 1981 as amended.

7. Measures shall be employed to protect any mammals which may stray into working areas, including the covering off of any deep excavations, or provision of ramps, and the capping of open pipes over 200mm in diameter at the end of the working day.

Reason: To minimise the impact of the proposal on other wildlife.

8. Details including operating hours and specific location(s) of any external lighting proposed around the site shall be submitted to and approved in writing by the WPA prior to its installation/use. The lighting details shall be designed to be bat friendly in accordance with The Institute of Lighting Professionals (2018) Guidance Note 08/18 – Bats and artificial lighting in the UK. The external lighting shall thereafter be installed and maintained for the life of the development in accordance with the approved details unless any variation is subsequently agreed in writing by the WPA.

Reason: To minimise the impact of the proposal on bats and other wildlife.

9. Within 3 months following the date of commencement as notified under condition 2a, a Habitat Management Plan to control the natural succession of the remaining area of materials recycling area to the east of the soil treatment facility shall be submitted to the WPA for its approval in writing. The details shall include a means of demarking this area from the Soil Treatment Facility. The Management Plan, as approved, shall be implemented for the life of the development as permitted.

Reason: To provide appropriate habitat management and to mitigate for the removal of Open Mosaic Habitat on the site and in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Community liaison

10. Within 3 months following the date of commencement as notified under condition 2a, a scheme for the establishment of a local liaison forum, including its terms of membership and reference shall be submitted to the WPA for its approval in writing. The scheme shall operate in accordance with the approved terms for the life of the development.

Reason: To establish a forum through which operational concerns and issues can be addressed and to enable sharing of monitoring information with the local community, in the interests of transparency and to provide local reassurance.

Drainage

11. No importation of waste/soils shall take place until a detailed scheme for the management of all foul, surface and process waters has been submitted to and approved in writing by the WPA. The scheme shall ensure there will be no discharge of any foul or surface or process waters from the site into either groundwater or any surface waters, whether directly or indirectly and it shall be supported with appropriate evidence to justify the level of surface water collection capacity, taking account of peak rainfall events, and shall include details for its regular inspection and management which would be carried out, and any emergency response procedures. The drainage works and maintenance provisions shall be fully implemented in accordance with the approved details prior to the receipt of waste at the facility and shall thereafter be maintained for the life of the development.

Reason: To ensure satisfactory drainage of the site so to protect surface and groundwater quality in the area from possible pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Unexpected contamination

12. If, during development (including any groundworks and any restoration works), contamination not previously identified is found to be present at the site then no further development or works shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the WPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Waste acceptance and storage controls

13. Prior to the site first importing waste soils, a soils reception area with a sealed containment area shall be provided on site, details of which shall first be submitted to the WPA for its written approval.

Reason: Further details are required as to the location and form of the soils reception area and in the interests of protecting ground and surface waters from pollution in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

14. Prior to acceptance at the site all waste materials shall be assessed in accordance with the Provectus 'STF – FO02- Soil Reception Procedure' (Dust Management Plan Appendix 2) to ensure that only materials which can be treated at the site are accepted and that imported materials do not give rise to airborne asbestos or odour nuisance off the site.

Reason: To reflect the proposal and to ensure that impacts arising from the operation of the site do not cause unacceptable environmental or amenity impacts in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

15. All delivered waste soils which may potentially contain asbestos materials shall be securely stored in the soils reception area and sheeted in accordance with the approved details until testing confirms it satisfies the waste acceptance criteria. Measures to control and monitor dust shall be applied.

Reason: To ensure that impacts arising from the operation of the site do not cause unacceptable environmental or amenity impacts in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

16. The storage and processing/treatment of waste soil materials shall only take place on the 'Biotreatment Screening and Processing Area' and the 'Screening and Processing Area' detailed on the Proposed Site Layout Plan Drawing No. 3982-CAU-XX-XX-DR-1805 received by the WPA on 6 April 2020.

Reason: To protect surface and groundwater quality in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

17. Asbestos waste fractions from the treatment of soils shall be double-bagged and stored in lockable sealed containers/skips until they can be safely removed from the site.

Reason: To protect surface and groundwater quality in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

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

Reason: To protect surface and groundwater quality in the area in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Use of post-treated soils

19. All post-treated soils which are suitable for use in the restoration at Daneshill shall be retained for final use within the wider landfill site (as denoted in blue on plan RG-M-01 – condition 3a), unless a specific request is made to and agreed in writing by the WPA.

A report shall be submitted to the WPA at least annually, or upon a written request from the WPA, detailing information on the quantities/volumes of; all soil materials accepted for treatment at the Soil Treatment Facility; those rejected during or after treatment (and why they were rejected); and those utilised for restoration works at the wider Daneshill site and which shall demonstrate ongoing progress towards completing the approved restoration of this site.

Reason: The development hereby permitted is supported on the basis that it will provide materials to expedite the beneficial and high standard of restoration of the wider site as required by the National Planning Policy for Waste.

Controls on site access and HGVs

20. The number of HGVs entering the recycling site to either deliver material for recycling or to enable treatment or to remove material which cannot be recycled at the facility and reused for restoration of the landfill site when combined with those entering the landfill site shall not exceed 160 in total each day.

Records shall be maintained of the number of heavy goods vehicle movements into both the recycling facility and the landfill on a daily basis and shall be made available within seven days upon written request from the WPA. All such records shall be kept for at least 18 months.

Reason: To ensure there would be no overall increase in site traffic, as proposed, and in the interests of residential amenity and Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

21. All drivers of HGVs accessing and leaving the site in association with the development hereby permitted shall be advised to use the established lorry route to and from the site (Daneshill Road-A638 Great North Road and vice versa) including as part of any contract with third parties for delivering or taking away materials to/from the site.

Reason: To ensure drivers of associated HGVs are made aware in advance of the established route to/from the A-Road network, in the interests of safeguarding the amenity of local communities in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

22. All vehicles carrying waste soils to the treatment facility or removing materials which cannot be treated and recycled for use on the landfill site shall be fully sheeted or contained.

Reason: To prevent dust and material being deposited on the highway and in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

23. Signs shall be erected or maintained in place at each end of the access road warning pedestrians of its use by HGVs and warning drivers of the possible use by pedestrians. These shall be kept in place and maintained for the life of the development hereby permitted.

Reason: To ensure the safety of any users of the public footpath which is concurrent along the length of the landfill access road.

Control of mud/dirt

24. Measures shall be employed to ensure that no vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway. These shall include, but be not limited to:
- (a) The inspection of vehicles leaving the site and the provision at all times of wheel cleaning facilities serving the development hereby permitted and where necessary its use by vehicles before exiting the landfill site access road;
 - (b) The regular inspection, and sweeping/cleaning of the landfill access road and the adjacent public highway as and when required.

Reason: In the interests of controlling mud and dirt and in the interests of highway safety.

Operating hours

25. Except in emergencies to maintain safety at the site (which shall be notified to the WPA in writing within 48 hours of their occurrence), and with the exception of the air blower equipment (which is permitted to run at all times), the site shall only be operated in accordance with the time periods specified below:

07.30 to 18.00hrs on Mondays to Fridays and

07.30 to 13.00hrs on Saturdays.

Outside of these hours including Sundays, Public or Bank Holidays, the site shall be closed for the receipt, movement and transfer of waste and operation of any associated mobile plant.

Reason: In the interests of residential and local amenity and in accordance with policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Noise controls

26. The rating level of the noise emitted from the site shall not at any time exceed the existing background noise level during the daytime by more than 5dB (including any applicable penalties) and shall not exceed the background (including any applicable penalties) during the night time, when measured within the curtilage of any nearby receptor and when assessed in accordance with BS4142 – *Methods for rating and assessing industrial and commercial sound*.

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

27. In the event of a noise complaint being received by the WPA regarding the development hereby permitted which, in the considered opinion of the WPA may be justified, the operator shall, within one month of a written request from the WPA, undertake a BS4142 noise survey to determine if the noise level detailed in Condition 26 above is being breached and submit the survey results in a report to the WPA for its approval in writing . In the event of the noise survey indicating that the noise criterion detailed in Condition 26 above is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and a further survey undertaken to confirm their effectiveness and thereafter maintained for the life of the development.

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

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

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

29. The blower unit shall be mounted in an acoustic enclosure and noise levels from this when measured at a distance of 1m shall not exceed 80dB(A). The acoustic enclosure shall remain in place at all times the blower is operational.

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

Air emissions

30. Measures shall be taken to control malodours during the construction and operation of the development in accordance with the Odour Management Plan (ref. 3982-CAU-XX-XX-RP-V-0308.A0.C1) dated January 2020 and received by the WPA on 06/04/2020.

Reason: To minimise potential malodour and its associated impacts to local amenity in accordance with policies W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

31. Best practicable means shall be employed to ensure that dust emissions are minimised during the construction and ongoing operation of the development as detailed in the Dust Management Plan (Ref.3982-CAU-XX-XX-RP-V-0307.A0-C1) dated January 2020 and received by the WPA on 06/04/2020.

Reason: To ensure that airborne dust emissions are appropriately controlled in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

32. Airborne concentrations of asbestos fibres shall not at any time during the life of the development hereby approved exceed background concentrations as measured at source on the site. Background air sampling results shall be undertaken prior to any waste being first admitted to the facility and regular monitoring shall be undertaken to demonstrate no exceedance during the life of the treatment facility.

Results of the monitoring shall be made available to the WPA upon a written request and shall be available for the community liaison forum to be established pursuant to condition 10.

Reason: In the interests of demonstrating ongoing compliance with policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy and to address local anxiety in relation to airborne emissions.

Closure and site restoration

33. In the event that the use of the site for the development hereby permitted ceases for a period in excess of nine months then the site shall be cleared of all stored waste and recycled materials within three months or within the timeframes as may be specified within a written request from the WPA.

Reason: To ensure that upon cessation the site is available for restoration as part of a comprehensive restoration strategy.

34. The site shall be restored in accordance with the provisions of the restoration conditions imposed on Planning Permission Ref 1/29/11/00010, namely conditions 21 to 40, or the restoration conditions within any subsequent permission which may be granted in relation the restoration of the wider landfill site.

Reason: To ensure a comprehensive and high-quality restoration is achieved for the wider landfill facility in accordance with the National Planning Policy for Waste.

Informatives/notes to applicants

- (1) The Environment Agency advises that the landfill permit NP3538MF allows landfill and treatment of leachate activities only, therefore this development will require a permit under the Environmental Permitting Regulations (England and Wales) 2016.
- (2) The Environment Agency also advises that the operator must ensure and satisfy themselves that if the soils are to be used for landfill or restoration purposes then the soils must be and are treated to a point that the soil is actually non-hazardous and that the soil satisfies (or meets) the specifications as required in any restoration plan.
- (3) Whilst it is noted that the development will require an Environmental Permit in order to operate, through which detailed operational controls would be established, your attention is drawn to the comments from the County Council's appointed contaminated land officer in relation to establishing a robust and ongoing monitoring programme and in relation to the need for strict control and use of the air mist suppressant. A copy of these comments has been previously provided and is available on the planning record.