



**10 March 2020**

**Agenda Item: 5**

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

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/19/01888/CMW**

**PROPOSAL: CHANGE OF USE TO WASTE TRANSFER AND TREATMENT STATION, PRINCIPALLY FOR THE RECYCLING OF ROAD PLANINGS INCLUDING TAR ALONG WITH GARAGE AND PLANT MAINTENANCE WORKSHOPS AND STORAGE FACILITIES**

**LOCATION: UNITS 91-94 AND COMPOUND, BOUGHTON INDUSTRIAL ESTATE, BOUGHTON, NG22 9LD**

**APPLICANT: JORDAN ROAD SURFACING LIMITED**

### **Purpose of Report**

1. To consider a planning application for the change of use of units 91 to 94 Boughton Industrial Estate in order to undertake waste transfer and recycling operations (principally road planings), alongside garaging, workshops and other facilities for Jordan Road Surfacing Ltd. The key issues relate to local traffic, noise and dust concerns. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

2. The site comprises vacant commercial premises within Boughton Industrial Estate North, sometimes known as 'Boughton Camp' situated on the north side of the A6075 between Ollerton, Boughton and Kirton. The location and surroundings are shown on plan 1.
3. The closest parts of Boughton lie circa 300m to the west, across a break of open farmland. The centre of Ollerton is 2km to the west. The industrial estate lies within Kirton Parish with the A6075 forming Main Street through the village 500m to the north east. There is a small cluster of properties before this at the junction of Station Road/Main Street and Cocking Hill. At the top of Kirton village, outside of Holy Trinity Church the road involves a sharp bend and incline as it then continues to Tuxford.
4. Boughton Industrial Estate North forms part of a wider industrial area which extends to the south of the road and includes a large distribution centre (Clipper Logistics) and several manufacturing firms. Kirton Brickworks (Forterra) and its associated clay quarry (which encompasses land to the east of Kirton village) is situated to the east from the A6075 up Cocking Hill.

5. The North industrial estate, covering around 26 hectares, is primarily made up of rows of large Nissen huts and open yards arranged along a linear internal private road network. The site was built as a depot for the US Army during the Second World War and the original buildings and infrastructure remain largely intact. The internal roads are linked by a further service road to a junction with the public highway on the A6075. This junction benefits from good dimensions and visibility and a 'ghost right turn' on entry. The estate is screened by surrounding trees and scrub, which are denoted as a Local Wildlife Site (Boughton Scrub LWS). This scrub also takes in some vacant parts of the site. A small watercourse (Boughton Dyke) passes along the western estate boundary. The site layout and the above features are shown on plan 2.
6. The application site itself is located between roads B and C at the south-western part of the estate. It totals circa 1.15ha and includes Units 91 to 94 which are a row of four Nissen huts and a large external concrete yard (0.9ha out of a total of 1.15ha). Sited within the yard is a further open-fronted steel frame building and also a small two-storey office block. The main gated entrance is on road C and secondary gate is on road B. The site is enclosed by a mixture of chain link fencing, of variable quality, and concrete block walling topped by razor wire. An area of the LWS scrubland lies against the southern boundary. Four other Nissen units do not form part of the application site and at this time appear to be largely unused or vacant.
7. There are a wide variety of neighbouring small business occupiers. Unit 130 to the north is occupied by a boat manufacturer. Units 95 and 96 on road B are occupied by various motor repair workshops and the site to the north is occupied by a transport/haulage company. There are also start-up units, and firms employed in building supplies, engineering, community recycling and hardware retail.

### **Planning history**

8. From around 2008 until mid-2019 the site was occupied by a waste wood recycling company (RM Wright), whose operations also included the four rear units No.s 87 to 90 which do not form part of the present application site and also a further open plot on the northern side of road B. The recycling of various grades of waste wood and green waste took place pursuant to planning permission 3/10/01533/CMA granted retrospectively by the Waste Planning Authority (WPA) in March 2011. The planning permission also included an element of inert construction and demolition waste, but this was a minor aspect and by-product of the main waste wood and green waste streams. Processing and stockpiling took place predominantly in the external yard, with up to two separate processing lines utilising various fixed or mobile shredders and trommels to create chippings for board manufactures, biomass, landscaping and animal bedding. Materials were stockpiled outside and also under cover within the buildings.
9. A planning application to vary certain conditions of that permission, primarily relating to the site layout and additional plant, was submitted to the WPA in 2014, but was subsequently withdrawn, due to concerns being raised in respect of fine wood dust being released and the inadequacy of the proposed mitigation/management plan as guided at the time by the Environment Agency.

10. The site was nonetheless permitted to operate under its extant planning permission and Environmental Permit, however the company ceased operating in mid-2019. Upon closure, all remaining waste and processed materials were removed, along with all plant and equipment, leaving the buildings, yard and perimeter fencing/walling. It is now vacant and awaiting a new use. Its current lawful planning status is therefore still 'Sui Generis' waste wood/green waste recycling, as opposed to a general industrial use class befitting much of the wider estate. A change of use from one 'Sui Generis' use to another as is now proposed requires planning permission.

### **Proposed Development**

11. Planning permission is now sought for the change of use of the site (to the extent as set out above) to a recycling facility, principally to process waste road planings and tar as well as associated civil engineering wastes such as brick, concrete and soils. A mobile cold mix plant would provide recycled product material for new surfacing projects. Also included are ancillary garaging/parking and plant maintenance areas and office accommodation (within existing buildings) to create a new and relocated company base for the applicant, Jordan Road Surfacing.

#### Need for the facility

12. The applicant company undertakes road surfacing and engineering projects for major public and private sector clients (including on behalf of Nottinghamshire County Council) and operates a fleet of mobile plant and associated haulage vehicles. The application states the company has over 20 years of experience and holds various industry memberships and business accreditation. The company is currently based in Newark and the application states that the company is growing to meet industry demand whilst also keeping abreast of technological advances. It has outgrown its current facility at Bowbridge Road and now requires a larger, 'strategically located' new site upon which to centralise activities and their employment base.
13. The Newark site however does not undertake recycling/processing and this is typically undertaken at individual contract sites. In clarifying what is meant by this centralisation, the applicant has stated that wherever possible such recycling is undertaken at the point of contract utilising its own mobile plant, thereby avoiding haulage and double handling. However, this is dependent on individual works programmes and there being space and time available in order to undertake this. It is sometimes not possible and recycling must then be undertaken elsewhere. It states that tightening regulatory/environmental controls are also seeking activities to be undertaken in authorised fixed sites where they can be subject to better governance, rather than on an ad-hoc site basis. The site is therefore envisaged to act complementary to the mobile work activities.
14. Further need/justification for the proposed site/operations are the ever-increasing pressure to reduce the use of primary aggregates and maximise recycling. There is a demand for aggregate materials in many developments and a planning and tax system which seeks to promote and incentivise resource conservation, sustainability, carbon reduction and energy efficiency. It is no

longer acceptable to waste aggregates through landfill disposal if it cannot be processed at the point of contract. The application also states that the new and emerging technologies would be employed at the proposed facility to enable road planings to be processed and reused/recovered to deliver new low-carbon road surfacing.

### Proposed arrangement and operations

15. The primary operation would be for the recycling of road planings undertaken by means of mobile processing plant on the external areas of the site. The facility would also handle other typical civil engineering wastes arising such as brick, concrete and soils. Up to 125,000 tonnes per annum (tpa) is stated as the proposed maximum site throughput and the recycled materials would provide feedstock for a cold mix asphalt plant.
16. It is proposed to utilise the existing site infrastructure and buildings. The application does not include any proposals for built development or alterations. The submitted plans include a layout plan showing two external stockpile and processing areas, either side of the central access. The right-hand side to the north-east would be used for material storage and screening (utilising a mobile screening plant) whilst the left-hand side to the south-west would be where material would be crushed (using a mobile crusher), along with the site for the cold mix plant (including bitumen tank). The adjacent open-fronted building would be used for additional materials storage. External stockpiles would be kept no higher than the existing buildings.
17. The central office block and weighbridge would be reused as such with an area for parking on the northern boundary. The row of four Nissen Huts would become workshop and storage space and for the maintenance of vehicles and plant. This layout is shown on plan 3 to this report.
18. The site would become the company base for circa 35 current employees and the company anticipates the new location will increase this by 5 or more over the initial years of operation.
19. The operations would make use of the existing hard surfacing and drainage systems. Surface water is currently handled via a soakaway, whilst a foul sewer connection is also in place. The applicant would further investigate the integrity of the systems as part of the requirements for obtaining an Environmental Permit. Sediment traps and oil interceptors would be installed. The site also retains its rainwater capture/storage facility which could be utilised for dust suppression.
20. Plant and equipment associated with the recycling facility include a front-loading shovel to move materials, a crusher, a screener, and a cold mix plant with its accompanying cement silo and bitumen tank. The mix plant produces a recycled material road surfacing product ready for laying. As such it would only be operated to serve a current contract. All the plant is stated as being mobile and may go out to contract sites as and when required, or may be operated at the application site.
21. The application requests access to/from the site 24/7 due to the overnight nature of many contracted roadworks. In terms of other activities and when they would take place, these are detailed in the table below and which shows that

most operations would take place in day time hours, and that tipping/unloading would “generally only be necessary infrequent [...] at night time and this will principally be undercover in the barn”.

	Early Morning (06.00-07.00)	Day (07.00-17.00)	Evening (17.00 – 23.00)	Night (23.00-06.00)
Mon – Fri (inc.)	Heating system start-up	Crushing, screening and processing	Vehicles and material tipping	Vehicles and material tipping
Sat – Sun (inc.)	Heating system start-up	Cold recycling mix plant only	Vehicles and material tipping	Vehicles and material tipping

22. Access/egress would be via the main industrial estate access onto the A6075. Vehicles will vary in size from cars, vans, flatbeds, 8-wheeler HGVs and articulated HGVs (for moving mobile plant/machinery). Anticipated HGV vehicle trips are set out as maximum (worst case) numbers *per hour*.
- Daytime 07.00 – 17.00, 20 movements per hour (10 in 10 out)
  - Evening 17.00 – 23.00, 4 movements per hour (2 in 2 out)
  - Night-time and early morning 23.00 – 06.00, 4 movements per hour (2 in 2 out).
23. Based on a maximum/worst case throughput of 125,000 tpa the applicant calculates this would generate 125 HGV loads *per week* (250 two-way movements) which would equate to 25 loads a day (50 two-way movements) averaged out over a 5 day week or 18 (36 two way) over 7 days. On top of this there would also be no more than 10 other HGV movements per day to move plant/equipment (but this in itself would be rare and very unlikely to occur over consecutive days).
24. The application has been screened by the WPA pursuant to the Town and Country Planning Environmental Impact Assessment Regulations and found not to be Schedule 1 or 2 development requiring an Environmental Impact Assessment.

## Consultations

25. **Newark and Sherwood District Council** – *No objection, provided that Nottinghamshire County Council is satisfied that the proposed development complies with the relevant Development Plan policies.*
26. *A number of objections to the proposal have been raised by local residents and submitted directly to the District Council. These comments for the most part relate to concerns about the increase of HGV movements in the surrounding area, although some reference is made to noise and air pollution. NSDC Environmental Health Officers have advised in this regard that the proposed use is subject to environmental permit procedures controlled by the Environment Agency.*
27. **Kirton Parish Council** – *Objection is raised on multiple grounds, but especially on the basis of the proposal exacerbating issues of heavy traffic through the village and its consequent road capacity/safety and amenity impacts and also in*

*relation to impacts from dust, noise and disturbance, (including from the hours of operation), impacts to ecology and of pollution to the water environment. The site is considered unsuitable for the proposed operations and too close to the community. It is considered contrary to Policy WCS13 and detrimental to the community's standard of living.*

28. Ecology

*Impacts to Boughton Scrub LWS which has the potential to support protected and other notable species. Inadequate surveys and contradictory information.*

29. Traffic

*The Parish Council believes 256 HGVs (512 2-way movements) will pass through Kirton village every day, with further HGVs moving plant/machinery and traffic for 40 staff.*

*The village cannot cope with the current level of through traffic including speeding motorists.*

*Nottinghamshire County Council has to recognise the infrastructure at certain points on the A6075 is not fit for purpose.*

*Damage is being caused to the listed church wall and lychgate and there is a history of collisions with other properties at the corner. There have also been recent landslips on the bankside. The road at this point is too narrow for anything more than 2 cars to pass and cannot be widened. The Council must help to protect the listed church and not add further problems.*

*The Parish Council has worked hard with Clipper logistics and they have reduced the numbers of HGVs by 4 a week to help.*

*The application claims that existing businesses have unhindered access, however there are only 2 businesses out of 40 which use heavy and articulated waggons. The proposed heavy movements on this site would be a danger to the public accessing these businesses and the internal roads are not wide enough for a lorry and car to pass.*

*Doubt is raised on the information regarding the previous user of the site and the traffic levels. The wood yard traffic made very little difference to the village as they were often in cars with trailers and small vans and not tipper lorries.*

*There is a road safety hazard at the junction into the industrial estate when Clipper lorries back up queueing to enter which hinders the entry and exit into the north estate. There is also a set of bus stops at this point.*

*Increased heavy traffic would worsen poor road surfaces and markings and increase the need for resurfacing.*

*Footpaths are well used including by vulnerable young people. Increased heavy traffic poses a safeguarding issue.*

*A traffic pollution monitor should be installed to establish current levels of traffic pollution through the village before making any decisions.*

*The impact for Tuxford has not been considered.*

30. Noise and working hours

*Noise from the proposal will not be insignificant as claimed. The nature of the proposed operation will not be quiet nor described as a 'whisper'. The cold mixing plant operates at 100dB. The site is too close to residential properties. The crushing and tipping would have a detrimental noise impact and lead to complaints. Assumptions have been made about the types of machinery that will operate. If new plant/machinery is purchased, what noise safeguards would be in place.*

*Proposed working of 24/7 is totally unacceptable. Noise from passing traffic would also be unacceptable. Traffic on the road through Kirton is reasonably quiet at night offering a respite.*

*Existing noise from the estate includes vehicle movements (also over speed bumps), clacking noises, reversing alarms, horns etc. The village is sandwiched between industry and the brickworks.*

*A question is raised about the accuracy of the background noise surveys and the locations/addresses these took place at. No consideration has been given to the raised parts of the village.*

31. Dust and airborne impacts

*The previous user of the site had a dust suppressant system, but it did not suppress enough and often clouds of dust could be seen rising and cars and the environment became covered in dust. Therefore there is no trust in the claim that water sprays will suppress dust from crushing. The adequacy of the water supply has not been investigated. Dust will be worse. The prevailing wind direction is towards Kirton.*

*Kirton playing field and Boughton Rugby club are both less than 500m away. Concern is raised about the risk of exposure to the users from airborne dust/particles.*

*The International Agency for Research on Cancer (IARC) classifies asphalt exposures as possibly carcinogenic to humans. In addition, dust inhalation from aggregate contained in asphalt can lead to respiratory system damage and disease. Nottinghamshire County Council needs to assess this and ensure categorically that there would be no risk to public and environmental health.*

*Also, concern is raised from extra traffic emissions.*

32. Pollution to the water course

*There is evidence that rainwater from the site runs directly to a ditch and then into the nearby watercourse. Products including tar are dangerous to aquatic life. It is impossible for the site to prevent seepage from the site into the watercourse. Road sweepers would only minimise trails of material and not fully prevent run off.*

33. General site suitability

*Boughton industrial estate is designed for small businesses. The area is not suitable for this kind of operation without impacting massively on the community and adding to existing noise, dust and traffic problems. In hindsight Clipper should not have been permitted to expand to its current size. The Parish Council is working with Clipper as they understand the issues being felt.*

34. Other points

*In terms of visual impact, no consideration has been given to properties on the raised part of the village, several of which can see over the site.*

*The north estate currently has no light pollution. Concerns that 24 hour working would bring light pollution which could affect the elevated properties.*

*Litter from passing traffic will be made worse, including at the layby.*

*A previous planning proposal raised similar concerns which could not be resolved.*

*Possible conflict of interest as Nottinghamshire County Council will be the main customer.*

*The applicant company cannot be trusted on the environment and are not fit to run such an operation. They have previously been prosecuted for illegally accessing Severn Trent water supply. How would environmental safeguards be ensured.*

*There would be no employment benefit to the community as the company would bring the employees with them.*

35. **Ollerton & Boughton Town Council – No objection.**

*At the meeting of the OBTC Planning Committee held on Tuesday 29th October, members could find no planning reasons to object to this application. During discussion concerns were raised about hours of operation and it is hoped that this will be monitored to make sure that they are adhered to.*

36. **Tuxford Town Council** -*Raises no objection but has broader concerns and objection to any further HGV movements through Tuxford to/from Kirton and Ollerton and have requested a meeting with the Highways Authority to look at these issues.*

37. *Understand that several local companies need to use this route and will continue to do so. Though grateful that the majority of these companies use the Markham Moor turn off to avoid the centre of Tuxford.*

38. *A survey in 2010 counted 400 HGVs passing through Tuxford over an 11hr period. Requests the Highways Authority undertakes updated surveys/counts of HGV traffic using this road.*

39. *If this planning application is approved it will increase the traffic by adding over 250 vehicles a day through Tuxford and Kirton to Ollerton.*

40. *A petition has been circulated to gauge the feelings of residents and over 300 residents signed to object. [This has not been submitted].*
41. *Recent air quality monitoring in the centre of Tuxford show that the readings are as high as alongside the A1 and this has been confirmed as the worst air quality in Bassetlaw. Full Council at NCC recently voted in favour of reducing emissions, particularly around schools, such as Tuxford Primary Academy.*

42. **Environment Agency – No objection.**

*Advises the development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016. In certain circumstances an exemption from permitting may apply. The applicant is advised to contact the EA to discuss the issues arising from the permit application process.*

43. **NCC (Highways) - No objection.**

44. *The principle of the proposal is acceptable given the nature of the business and industrial site location. Also, the site is served by the A6075 principal road where one might expect to experience significant HGV trips.*

45. *It is understood that records show that the current use of the site processed about 40,000 tonnes of waste wood per year. However, the operating licence allowed for up to 75,000 tonnes to be processed without the need for further planning permission. It is also submitted that the proposed use will process up to 125,000 tonnes of planings. Based on this information the following comparison between the existing use and the proposed use can be made that reflects the potential change in HGV traffic movements:*

	<b>Waste Wood at recorded annual rates</b>	<b>Waste Wood at maximum licensed capacity</b>	<b>Waste Planings</b>
Material Volume - tonnes	40,000	75,000	125,000
Carry weight per HGV - tonnes	7.5	7.5	20
Loads per annum	5,333	10,000	6,250
Weeks operational	50	50	50
Ave. loads per week (in terms of movements)	107 (214)	200 (400)	125 (250)
Ave. loads per day - over 5 days (in terms of movements)	21 (42)	40 (80)	25 (50)

46. *Therefore, these figures show that lorry movements may increase slightly, by 8 per day –about 1 per hour, based on historical processing rates. This is not considered significant and does not meet the principle for refusing the application as stated in National Planning Policy Framework (Feb. 2019) para. 109:*

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

47. *However, based on previous licensed and permissible processing rates (75,000 tonnes) it could be reasonably argued that the proposal might, in theory at least, offer a reduction in the maximum HGV movements associated with the site; reducing HGV movements from a potential 80 per day to 50.*
48. *It is recognised that other plant movements will take place, but the worst-case scenario, as submitted, suggests: “It would be an unlikely event to generate 10 HGV transportations of plant in one day. There is an insignificant chance, if any at all, that such an unlikely event would occur on a daily basis throughout a week.” On this basis and taking into account the previously assessed figures, these additional movements are, again, not considered significantly high enough to cause a safety or capacity issue.*
49. *It should also be noted that there is more than one route into and out of the site along the A6075, so that it is very unlikely that all the movements associated with the site will be concentrated on one part of the highway network over the year.*
50. *Road injury accident records for the period of January 2014 to September 2019 have been reviewed for the length of the A6075 between Church Road, Boughton and Rice Hill, Kirton. In this period seven injury accidents occurred but only one of them involved a HGV. The HGV accident occurred on the bends to the west of the industrial estate and involved no other vehicle or pedestrian. None of the recorded injury accidents occurred within the built-up area of Main Street and Rice Hill, Kirton. Whilst any accident is regrettable, this frequency of accident over a long length of road is not considered abnormal and does not trigger a specific, more-detailed, accident investigation within the Highway Authority’s priorities.*
51. *Whilst the hours of business and associated traffic movements might be a concern to some parties, this is an amenity issue rather than one that has a demonstrable highway safety or capacity concern. It would appear to be unreasonable to object to the proposal on highway grounds since safety and capacity do not appear to be compromised.*
52. *This Authority is aware of highway concerns expressed by the public, but these are largely existing issues that cannot be expected to be resolved by the applicant, but can be considered by the Highway Authority in its wider role of providing a safe and serviceable highway network. The internal estate roads are privately owned/maintained and are, therefore, outside the remit of the Highway Authority.*
53. *Given that the site has an ‘industrial’ land use allocation and that this proposal will not significantly increase HGV trips, it is the conclusion that no objection on highway grounds can be raised under planning legislation.*
54. **Via (Noise Engineer) - No objection subject to conditions.**
55. *The noise assessment identifies there would be a marginal exceedance of the background noise level at some receptors for daytime and night-time operations, which indicates the potential for adverse impact. However, taking*

*into account the context (an existing industrial estate in a semi-rural location with multiple businesses operating on the northern half, and a large Clipper distribution facility located on the southern half, with direct access from the A6075) and the predicted noise levels of the specific operations, noise levels are unlikely to be intrusive or lead to an adverse reaction at noise sensitive receptors.*

56. *Particular consideration has been given to the potential for noise disturbance from the proposed night-time activities which are limited to HGVs arriving, tipping and then departing. The noise level during a lorry tipping its load is predicted not to exceed 32dB at the nearest receptors. When considering night-time noise disturbance, consideration is given to the risk of sleep disturbance. An open window is expected to provide at least 10dB attenuation giving a resultant internal noise level of no more than 22dB which is well below the BS8233 guidance that internal noise levels inside a bedroom between the hours of 23:00-07:00hrs should not exceed 30dB LAeq,8hrs.*
57. *The consultant has calculated the predicted change in ambient noise levels as a result of the proposed development and this indicates increases in noise levels of up to 0.4dB. This indicates a negligible level of noise increase, and while does not necessarily mean the noise from operations will be completely inaudible, it does indicate that noise from site activities will be relatively quiet against the ambient background noise and non-intrusive.*
58. *Baseline noise measurements were undertaken at a range of representative receptors (including daytime, evening, night time and weekend measurements). As permission was not granted for baseline noise measurements to be undertaken at Kirton Court an alternative and representative measurement location was agreed at Charlotte Close.*
59. *The applicant has confirmed and provided assurance that: no activities other than material tipping will take place outside the hours of 06:00-17:00hrs; that the crushing/screening plant will only operate between the hours of 07:00-17:00 Mon-Fri with the exception of the cold mix plant which will operate 06:00-17:00hrs 7 days a week; that the planer / paver stored on site will only be moved on/off a low-loader transporter during daytime hours 07:00-17:00hrs Mon-Fri ; that only broadband reversing alarms will be used on HGV's and plant.*
60. *Clarity was also requested from the applicant regarding the number of movements of HGV's outside the hours of 07:00-17:00hrs and the applicant has confirmed that this will be a maximum of 2no. HGV's in and 2no. HGV's out per hour (4 movements).*
61. *With regards to the increased noise from road traffic due to the proposed development, traffic data for the A6075 Tuxford Road in the vicinity of Cocking Hill indicates an existing daily flow of circa 5,600 vehicles with 4% (approximately 224) comprising HGVs.*
62. *The application proposes traffic movements of up to 20HGV movements per hour during the hours of 07:00-17:00 Mon-Fri and 4 movements per hour during the hours 17:00-07:00hrs, as well as 4 movements per hours during the daytime hours of Sat/Sun/BHs. Working the worst case theoretical week day of 192 additional HGV movements between 06:00-24:00hrs through the traffic noise*

calculator gives an estimated increase in traffic noise of ~1dB. This equates to a 'Minor' impact in the short term.

63. *For night time noise impacts, the underlying traffic volumes will be significantly lower than day time hours and pre-existing traffic noise levels will be much more variable hour by hour. Nonetheless the proposed number of HGV movements (4 no. per hour) will not give rise to a significant adverse impact and therefore providing that the proposed number of 4 movements per hour is conditioned as part of any granting of permission, no objection to the proposal on grounds of additional road traffic noise is raised.*
64. *The presence of road bumps on the industrial access road are acknowledged as outside of the applicant's control, however it is recommended that the applicant implements suitable driving procedures/training, through a noise management plan. Conditions are also recommended including to stipulate maximum permitted noise levels at each noise sensitive receptor; to stipulate the permitted hours of operations and the activities which can take place; to stipulate the plant component on the site; the maximum permitted HGV movements (10 in 10 out per hour- daytime and 2 in 2 out per hour evening and night time) and the fitting of white noise reversing alarms to plant and vehicles.*
65. **NCC (Nature Conservation)** – *No objection subject to conditions to mitigate noise, lighting and dust impacts to the adjacent Local Wildlife Site woodland.*
66. *The revised Preliminary Ecological Assessment now recognises the existence of the Boughton Scrub Local Wildlife Site (LWS), which encircles the wider industrial estate and abuts the southern and western boundary of the application site. The LWS is designated for its botanical and butterfly interest, and the development will not have a direct impact on these interest features given it is confined to a previously developed industrial area, and provided that matters like dust are dealt with in a standard way.*
67. *The main concern is the indirect impact on the LWS, and the species which use the habitat which it supports. Primarily, noise and lighting are of concern.*
68. *Lighting should be controlled by a condition requiring the submission of a 'bat friendly' lighting scheme which seeks to minimise light spill beyond the site boundary. This will also benefit other nocturnal species which may inhabitant the surrounding area.*
69. *Concern is raised that elevated noise levels could arise and impact on breeding bird populations using the LWS woodland habitats.*
70. *Noise contour plans show noise levels of 60-65dBA and 65-70dBA covering large parts of the adjacent LWS, and in excess of 70dBA covering smaller parts of the LWS, for crushing, screening, mixing and loading activities (with cold asphalt mixing also generating particularly elevated noise levels surrounding the site).*
71. *It can be assumed that Red and Amber Listed birds (i.e. those of highest conservation concern) will be breeding in the LWS scrub/woodland affected by elevated noise levels. Possibilities include Tawny Owl, Stock Dove, Bullfinch, Willow Warbler, Dunnock, Tree Sparrow and the rapidly declining Willow Tit.*

72. *It is stated that 'daytime noise impacts are likely to increase noise levels to above 55dB in the small pockets of woodland adjacent to the site but not the larger areas of the LWS to the east'. Whilst it is certainly the case that a relatively small proportion of the overall LWS is affected by this scheme, it appears that approximately 4ha of LWS scrub/woodland would experience noise levels in excess of 55dB– a fairly sizable area which is clearly not just a 'small pocket' of woodland.*
73. *In the absence of surveys, assumptions about whether any impact on breeding birds will be significant or not have to be made; whilst in most cases impacts will probably not be significant (as relatively small numbers of individuals will be affected), the presence of something like Willow Tit would be more of a concern.*
74. *Whilst the site is part of a wider industrial estate and has been used for 'noisy' activities before, it is also uncertain whether the activities would be more or less noisy.*
75. *Given these uncertainties, and the relatively large area of habitat affected by elevated noise levels, measures should be put in place to reduce noise levels as far as practicable, as a matter of good practice, through screening or noise attenuation along the western and southern boundaries.*
76. **NCC (Planning Policy) – Comments.**
77. *It is the County Council's aim to move waste up the waste hierarchy and work towards recycling or composting 70% of municipal, commercial, industrial, construction and demolition waste by 2025.*
78. *To achieve this, Policy WCS3 outlines how future waste management proposals should aim to provide sufficient waste management capacity for Nottingham and Nottinghamshire needs. Priority will be given to development of new or extended waste recycling, composting and anaerobic digestion facilities. As the proposal would recycle and reuse road planings, which as outlined in the Publication Version of the Nottinghamshire Minerals Local Plan (August 2019) would be classified as a recycled aggregate, this would help increase the recycling capacity of Nottingham and Nottinghamshire and so help meet the recycling target and underlying aim to move waste up the hierarchy.*
79. *The application site does have an active waste permission and lies within the Boughton Industrial Estate which is allocated for employment use under policy OB/E/1 in the Newark and Sherwood District Council Allocations and Development Management Development Plan Document (adopted July 2013).*
80. *Employment land is seen as an appropriate location for aggregate recycling waste management facilities pursuant to Policy WCS7. However, this is subject to there being no unacceptable environmental impacts. As per Policy WCS13, facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact.*
81. *Overall, considering the location of the proposed waste management facility is within employment land and such a facility should help move waste up the waste hierarchy, the application would be supported from a waste perspective.*

*However, this is subject to achieving satisfactory environmental and amenity impacts.*

82. **Via (Reclamation), NCC Flood Risk and Western Power Distribution** have not responded. Any response received will be orally reported.

## **Publicity**

83. The application has been publicised by means of site notices placed at the site (roads B and C) and at Cocking Hill, a press notice and by neighbour notification letters sent to 8 of the nearest business occupiers in accordance with the County Council's adopted Statement of Community Involvement.

84. A total of 324 letters of representation of which 223 are proforma letters have been received from 186 objectors raising objections on the following grounds:

85. Traffic

- There is already too much heavy traffic passing through Kirton. The expansion of Clipper and other businesses has increased the heavy traffic to/from the A1 through the village.
- This creates noise and vibration and pollution from HGVs particularly going up Rice Hill.
- The infrastructure at points on the A6075 is not fit for purpose for the size and amount of traffic it deals with daily.
- The very tight bend at Rice Hill outside of the Church is not wide enough to accommodate two passing large vehicles and the church wall and lychgate (listed) is regularly hit. Several houses also suffer frequent damage.
- The proposal could generate 256 lorries a day (500 movements), a substantial increase in traffic through village. At worst there would be 20 HGVs per hour, one every 3 minutes.
- Concern that the company will run more than the stated four HGVs per hour at evening/ night time (5pm to 6am) as much of their road works takes place overnight. Contract schedules may vary which means that there could be 20 per hour over night.
- Some consider that 24/7 access not acceptable.
- HGVs are often seen queueing waiting to enter Clipper. Further traffic at this junction will cause problems.
- History of accidents at Tuxford Road/with Church Road and Harrow Inn junction and access in/out of a private drive already made difficult with volume of passing traffic.
- The proposal will increase traffic through Ollerton and at Ollerton roundabout.
- Kirton has inadequate footways and no pedestrian crossing. Users face dangers and backdraft from passing HGVs and the increase in traffic would pose a danger to children accessing the playing field.
- Kirton village suffers from speeding traffic.
- There would be additional wear to the road surfaces.
- Additional HGV traffic will conflict with horse riders from a local livery yard using the main road through Kirton.

- HGVs may cut through Boughton despite a 7.5t weight limit.

86. Dust/air emissions

- Concerns from dust arising from processing operations, particularly the effects of fine dust and possible contaminants on local health and people with respiratory conditions. Kirton village is downwind of the site and some properties are also in an elevated position.
- Air emission/dust impacts to users of village playing field and its close proximity to the industrial estate.
- Watering/damping will not be effective.
- Dust from passing HGVs (particularly if these were unsheeted)
- Asphalt may be carcinogenic (research by IARC International Agency for Research of Cancer).
- Concerns about emissions from heating bitumen.
- General points regarding health and wellbeing of local residents and rights to enjoy their environment.

87. Noise

- Noise from the estate is already bad, from early morning. Sound carries on the wind to higher parts of Kirton village and surrounding woodland offers little benefit.
- Concerns about noise from proposed processing/crushing operations which will be extremely high.
- Proposed 24/7 hours for access and unloading are not acceptable and exceed those at the brickworks. This will lead to sleep disturbance.
- Noise from increased passing traffic – most properties in Kirton front the road.
- Noise impacts to the enjoyment of Kirton village playing field.
- Neighbouring businesses and their employees would be subject to constant levels of noise between 60 and 65dB. Long term exposure over 55dB can lead to elevated blood pressure/heart issues.
- Possible noise from reversing alarms.
- Noise impacts to Boughton village residents.
- A detailed criticism of the noise impact assessment has been submitted.

88. General site suitability

- The industrial estate is for light industrial use/small business use not for this type/scale of activity.
- The plot is not of suitable scale for the proposed operations.
- Better sites are available e.g. at Bevercotes colliery, Marnham power station or along A1 corridor well away from residents.
- Site is too close to Kirton village in terms of noise, air emissions and through traffic.

89. Heritage impacts

- Kirton is a small attractive village and Conservation Area. The medieval Church is Grade II\* listed and there are two further Grade II listed properties.
- HGV traffic impacts on the fabric/condition of these buildings. Damage is being done by collisions with the listed church wall and lychgate. Traffic impacts on the Conservation Area.
- Holy Trinity Church Council has objected, setting out the regular damage to the wall and lychgate. A CCTV camera has recently been installed to capture instances of collision/damage. A working relationship with Clipper has been established to help alleviate traffic and it is hoped other firms will follow suit. It is irresponsible to add a further 500 HGV movements a day past the church.

90. Ecology

- The site is designated as a local wildlife site (Boughton Scrub LWS) and has the potential to support protected species. The scheme will have a detrimental impact on the local habitat.
- Ecology report is inadequate. The Council is unable to make any informed judgement in terms of the importance of the site for ecology, nor the potential magnitude of any ecological impacts from the development.

91. Contaminated materials

- There is the potential for the site to receive contaminated waste materials including asbestos which could disperse dangerous emissions to the surrounding area.

92. Water environment

- Effects to a nearby local watercourse from any surface water run-off.
- Tar and bitumen are hazardous to aquatic ecosystems.
- Water contaminated with dust and tarmac would not be suitable to go down the main sewer.

93. Lack of community benefits

- The amount of employment the works will bring to the area is negligible. The company will bring their 35 employees with them.
- The proposal offers no social or environmental benefits to the community against which there would be negative impacts.

94. Other matters

- Additional HGV traffic will be highly negative to the reopening of The Fox PH in terms of noise/gear changes etc, which would render the dining areas undesirable, particularly the outside patio area, and impact on the reputation as a country/rural pub and character and appear of the village.

- Issues with the previous operator from excessive noise and dust. Water suppression was inadequate. The demise of this use has led to a significant improvement in the quality of life of Kirton residents.
  - Road side litter will be made worse.
  - Effects on house prices.
  - Impacts to bee keeping.
  - The applicant was prosecuted for illegally accessing water from Seven Trent Water. Question on trust to adhere to Permit requirements.
  - Concerns about enforcement of planning conditions.
  - Better to use mobile crushers on work sites to save transport and carbon emissions.
95. A petition with 196 signatures has been submitted objecting to the application on the grounds of noise, dust, and traffic impacting negatively on Kirton village and people's wellbeing. A supplementary to this with 13 signatures (including some residents of Walesby and Ollerton) has been received.
96. A petition by 16 signatories has been received from the users of the Livery c/o The Shires, Main Street, Kirton. The petitioners object to the application due to the impact which increased heavy road traffic would have on the safety of horse riders.
97. A petition on the change.org website has been completed by 117 people and has been included with the response from Kirton Parish Council.
98. Additional information was submitted after the initial consultation period as result of officer and consultee requests, comprising a revised ecology report, further noise calculations/information and further comment on traffic generation and other general points. Further consultation on this took place with relevant technical consultees, the Parish and Town Councils and the Local Member. Further proforma letters from members of the public (counted in the total above) were received raising the following additional points.
99. Traffic
- The applicant is wrong in suggesting the previous occupant's traffic movements were the same, or that there would be a reduction in traffic compared to previous use. The previous wood yard operation was more 'small and local' than that presented by the applicant and the larger loads were infrequent.
  - The estate caters for local business firms and the site is ill-suited to cope with a business creating this amount of proposed traffic and consequently its impacts to local community.
  - Concern about oversized plant deliveries around the church corner without additional damage to the wall and disturbance to residents. Further damage has been recently caused and the banking has given way into the road 3 times.
100. Noise
- Concern from noise of vehicles passing over road humps within the estate. The applicant considers this to be someone else's problem.

- Continued concern about background noise monitoring data.
- Disputes suggestion that tipping of stone at night would be equivalent to a 'whisper'.

101. Dust/air pollution

- There were constant complaints against the previous occupier about dust and therefore doubts about the effectiveness of the proposed dust mitigation.
- Continued health concerns from composition of envisaged dust.

102. Wildlife

- Contradictory information provided.

103. Cllr Mike Pringle has lodged the following concerns:

104. *The demand/profit motive on this type of business where in today's style of operation for highways many projects require night time operations, will invariably mean responsive working hours, and that it will require increased activity at night.*
105. *Strongly object to the suggestion that tipping work carried out through the night will have little bearing on the residents of Kirton. Noise travels a lot further during the quiet of night and even at the decibel rating of " a suggested whisper ", will be disruptive and should not be ignored. The night time activity of a 20 tonne truck tipping between the hours of 11pm till 6am, will have a detrimental impact on residents.*
106. *To suggest that accepting 50 movements a day, (minimum of 20tonne trucks) through a village with the highways issues already reported over many years, is bemusing. At the church corner, a 90 degree bend enacts near misses every day, damage to the church wall and continual traffic hold ups as trucks and standard vehicles meet each other.*
107. *Through the efforts of Kirton village, Clipper are working together with them to find a solution to reducing the amount of HGVs travelling through the village. This is fair indicator of common sense whereby business and villages work together, contrary to this application.*
108. *Full Council at NCC voted (all members) in favour of reducing the amount of emissions, particularly in and around a school environment. Whilst there is not a school in Kirton there is a farm, homes and elderly bungalows exactly where traffic build-up occurs, this has to be taken into account.*
109. *The detail in the ecology report is very poor especially due to the types of processing which will be experienced. Can see no actions to protect wildlife from disturbance*
110. *Noise and dust will be carried from the site, straight through the village centre and across the main playing field. Dust is the cause of severe health issues in industry. A system can never achieve complete dust reduction. Dust reduction controls never worked previously at the site. Concerned about the toxicity of the materials being crushed and the exposure of residents and children.*

111. *The aspirations of policy WCS3 show an ideal objective for 70% of recycling for Nottinghamshire, however Policy WCS3 only supports applications where there would be no unacceptable impact on the life of those living nearby, this application does not support this from the view of those who do live nearby.*
112. *Restrictions which might be placed on the recycling operations at night, or to reduce the day time activity of transport to a minimum and seek 100% dust restriction, would not be acceptable to the applicant, and any restriction would be contrary to the fulfilling Policy WCS3 and therefore not suitable for the business and its operation in this instance. Nor should the residents be charged with conflict in policy and village life so that statistics can be adhered to.*
113. The issues raised are considered in the Observations Section of this report.

## **Observations**

### Planning policy assessment

114. In accordance with the statutory requirements, this planning application must be determined in accordance with the Development Plan (read as a whole), unless there are material considerations which indicate otherwise.
115. The Development Plan in the context of this proposal comprises:
- The Newark and Sherwood Amended Core Strategy (2019)
  - The Newark and Sherwood Allocations and Development Management Policies Development Plan Document (2013)
  - The Nottinghamshire and Nottingham Waste Core Strategy (2013)
  - The Nottinghamshire and Nottingham Waste Local Plan (saved chapter 3 policies) (2002)
116. The following are material considerations which should be taken into account:
- The Nottinghamshire Minerals Local Plan (Publication Version) (submitted for examination February 2020)
  - The National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG);
  - National Planning Policy for Waste
117. Turning firstly to local waste planning policy, the Waste Core Strategy sets out the policy framework to guide the development and locations of a range of waste management facilities in such a way to meet the needs of the county and also importantly, in order to drive waste up the waste hierarchy and significantly boost recycling rates. Policies WCS 3, 4 and 7 are particularly relevant.
118. Policy WCS3 has an aspirational objective to secure 70% waste recycling or composting levels for Nottinghamshire. In order to support this objective, priority is given to the development of new or extended waste recycling facilities. There is a continuing need to develop such facilities to support / grow recycling and

reduce disposal or landfill requirements. As a recycling facility, the proposal sits high up the waste hierarchy, and supports this pressing policy objective.

119. The specific circumstances of the development proposal stem from the applicant identifying a need for its own facility to further develop and enhance its own waste recycling and waste minimisation plans. Currently the processing of waste arisings takes place at individual contract sites such as beside road improvement projects, utilising mobile processing plant. However as noted above, this is not always possible due to time and space constraints and therefore arisings need managing elsewhere, which at worst could entail disposal/landfill.
120. Through securing its own site on which to undertake some of this waste processing the applicant would have a greater opportunity to minimise disposal/landfill and turn its own waste stream into secondary aggregates, which can feed directly back into road surfacing and engineering contracts. This is the very model of the 'circular economy' approach, whereby waste should be seen as a resource, which can be a useful product once again and in doing can reduce requirements for primary extraction of finite mineral resources.
121. This latter benefit is also supported in principle by Policy MP5 (Secondary and Recycled Aggregates) of the emerging Nottinghamshire Minerals Local Plan (which has recently been submitted to the Planning Inspectorate for independent examination). This states that proposals which will increase the supply of secondary and/or recycled aggregates will be supported where it can be demonstrated that there are no significant environmental, transport or other unacceptable impacts.
122. In terms of location and site selection, the Waste Core Strategy, through Policy WCS4, seeks to direct waste management facilities of differing sizes to locations commensurate with settlement size in order to provide an efficient network of facilities which can manage waste close to its point of source. In considering the scale of the site and the proposed operations, the application proposal would fall somewhere between a medium size and larger-scale size operation in terms of this policy. Medium sized facilities are supported within, or close to, the built-up areas of Nottingham and Mansfield/Ashfield, Newark, Retford and Worksop. Larger scale proposals are supported in/around the Nottingham and Mansfield /Ashfield areas. Boughton/Ollerton are not specifically referenced, but this should not be taken as signifying that it is an unfavoured location for proportionately scaled waste management operations. The policy is generally supportive, and only more restrictive in nature when it comes to green field or green belt locations. It should also be noted that due to the way the waste material is generated from individual contracts, which may be geographically widespread, the weight and applicability given to this policy and its original purpose should be tempered accordingly when assessing the principle of the proposed site selection. It is also important to read policies together.
123. Moving on therefore to considering the application site itself, Policy WCS7 supports the development of aggregate recycling facilities *of all sizes* on employment land (areas which are already used for, or allocated for employment uses such as industrial estates, business or technology parks etc) subject to there being no unacceptable environmental impacts.

124. This site forms a small part of a longstanding general industrial estate and is allocated as such in the Newark and Sherwood Allocations and Development Management Policies Development Plan Document (as Site OB/E/1- Boughton Industrial Estate North). This policy encourages new employment development on the estate subject to several considerations, including provision of appropriate boundary treatments/screening, landscaping/ecology considerations, access/parking, and drainage. A waste management use within this general industrial context would be considered entirely appropriate when considering Policies WCS7 and OB/E/1.
125. Spatial Policy 2 of the Newark and Sherwood Core (Amended) Strategy also identifies Ollerton and Boughton as a regeneration priority where new employment opportunities will be sought and including the regeneration of vacant land.
126. Several objectors have stated that the industrial estate is only suitable for small scale businesses and that the proposed operation is somehow incompatible in this context. However, there is nothing in Policy OB/E/1 to differentiate between types of employment development or to favour or restrict one type of business use over another. It plainly encourages employment development of all kinds. By reference to the Waste Core Strategy this can also mean that waste management uses are appropriate at such employment sites. Further, there is a wide range of businesses on the site, with some larger tenants across multiple buildings/plots. The application site is one example of this and until recently was used for waste wood recycling, which remains its authorised planning use. The proposed recycling operations would not be of a dissimilar scale and characteristic to this previous use.
127. The selection of this site for the proposed aggregate recycling operation is therefore considered acceptable in principle planning policy terms and clearly so. In accordance with the terms of Policies WCS7, WCS13 and emerging Policy MP5 it is now necessary to consider whether there would be any resulting unacceptable impacts to the environment or to the local community or surrounding businesses, which would warrant withholding planning permission. Such relevant matters are considered further below.

#### Traffic, Access and Parking

128. Waste Local Plan Policy W3.14 states that permission for waste management facilities will not be granted where the vehicle movements likely to be generated cannot be satisfactorily accommodated on the local highway network, or where it would cause unacceptable disturbance to local communities.
129. Policy W3.15 enables the WPA to impose routeing restrictions and/or seek any necessary highway improvements as may be appropriate. Policy W3.11 enables planning conditions to be stipulated requiring operational measures to prevent mud and deleterious materials from contaminating the public highway.
130. Para 108 of the NPPF seeks to ensure that safe and suitable access is made available for development proposals and that appropriate opportunities for sustainable transport options can be taken up. Para 109 states that development should only be prevented or refused on highways grounds if there

would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

131. The industrial estate is located directly on a County A-classified road (the A6075) which links Mansfield, Ollerton, Tuxford and Darlton. This connects into the A60, A614, A616, A1 and A57 along its route. In doing so it passes through the adjacent communities of Ollerton and Kirton and also serves other industrial and commercial areas at Boughton and Tuxford. The site's location directly onto an A-classified road is therefore advantageous and in line with the objectives of the Waste Core Strategy. However, the proposal has raised a number of local traffic concerns, particularly in Kirton and also in Tuxford.
132. There is a single point of access into the north industrial estate with a secondary access permanently closed by the owners/operators of the estate. The junction dimensions appear more than adequate to accommodate the envisaged traffic movements and vehicle types and no concerns (including of safety) are raised by the Highways officer, including in response to some local concerns that have been raised about queueing traffic. Other concerns raised with respect to the traffic use within the internal road network are considered to be private matters outside of the public highway considerations. However, it is noted that there are a wide range of commercial tenants on site and associated regular vehicle movements, including HGVs. The internal roads provide a circulatory system around the site and the applicant proposes staff and vehicle parking on-site. The estate also benefits from sustainable transport options for employees with bus stops providing an hourly service to Mansfield via Ollerton and less frequent services to Retford via Tuxford. Access and parking serving the site is therefore considered safe and appropriate.
133. The applicant would deploy a road sweeper to deal with any material being carried out of the site, as required by Policy W3.11.
134. A considerable level of public opposition has been raised in representations with the main concern relating to the effects of heavy traffic through Kirton village, Tuxford and to a lesser extent on route into Ollerton. This concern is one of road capacity, road safety and of local amenity.
135. Residents of Kirton, along with the Parish Council and village businesses contend that the road is unsuited to the volumes of heavy commercial traffic being experienced, noting in particular the tight bend outside of Holy Trinity Church which can require vehicles to give way to allow larger vehicles to make the turn. Here further concerns are noted in terms of vehicle collisions with adjoining property and with damage to the Church lychgate. Further concerns relate to the safety of pedestrian users with the narrow footways and lack of crossing facilities noted, and also from horse riders from a nearby livery yard. The objectors generally contend that the road is over-loaded with existing HGVs and that the proposal would exacerbate existing issues. Many objectors quote proposed daily traffic figures using an unrealistic extrapolation of the applicant's maximum hourly HGV movements (which objectors equate to 256 lorries a day (512 two-way movements) or doubt the reliability of the stated traffic figures.
136. The local objectors are further concerned by the impact of the perceived additional HGV traffic upon the character and amenity of the village, upon the ability to enjoy the local playing fields, and upon the public house and other facilities, through associated noise, vibration and general disturbance, including

through some night time movements as proposed. There is concern in Tuxford in relation to vehicle emissions and air quality. These comments and issues have been shared with the Highways Authority for their consideration.

137. In response the Highways Officer firstly notes the designation of the road as an A-class principal road which as such can be expected to experience significant HGV trips. Officers note the road traffic count data for the A6075 in the vicinity of Cocking Hill shows there to be a daily flow of 5600 vehicles of which 4% are HGVs. No particular highway safety concerns are identified after reviewing local accident record history and there is no further requirement for any more detailed accident investigation. Neither is any road capacity concern raised after considering the applicant's envisaged traffic movements.
138. With respect to the envisaged traffic movements, the applicant generally contends that their proposed use/operation of the site would result in a similar level and type of movements to when the site was previously in use for waste wood recycling.
139. At the request of the Highways Officers, an attempt has been made to qualify and quantify this statement. However, with the closure of the former business it is not possible to obtain previous records of movements/loads to compare against and nor was there any requirement on the planning permission to submit weighbridge records/movement logs as there was no restriction on HGV movements to/from the site. It is also pertinent to note that the current planning permission does not contain any limit on the throughput of waste to/from the site, but that this was controlled by the operator's Environmental Permit which allowed for up to 75,000 tonnes per annum.
140. Based on a proposed annual throughput of 125,000 tonnes, the applicant states that the operations would generate an **average of 25 movements per day** (50 two-way). At worst there would be 20 movements (10 in 10 out) in an hour during daytime hours 07.00-17.00 and 4 movements (2 in 2 out) per hour at night/evening.
141. If 75,000 tpa of wood waste had previously been processed at the site, the applicant estimates that might have feasibly required an average of 40 movements per day (or 80 two-way). This offers a theoretical reduction in HGV movements compared to the previous use, even if the maximum 125,000 tpa throughput was hit.
142. Whilst the site is permitted to process up to 75,000 tpa of wood and green wastes, Officers have obtained records of actual total waste throughput data via Environment Agency data. Planning Officers have ascertained that the site previously accepted circa 40,000 tonnes of waste per annum. Based on the applicant's same calculation formula (using a 7.5 tonne as an average load for wood waste) it is possible to calculate a further estimate of the previous HGV movements based on an actual 40,000 tpa throughput. On this basis the previous use might have expected to generate 21 (42 two-way) movements.
143. This exercise appears to show that the envisaged recycling operations would result in a similar, possibly slightly higher level of traffic generation than the previous use and would offer a theoretical reduction in traffic based upon the maximum permitted site throughput. It is worth noting that there would also be a small number of additional movements associated with the transportation of

plant and machinery to/from contract sites as well as staff cars. Caution must be applied to this exercise, and the way historic loads have been estimated, but it would appear to show that the increased waste throughput would be served by a similar level of traffic.

144. The Highways Officer is of the opinion that an increase of eight HGVs per day (or about one per hour) based on historical processing rates and the above context is not significantly high enough to cause a highway safety or capacity issue or warrant a refusal on this basis. As such no highways objection is raised.
145. It is further noted that not all traffic would route through Kirton (as the applicant has confirmed) and traffic can also be expected to route through Ollerton. This allocated site offers a wider range of access options (from an A-classified road), as required to serve the geographic spread of contracts.
146. It is important to note a distinction between highway technical considerations (in terms of capacity and safety as per above) and broader amenity concerns resulting in part from associated HGV traffic. The Highways Officer does not comment specifically on these broader, indirect planning considerations, but they form part of the assessment requirements under Policy W3.14.
147. Therefore putting aside for separate consideration the highways/traffic amenity concerns, the development proposal has been assessed and considered acceptable in highways capacity and safety terms and compliant with the relevant parts of Policy W3.14 and national planning policy in this respect.

#### Noise and local amenity impacts

148. Waste Local Plan Policy W3.9 seeks to ensure noise is appropriately controlled. Requirements could include setting maximum noise levels when measured at nearby sensitive receptors, controls on plant and machinery, restrictions on the hours of operation, and alternative types of reversing alarms.
149. Policy WCS13 supports development proposals where it can be demonstrated that there would be no unacceptable impact on the quality of life of those living or working nearby.
150. National planning policy (NPPF) advises that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 180).
151. The application site lies within a long-established industrial estate situated between the residential areas at Boughton and Kirton. The north and south industrial estates, along with the nearby brickworks are all served by the main A-road. The application is concerned with the reuse of an existing plot(s) as opposed to any physical expansion of the site. Given its location on an A-road and its allocation in the local plan, some form of commercial reuse of the site is to be predicted, along with consequent traffic.

152. There is a good degree of separation and visual screening to the nearest residential properties (see plan 1) with the LWS woodland providing an envelope around the estate. From the nearest properties to the west at Elm Tree House (Boughton) circa 385m distant, there is a view across arable fields towards the woodland edge with only glimpsed views of some of the estate through this. Manor Farm is slightly nearer at 350m distance, however a range of outbuildings screens views across the fields towards the site. Elsewhere the woodland is an effective screen on route into Kirton.
153. As cited by several local representations, there are certain elevated areas in Kirton such as Kirton Park where a small number of properties have an elevated view over the west and south west whereby more of the industrial estate can be viewed. Whilst this may be the case, the separation distance is so great that it would be hard to even discern the individual application site within the wider estate and landscape. Given that the application does not propose any new buildings, it can be concluded that there would no impact upon the area's visual amenity. Improvements to the site fencing and appearance are dealt with further below. The issue of site lighting is also considered further below.
154. A noise impact assessment has been submitted with the planning application and which has been undertaken in accordance with the applicable British Standard BS4142 *Methods for rating and assessing industrial and commercial sound*. This has been reviewed in detail by the County Council's noise consultant along with local objections on this matter and supplementary information provided as requested.
155. Local concern in relation to noise and loss of amenity broadly fall within two areas. Firstly, there is concern expressed with regards to the on-site operations and in particular the proposed crushing and screening of waste materials, along with other general noise which may arise from deliveries. Secondly there is considerable concern in relation to the passage of HGV traffic through Kirton village, including some night time trips as proposed.
156. Noise impact has been assessed at three noise sensitive receptors around the area: at Elm Tree House (Boughton) 385m to the west, Kirton Court 565m to the north-east, and Hillcrest (Kirton) 455m west. The locations have been agreed with the County Council's noise consultant, including a representative location for Kirton Court, where it was not possible to place monitoring equipment. Elm Tree House is also considered representative for Manor Farm. Background noise levels were recorded and the BS4142 methodology employed to predict impacts from on-site operations. The assessment was undertaken on a worst-case scenario whereby all plant/machinery is simultaneously running and under load.
157. Background daytime noise was recorded as ranging between 40-45dB during the week and 32-37dB on Saturdays and 33-40dB on Sundays. Evening and night time noise levels range between 26-39dB Monday-Friday, 25-34dB on Saturday and 26-36dB on Sundays. The assessment describes the prevailing noise climate as predominantly made up from road traffic noise, with some influence from the industrial areas including Clipper logistics and Boughton industrial estate.

158. The BS4142 standard for assessment of noise is based on the difference between the measured existing 'background sound level', and the 'rating level' of the noise source in question, at the receiver location. BS4142:2014 states:

*"The significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level and the context in which the sound occurs". An estimation of the impact of the specific sound can be obtained by the difference of the rating sound level and the background sound level and considering the following:*

- *"Typically, the greater this difference, the greater the magnitude of the impact."*
- *"A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context."*
- *"A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context."*

*"The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a negligible impact, depending on the context."*

159. Correction factors have been added to the rating level calculation to take account of certain impulsive or intermittent noise characteristics such as from machinery or from unloading and loading. The assessment takes account of the activities and their proposed hours of operation in terms of day time and night time and weekends and takes account of distances from the source to the receptor as well as any screening or topographic features between them.
160. It is important to note that contrary to many local comments the facility would not fully operate 24/7. The application details clearly that the recycling operations i.e. crushing and screening and general loading would only take place between 07.00-17.00hrs on weekdays. At weekends there is a requirement to operate the cold mix plant and for the loading of HGVs and their movement to/from the site during the same daytime hours. There is also a requirement for evening and night time HGV arrivals (including tipping) and departures due to the need to service road surfacing contracts at these times. These would be no more than four movements per hour at worst and the tipping would largely be undertaken within the open-fronted building. Particular attention has been paid to the likely impacts of this night time operation.
161. The County Council's noise consultant is satisfied that the noise assessment demonstrates that the noise impact from all operations in the timeframes as proposed, would not give rise to any unacceptable noise impact at the residential receptors. The predicted noise levels are unlikely to be intrusive or lead to an adverse reaction at these properties. This includes the night time

operation for the arrival and tipping from HGVs, when it can be expected that people are asleep inside their homes. No objection is therefore raised.

162. Neighbouring businesses would obviously experience a higher level of noise from the proposed operations due to their closer proximity, however they are not considered particularly sensitive to noise given the prevailing mix and character of the existing business and also by reason of the site's previous waste processing use.
163. In terms of impacts from traffic upon the local character and amenity, the County Council's noise consultant again finds no reason for refusing the application. This is on the basis that the envisaged traffic would be absorbed and form a small part of the through traffic on the A6075, including its proportion of HGVs. It would also replace that which until recently served the site when it operated as a waste wood yard. The road's A-classification is highly material, as is the alternative routes it offers. As such the road is considered appropriate for HGVs including the night time movements.
164. A series of safeguards are recommended as planning conditions to ensure the site operates as proposed and as assessed. These include specifying the permitted hours of activities, the plant and equipment on site, the use of white noise reversing alarms and setting maximum permitted noise levels at the residential receptors. Also, for reasons of local amenity, it is recommended that HGV movements to/from the site are limited to no more than 10 in 10 out per hour (daytime) and 2 in 2 out per hour (evening/night-time) as proposed. In order to address concerns with regards to vehicles passing over speed bumps within the estate the requirement for a noise management plan was initially identified, however this can be covered by a note to the applicant and this has the agreement of the County Council's noise consultant. Subject to these recommended conditions and the note, the proposed change of use is considered to be acceptable on noise and local amenity grounds and compliant with Policies W3.9 and WCS13.

### Visual Impact

165. Saved Policies W3.3 and W3.4 of the Waste Local Plan seek to limit the visual appearance of waste management facilities and their associated plant, buildings and storage areas and requires the provision or maintenance of screening and landscaping. Planning conditions can be imposed to achieve these objectives. All plant, buildings and storage areas should be located so to minimise impact to adjacent land, kept as low as practicable, utilise appropriate cladding or treatment and where possible grouped together to prevent sprawl. Screening and landscaping should retain, enhance, protect and manage existing features of interest and value for screening and further measures such as fencing, walling or landscaped bunds may be required to reduce a site's visual impact.
166. WCS Policy WCS15 seeks to ensure high quality design and landscaping is employed in the development of new or extended waste management facilities.
167. Policy OB/E/1, which is specific to the industrial estate, expects development proposals there to have appropriate boundary treatments and screening of open storage areas through the design and layout of any planning applications. It further seeks the incorporation of satisfactory landscaping to minimise the

impact of development on the Local Wildlife Site located in and around the estate.

168. The application site currently presents a poor standard of appearance. The buildings and site infrastructure are basic in their construction and tired in appearance with the boundary treatments in particular appearing as a patchwork which offers little to no visual screening of the main yard particularly when viewed from road C. It is acknowledged that this is the prevailing form of much of the estate and is largely a legacy of its original wartime construction. It is further recognised that this is a private estate and views from public land or highway are largely unobtainable as a result of the surrounding woodland scrub. However, the above policy requirements were made in light of this context and so remain fully applicable. In particular it is notable that Policy OB/E/1 expects development proposals *on this site* to have appropriate boundary treatments and screening of open storage areas.
169. The application does not propose any built development as it intends to utilise the existing site infrastructure including boundary treatments. This is not an appropriate response to the above policy requirements and it is clear that this vacant site offers an opportunity to improve the currently poor standard of visual appearance as well as raise the standard of design for waste management facilities as sought under Policies OB/E/1 and WSC15 in particular.
170. It is recognised that, whilst part of the operations can utilise the open fronted building, external processing and stockpiling would be a necessary aspect of the proposed operations. It is unrealistic to require enclosure of all stockpiles and processes. This would also be similar to the previous use of the site when it was used for waste wood recycling. As with that operation, planning conditions could control the general locations and maximum heights of any external stockpiles (to not exceed the height of the buildings). However, it is considered that provision also needs to be made to improve the boundary fencing as well as the external decoration of some of the onsite buildings such as the office building. Ideally some soft landscaping would also be provided, however due to the developed nature of the estate, this would be difficult to achieve. The adjacent LWS woodland already provides a natural screen when viewed from the end of roads B and C, as well as screening the wider industrial estate and this would all be retained outside of the site boundary.
171. Improvements to the fencing and boundary treatment can be required by means of planning conditions, should permission be granted, and the applicant has indicated their agreement to making such site improvements. Subject to securing these reasonable and proportionate improvements to the site's appearance the development proposal is considered to meet the objectives of policies W3.3, W3.4, WCS15 and OB/E/1.

#### Ecological Impact

172. WLP Policy W3.22 states that where a waste management facility would harm or destroy a species or habitat of County importance, permission will only be granted where the need for the development outweighs the local conservation interests. Conditions can be imposed to require suitable mitigation and/or compensatory measures such as provision of alternative habitats which can be taken into account in the assessment of any harm.

173. The overarching environment Policy WCS13 supports proposals where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.
174. Newark and Sherwood Core Policy 12 seeks to conserve and enhance biodiversity including through expecting proposals to take into account the need for continued protection of the District's ecological, biological and geological assets. (With particular regard to sites of international, national and local significance, Ancient Woodlands and species and habitats of principal importance). Policy DM7 then states that on sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. On SSSIs and sites of regional or local importance, significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where they cannot be avoided.
175. The NPPF states that planning decisions should contribute to and enhance the natural environment, including by "protecting and enhancing ... sites of biodiversity or geological value .... (in a manner commensurate with their statutory status or identified quality in the development plan)" and by "minimising impacts on and providing net gains for biodiversity" (para170).
176. A Preliminary Ecological Appraisal (PEA) has been submitted and which has been updated during the course of the application to consider further the value of, and any impacts to, the adjacent woodland/scrub which is a recognised Local Wildlife Site (LWS). The appraisal confirms the current industrial and developed nature of the application site and its low ecological value. The whole site was until recently in use for waste wood recycling and as such the buildings are considered unlikely to be of potential use for bats and only of low potential for nesting birds. The site is unsuited to other notable or protected species including reptiles.
177. In the wider study area, Wellow Park SSSI, designated for its ancient woodland habitats, is noted as being 650m distant. The appraisal however concludes that the proposed development would not result in any air pollution or dust impact to this site and that activities would be regulated under an Environmental Permit.
178. The appraisal has considered the adjacent Boughton Scrub LWS (see plan 2). This woodland/scrub is considered of local interest and is designated for its woodland and grassland habitats and for supporting a population of Dingy Skipper butterfly. The woodland generally surrounds and is interspersed within the industrial estate and has developed naturally through cleared areas of wartime infrastructure. These habitats have been found to have limited potential to support bat roosts due to the age and species of trees present but are likely to be used by foraging and commuting bats locally. It will also support a range of woodland bird species, but there is no evidence of badger use in the affected survey area. The appraisal has looked further at the adjacent areas of LWS woodland and considers these to have a lower diversity and unlikely to support

dingy skipper which prefer more open grassland and bare ground habitats as can be found elsewhere within the industrial estate.

179. Whilst there would be no direct impacts on the adjacent LWS woodland, the processing operations would generate noise (such as from crushing), potential dust and lighting impacts, in direct proximity to part of the LWS woodland adjacent to the west and across road C to the south.
180. A number of comments from the community were made in relation to ecology and wildlife. Some cited inadequate survey information which has since been resolved through a revised assessment. Others highlight a range of local wildlife and observed species in the area which may be affected.
181. The County Council's ecologist considers the impacts of noise to be the main issue and requests measures to minimise noise upon the adjacent LWS woodland. Whilst the LWS is not specifically designated for birds, it is likely to be used by 'Red and Amber listed' bird species of conservation concern which could be affected by elevated noise and this has not been disproven by the applicant. Modelled noise levels for different periods of site operations indicates that elevated noise levels over 55dB(A) could be experienced across a relatively large area of the LWS woodland during daytime operations (particularly as a result of the various plant operating). The modelling indicates that elevated noise levels are unlikely to occur at the LWS during the proposed night time and evening hours. On this basis the County Council's ecologist requests measures to limit noise such as by raising the walling along the south-west boundary so to help attenuate noise.
182. Officers are also mindful of the context for the proposal – that this is an existing developed site within a long-established industrial setting, as opposed to a greenfield development location. The site has until recently operated as a waste wood recycling facility which generated elevated noise around its immediate setting. The woodland has not to date been considered as a noise sensitive receptor, nor was the previous operation (and current lawful use) subject to a noise limit specifically for reasons of ecology. Neighbouring businesses also in immediate proximity to areas of the LWS woodland are understood to be unrestricted in terms of noise and those which are subject to noise planning controls are not for reasons relating to ecology.
183. However, accepting the presence of the LWS and bird species of conservation concern, and taking account of the concerns raised by the County Council's ecologist and members of the public, it is considered reasonable to seek to mitigate noise impacts as far as practicable. Mitigation would likely be in the form of acoustic boundary fencing, the provision of which could be secured as part of the boundary treatment required to improve the appearance of the site and as detailed above.
184. In accordance with the recommendations of the PEA and the County Council's ecologist, a planning condition should require a 'bat friendly' lighting scheme to be designed and submitted for approval. External floodlighting can also be required to be turned off at night when the site is not in use to further minimise impacts. This would also serve the wider local amenity interests. Dust can also be controlled as considered further below. The developed nature of the estate means it is impracticable to provide enhancements for landscape or wildlife in this instance.

185. In conclusion, there may be some elevated noise impacts to breeding birds within the LWS woodland during daytime hours, but this would not be unlike the previous operations and is within the wider context of a busy industrial estate. Improvements to the boundary treatment can help contain noise as far as practically possible and the noise controls as recommended for local amenity reasons will also assist to a degree in minimising impacts to species, as would the provision of well-designed site lighting. Subject to these being conditioned, the proposal is considered to be compliant with the above cited policies and the aims of national planning policy by minimising impacts and avoiding harmful or unacceptable impacts to a local wildlife site.

#### Air Quality/Dust

186. WLP Policy W3.10 seeks to ensure fugitive dust generation is suppressed. Measures may be required including the use of water bowsers, dust screens, and the siting of dust generating operations away from sensitive areas. Policy WCS13 as the overarching environmental and local amenity policy also applies.
187. The management and control of dust from waste management operations is primarily a matter controlled under the Environmental Permitting system as regulated by the Environment Agency. The Agency advises that a Permit will likely be required and it is understood that an application for this is pending the planning outcome. The site and operator must have both planning permission and an approved site Environmental Permit in order to undertake the proposed waste recycling activities. In this situation the Newark and Sherwood Environmental Health department defers to the Agency's regulation of the site. Where such activities are matters to be controlled in this way the NPPF advises that planning decisions should focus on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions, and that planning decisions should assume that these regimes will operate effectively (para 183).
188. The previous use of the site was noted to generate dust impacting on the immediate commercial surroundings. Both the County and District Councils worked with the Environment Agency to monitor dust and enforce controls. Fine wood dust however remained a concern. In light of this history the concerns from local people about possible dust from the proposed operations are understandable. However, there is a notable difference between the fine, very light-weight dust which arose from the previous waste wood processing and the type of heavier aggregate (and bound aggregate material) dust which could occur in this case. The latter is far less likely to be carried on the wind and will generally settle quickly from its point of source, if it does escape from the processing activities or from stockpiles. The material would not be akin to the descriptions of stone crushing being cited by local residents.
189. In reality it would be possible to effectively restrict dust emissions at the point of generation on site using water sprays (including as fitted to plant) and other standard practice in handling materials. Water application to this material should also be more acceptable operationally, unlike for wood waste where water affects the quality of the recycled material and its value for resale. The site has a mains water supply and has a capture and storage facility to hold rainwater runoff, with potential to supplement this as may be required. Thus, water can be made available for dust control purposes. In addition, the

applicant lists the measures which would be employed to counteract dust as follows:

- Minimising material drop heights;
  - Open aggregate storage heaps to be water conditioned as required;
  - Site road sweepers and bowsers to be employed;
  - Material loads to be sheeted to and from the facility, and
  - Crushing and screening apparatus to be fitted with water spray dust suppression.
190. The application also states that external stockpiles would be limited in height and the mobile processing equipment would generally be sited in the south-western section of the site alongside the cold mix plant.
191. Given these controls and the site's situation at the western end of the industrial estate it is unlikely that dust emissions would significantly impact upon residential receptors in Kirton or the playing field (both circa 450m distant and downwind). Dust impacts to the immediate neighbouring business occupiers cannot be discounted, but again is likely to be reduced in comparison with the previous operations and once the above measures have been employed.
192. This is an instance whereby it should be assumed that dust can be appropriately managed as part of the operator's requirements under an Environmental Permit. On such authorised/permitted sites there is greater ability to properly manage such environmental emissions and impacts as opposed to the ad hoc situation at individual work sites (or where the environmental impacts or constraints preclude such operations at a site). Notwithstanding this, it is the WPA's standard practice to stipulate a planning condition requiring measures including those identified above to be employed as required by Policy W3.10. This can also contain a complaints procedure to address any failings of the control measures. A condition requiring HGVs to be sheeted can also be required.
193. Separately some local concern has been raised from the potential emissions arising from some of the plant proposed to be employed at the site including the cold mix plant. In response the applicant explains that this binds material in a cold state. The heating of bitumen would be within a specifically designed bunded tank and that any odour release would be minimal and quickly disperse. There is nothing to point to this being a significant odour issue and again it would be also subject to permit regulations.
194. It is therefore considered that dust and associated air emissions would be appropriately controlled and mitigated, through Permit controls and recommended planning conditions and so would not cause any unacceptable impact to the local environment or amenity. The proposal is considered capable of complying with Policies W3.10 and WCS13 with respect to air emissions.

#### Ground and Surface Water/Flood Risk

195. WLP Policy W3.5 states that planning permission will not be granted for a waste management facility where there is an unacceptable risk of pollution to ground

or surface waters, or where it would affect the function of floodplains, unless the impact can be mitigated by engineering measures and/or operation management systems. Policy W3.6 enables planning conditions to be imposed to protect such water resources, such as requiring sealed drainage systems and impermeable surfacing. Policy WCS13 as the general policy to protect environmental matters also applies.

196. NSDC Policy (allocation) OB/E/1 relating to the industrial estate requires development proposals to provide for the 'positive management' of surface water to ensure there is no detrimental impact in run-off into surrounding residential areas or to the existing drainage regime. A drainage strategy should ensure that the development does not flood during low annual probability rainfall events or exacerbate the flood risk off-site.
197. The site falls within Flood Zone 1, at low risk of fluvial flooding where all categories of development are deemed appropriate. The Boughton Dyke along the northern perimeter of the estate is shown at medium to high risk of localised flooding, but this risk does not extend across to the application site. Parts of the site and surroundings however are denoted at low risk of surface water flooding but are not denoted as having any critical drainage issues.
198. The site lies above ground water resources forming part of the Sherwood sandstone Principal Aquifer and is in Source Protection Zone 3 (outer/total catchment) for public drinking water abstraction. The nearest abstraction point is 1.8km north-west at Boughton Pumping Station. The groundwater safeguarding area for this is 900m at its closest to the application site.
199. The site already benefits from concrete hardstanding and drainage systems, which were employed to serve the previous waste wood recycling operation. There is no proposal to alter the extent of the current hard surfacing, as such the rates and volumes of surface water run-off would not increase and may actually reduce as any stockpiled materials could act to attenuate the rate of run-off. It is also likely that the grey roof water capture/storage system would be recommissioned for use in on-site dust management.
200. No objection is raised by the Environment Agency to the planning application. The proposed waste management operations at the site will be subject to the Environmental Permitting regime regulated by the Environment Agency and more than likely require an Environmental Permit in order to operate (as opposed to operating under an exception). It would be a requirement of the Permitting system to ensure that the recycling and processing operations do not lead to ground or surface water contamination and that waste management areas have suitable surfacing and drainage so to ensure any contaminated/polluted runoff is captured within the site for appropriate disposal/treatment.
201. The application indicates that the intention is to utilise the current site drainage system, which includes a foul sewer connection and soakaway for surface water. However, the system has yet to be fully surveyed by the applicant and they anticipate having to make improvements to serve the proposed operations and to satisfy Permit requirements. This could include the installation of new interceptors or traps for example to withhold contaminants before the surface water is discharged to soakaway. Therefore, in response to local concern about potential for contamination run-off, including to the Boughton Dyke watercourse,

there is assurance that this would be addressed through making site improvements as part of applying for and securing an Environmental Permit.

202. Whilst drainage is imbedded into the Permitting regime, it is considered appropriate to further control this through the planning system and as such it is recommended that details of surface and foul water drainage and any necessary surfacing works should be required under planning condition, should the application for the change of use be granted. As this may involve intrusive works into the underlying surface, it is also considered prudent to require a watching brief for any unexpected contamination which may be present, including from its war time origin. Subject to these requirements the application is considered to accord with Policies W3.5, W3.6, WCS13 and OB/E/1 in ensuring the development provides appropriate drainage measures which controls surface water run-off and protects ground and surface waters from potential pollution.

#### Employment and economic development

203. Core Policy 6 of the Newark and Sherwood Amended Core Strategy seeks to strengthen and provide a diverse range of employment opportunities, including through maintaining and enhancing the employment base of towns and settlements, providing a range of suitable sites to meet the needs of traditional and emerging business sectors, and supporting the growth of small and medium-sized enterprises and sites so that such firms can expand and be retained in the District.
204. Core Policy 2 identifies Ollerton and Boughton as a regeneration area where new employment opportunities will be encouraged. Policy OB/E/1 of the Newark and Sherwood Allocations and Development Management Policies Document encourages new employment development at this allocated industrial estate.
205. The Waste Core Strategy explains that with the need for more waste management facilities, along with the move towards greater separation and sorting of waste materials as a resource, it is likely to bring opportunities in both the construction and operation of these facilities. The Waste Core Strategy seeks to play a positive role in encouraging innovative new waste management technologies and investment in employment sites to support wider employment and regeneration goals. It also seeks to re-use land and buildings where possible.
206. The National Planning Policy Framework (para 80) states that significant weight should be placed on the need to support economic growth and productivity.
207. The applicant is a local and growing business, which is now constrained by its current operating premises and by the constraints at individual contract sites. The company currently has in the region of 35 employees and the proposed site would enable the growth plans to increase this by five or more over the initial years of the site operation. By the very nature of the business some of these employees will be deployed to work sites, undertaking contracts. However, the application site is intended to act as a dedicated base for the company providing a recycling facility during the day, a maintenance hub and stabling for the vehicle and plant fleet and also office accommodation.

208. The proposed site would directly enable the growth of this business and retain it within the District. It would utilise an allocated employment site and bring it back into economic use. It is not unrealistic to assume that there would be a positive contribution to local economic spending through local services and businesses such as those in Ollerton and Boughton, as well as retaining many existing local business relationships. These benefits should be recognised and afforded significant weight in line with local and national planning policy objectives to promote local regeneration, economic growth, and the development of the waste recycling sector.

#### Impact on heritage assets

209. NPPF places great weight on the conservation of heritage assets (which are irreplaceable), with the greatest weight afforded to the most important assets. Impacts to heritage assets, can include development within the setting of that heritage asset and also, potentially, other indirect impacts to how heritage assets are 'experienced' such as from the effects of noise or traffic.
210. The Council is also under a legal duty to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and to the preservation of listed buildings (including their historic interest and setting) by virtue of sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
211. Paragraph 193 of the NPPF directs that great weight should be given to the conservation of heritage assets (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (including from development affecting its setting), should require clear and convincing justification (paragraph 194).
212. Paragraph 196 then sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
213. Local concern has been raised with respect to damage to the Lychgate and wall outside of Holy Trinity church through vehicular collision. The former is Grade II listed, whilst the church is listed at Grade II\*. This is an existing issue which is being managed by the Church, local authorities and local businesses who utilise the A6075.
214. The proposed development would not result in any notable or greater level of risk or harm to these heritage assets due to the similar volume and character of traffic which would arise and given that traffic would also route westwards via Ollerton. Nevertheless, it would be reasonable to highlight the issue to the applicant and ensure that drivers are trained and reminded of the care and attention needed when taking this route to/from the site. The applicant may also wish to take voluntary measures to avoid unnecessary trips through the village, and this can be included as an informative note on any planning permission.
215. Heavy traffic can itself affect the character and condition of Conservation Areas and this is issue facing many historic towns and villages. In this case the A6075 forms the main road through Kirton Conservation Area and as such carries a

reasonable proportion of heavy traffic as well as local farm and business traffic. The previous occupier of the application site would have contributed to this. In light of the present background traffic and the classification of the road, and on considering the levels of proposed traffic movements, it is considered that this would be readily absorbed into the background conditions such that the overall impact on the character and condition of the Conservation Area would be neutral.

216. Consequently, whilst there may not necessarily be any improvement offered to the condition of the heritage assets affected, they would nonetheless be preserved from any further harm arising from indirect traffic impacts from this development proposal and therefore the aims and objectives of national planning policy are considered met.

#### Other Material Considerations

217. Due to the possible requirement to update site drainage and surfacing under a planning condition, and the possibility of underlying historic ground contamination, a planning condition is recommended to require a watching brief during any intrusive works, along with a methodology for any remediation that may be needed. However, it should be noted that in general the scope of the application does not propose any new buildings or significant works which might necessitate further investigative work at the planning stage.
218. The site lies within a low risk area for historic coal mining related hazards. In such situations the WPA has an agreed protocol in place with the Coal Authority whereby Standing Advice is applied as an informative note to any grant of planning permission.
219. In terms of concerns relating to public health from the exposure to certain materials, it is again pertinent to note that an Environmental Permit would be required, so as to safeguard human and environmental receptors. The planning system should in this instance defer to that regulatory body on this matter as advised by national planning policy. Notwithstanding this, Officers would observe that there is nothing novel or unusual about the waste processing operations sought and the site lies within a long established general industrial estate which is distant from residential properties.
220. An Environmental Permit would also stipulate in detail the types and categories of acceptable waste which could enter the site for processing and transfer. However a planning condition is also recommended to generally stipulate the types of waste so as to reflect the nature of the change of use as sought and to ensure that the site is not able to accept other types of wastes, which might alter the character of the use of the site in terms of raising new issues and impacts such as odour. A condition can also set the maximum permitted throughput of waste as proposed. A planning condition is also recommended to require the clearance of all waste or processed materials in the event of the site ceasing operations for longer than three months.

#### Other Issues

221. Relevant planning considerations including points raised by local objectors have been addressed under the relevant headings above. Concerns raised in

relation to perceived effects on local house prices are not material planning considerations. The perceived reputation of the applicant is also not relevant to considering the planning and land use merits of the proposal.

### **Other Options Considered**

222. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

### **Statutory and Policy Implications**

223. 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

224. The development would be located within an established industrial park benefiting from CCTV coverage and other security measures. The site itself is securely fenced and the report recommends improvements to this fencing are made should planning permission be granted.

#### Data Protection and Information Governance

225. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Human Rights Implications

226. 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 character of the proposed operations and associated traffic movements in nearby communities. The applicant undertakes works for the County Council undertaking highway surfacing improvements. This report has however considered the application proposal on its planning merits in accordance with law. Planning and Licensing Committee is considered to be an independent and impartial tribunal established by law.
227. Consultation with local residents has primarily been facilitated through Parish/town councils, the placement of site notices and a press advertisement.

Neighbouring business occupiers were also approached with letters and further site notices were placed at the site. This approach is in accordance with the County Council's Statement of Community Involvement and statutory requirements.

228. The proposals have the potential to introduce impacts such as HGV traffic, noise and disturbance upon residential areas in Kirton and Ollerton. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as enabling the regulated recycling of road construction wastes, the reuse of a vacant employment land and enabling the local retention and expansion aspirations of a local SME business. 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

229. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty. Potential direct and indirect impacts of traffic and amenity from the proposal have been considered and resulting from this there are no identified impacts to persons with a protected characteristic.

#### Implications for Sustainability and the Environment

230. These have been considered in the Observations section above, including the sustainability merits for recycling materials as secondary aggregates as part of the 'circular economy', and in doing so any potential impacts to local ecology interests and to the ground and water environments. As a regulated site which would need to secure and operate under an Environmental Permit, it offers the ability to better manage wastes whilst protecting the environment than might be possible at ad-hoc contract locations. Sustainable development is further considered in the conclusion to this report.
231. There are no financial, human resource or children/adults at risk safeguarding implications. There are no implications for service users.

#### **Conclusion**

232. The application seeks planning permission for the change of use of a waste wood management facility to one processing road planings and associated engineering wastes.
233. The proposed change of use is considered entirely acceptable in principle when assessed against policies in the Nottinghamshire Waste Core Strategy and the Newark and Sherwood Local Development Framework documents, in particular Policies WCS7 and OB/E/1 which direct recycling facilities to such employment land locations. The proposal would support the growth of the circular economy and promote increased recycling of waste materials for reuse in new road surfacing projects thereby supported by WCS Policy WCS3. It would also reduce demand on primary mineral extraction. As such the proposal is also supported by Policy MP5 of the emerging Minerals Local Plan. It would support

local economic growth and regeneration objectives under Newark and Sherwood Core Policies 2 and 6 and re-activate previously developed land.

234. It is recognised that this application has given rise to a significant level of local concern, based in part from pre-existing issues affecting Kirton village in particular, from its position on a main road and near to surrounding industrial areas. However, the report finds that impacts would be acceptable and the facility would have similar characteristic to the previous waste processing use including in terms of traffic generation. The site would operate under an Environmental Permit and planning conditions can provide further safeguards in relation to dust, noise, drainage and lighting. Site improvements can also be required to improve the standard of boundary treatments and its appearance.
235. Consequently the proposal is not considered to raise any undue or unacceptable impacts to local businesses, residents and the wider environment and is therefore considered to accord with policy WCS13 and in doing so, complies with the provisos of policies WCS7, MP5 and OB/E/1.
236. The development proposal is therefore viewed favourably as a sustainable form of development and in accordance policy WCS1 of the Waste Core Strategy, the Strategy and Development Plan read as a whole, and supported by policy and objectives of the emerging minerals local plan and national planning policy.

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

237. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through the submission of supplementary information and through the recommended planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

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

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments (SG 21/2/2020)**

I confirm that the recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference.

### **Financial Comments (SES 25/02/2020)**

There are no specific financial implications arising from this report.

### **Background Papers Available for Inspection**

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

### **Electoral Division and Member Affected**

Ollerton - Cllr Mike Pringle

Report Author/Case Officer

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