

**24<sup>th</sup> March 2015****Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND  
CORPORATE SERVICES****GEDLING DISTRICT REF. NO.: 7/2014/1361NCC**

**PROPOSAL:** AMENDMENT TO PROCESSING CAPACITY OF SITE TO INCREASE PERMITTED INPUTS TO 150,000 TONNES ANNUAL CAPACITY, INSTALLATION OF ADDITIONAL CHP ENGINE TOGETHER WITH MINOR MODIFICATIONS TO SITE BOUNDARY AND SITING OF SECONDARY DIGESTER TANK, EXTENSION TO CONCRETE SURFACING WITHIN SITE AND ADDITIONAL PORTABLE OFFICE BUILDING.

**LOCATION:** BIO DYNAMIC (UK) LIMITED, PRIVATE ROAD 4, COLWICK INDUSTRIAL ESTATE

**APPLICANT:** BIO DYNAMIC (UK) LTD

**Purpose of Report**

1. To consider a planning application to increase the operational capacity of the Colwick anaerobic digestion (AD) plant from a consented capacity of 49,000 tonnes per annum (tpa) to 150,000tpa. The planning application also seeks to make minor alterations to the site boundary, to re-incorporate a digester tank within the amended site boundary, to provide additional concrete surfacing and to install a further portable office.
2. The planning application has been reported to Planning and Licensing Committee because the proposed increase to the annual processing capacity of the plant exceeds the level which can be determined through delegated powers.
3. The development is supported by development plan policy, national planning policy and waste management policy which supports the development and expansion of AD facilities. The alterations would have limited environmental impact, the most notable change being an increase in HGV traffic but these can safely be accommodated on the local road network. The recommendation is to grant planning permission, subject to the planning conditions set out in Appendix 1.

## **The Site and Surroundings**

4. The application site is situated within Colwick Industrial Estate approximately 5.5km east of Nottingham City Centre. Access to the site is obtained from the A612 via a network of private industrial access roads which serve the industrial estate.
5. The application site is situated on the northern side of Private Road No. 4 at its eastern extremity near to the River Trent crossing of the Radcliffe on Trent – Nottingham railway line. (See plan 1). The AD plant has recently been developed following a grant of planning permission in November 2013. The built structures associated with this process comprise a steel framed building, two digester tanks, electricity generator equipment and ancillary structures. The site was previously occupied by a maggot farm. The site extends to some 1.34 ha in area.
6. The area surrounding the application site is industrial in character. To the south (front) of the site is an inert waste transfer, crushing and screening facility operated by Lafarge Tarmac, to the west (side) is a waste transfer station operated by Wastecycle, and on the eastern side is a river dredging storage facility operated by the Canal and Rivers Trust. To the rear of the site is the Nottingham to Grantham railway line.
7. The nearest residential properties are located within Holme Pierrepont village and Radcliffe on Trent approximately 700m from the application site. The application is separated from these properties by industrial land, the River Trent and agricultural land.

## **Planning History**

8. The site was historically occupied by a maggot farm and associated odour control system. This business was accommodated in a number of single storey industrial buildings which occupied approximately 25% of the site, towards its western side. The remainder of the site accommodated a ground level soil bed filtration/odour control system.
9. Planning permission was granted in November 2013 for the removal of the buildings and development associated with the maggot farm, remediation of the underlying ground and the development of the AD waste management facility comprising:
  - A steel clad waste reception and pre-treatment building measuring 48.35m long by 24.5m wide with a pitched gable roof and a ridge height of 10.6m. The building incorporated facilities for the internal unloading of delivered waste and plant and machinery to make the waste suitable for the AD process. The building was also specified to incorporate offices, mess and staff toilets on a mezzanine floor level.
  - A single storey flat roofed building to the frontage of the main building measuring 8m by 6m incorporating a weighbridge kiosk and office facility.

- The development of four digester tanks, each measuring 15m in diameter, constructed with a 6m high solid concrete base wall and a twin skinned polythene membrane forming a domed framework supported roof with an overall height of 13.5m.
  - A gas scrubber and two electricity generating Combined Heat and Power (CHP) engines. The engines are installed within steel containers, each measuring 12m by 2.43m by 2.7m high.
  - A gas flare stack measuring 9m in height.
  - Two 5m diameter liquid digestate storage tanks, each measuring 10m in height.
  - A silage clamp structure for the storage of solid digestate, measuring 11.6m by 9.4m constructed using 3.6m high concrete walls and covered with a membrane.
  - Two polytunnels measuring 74.0m x 9.0m and 40.0m x 9.0m; both 4m high were to be erected on site, used for the growing of grain to supplement and balance the AD feedstock.
10. Following the construction of the AD Plant a number of discrepancies between the approved plans and the 'as-built' development have been identified which have necessitated formal regularisation. The applicant has sought to address these matters as far as procedurally possible by agreement through a non-material amendment.
11. The non-material amendment submission was approved under delegated powers on the 26<sup>th</sup> January 2014 and therefore does not form part of this current planning application. The non-material amendment provides consent for the following alterations to the approved plans:
- Re-siting of digester units and a reduction in the number of tanks from four to three tanks within the planning application boundary.
  - Amendment to the colour of the roof sheeting of the AD tanks.
  - Removal of polytunnels for hydroponics (plant growing using mineral nutrient solutions in water without soil).
  - Removal of the liquid store tanks.
  - Relocation of weighbridge and concrete apron to rear.
  - Reconfiguration of buildings and structures adjacent to the process building incorporating alterations to the canteen/welfare unit, two air change units, rainwater tank, and buffer tanks incorporating lightning conductors.
  - Reconfiguration of plant and machinery within the generating area of the site.
  - Amendment to design of the office building at the frontage of the site, incorporating it within a modular (portacabin) structure.
  - Alterations to main process building incorporating internal alterations and installation of external ventilation pipes.

## Proposed Development

12. Planning legislation only permits comparatively minor alterations to be made to an approved development under a 'non-material amendment' submission. More significant alterations which have potential to materially impact upon the character of the original development cannot be considered through the non-material process and require consideration as part of a new planning application submission.
13. This planning application seeks permission for the alterations to the site which cannot be authorised under the non-material amendment process. The works comprise:
  - a. An increase in the processing capacity of the site from 49,000tpa to 150,000tpa;
  - b. The installation of a further 2mw CHP generator unit;
  - c. A revision to the south-west boundary of the site;
  - d. The provision/re-instatement of a fourth digester tank;
  - e. Extension to concrete surfacing within the site;
  - f. Siting of an additional portable office building.

The development proposals are identified on Plan 2 and are discussed in greater detail below:

14. Permission is sought to increase the maximum processing capacity of the site to 150,000tpa. The operating capacity of the site is currently limited to 49,000tpa under Condition 13 of the extant planning permission. This increase in capacity can predominately be managed by upscaling throughputs using existing site infrastructure, although there is a need to install a further 2mw CHP generator to manage the additional gas yields. This generator would be accommodated in an identical steel container unit to the two generators currently provided within the site. The additional processing capacity would increase traffic accessing the site from 54 daily two way movements per day (incorporating 38 HGVs) to 130 two way movements (incorporating 114 HGVs).
15. A need to alter the south west boundary of the site is necessary due to the fact that a land transfer between previous owners did not actually take place. This has resulted in an area of land being lost from the operational site near to the railway line but an increase in land to the front of this. The developer therefore is unable to purchase the full extent of the original site identified in the extant planning permission. The overall effect of this change is that the originally straight south eastern boundary is now curved albeit the overall area of the site remains broadly similar to that originally granted planning permission.
16. Planning permission was originally granted for four digester units within the site. However, due to the alterations to the site boundary it has not been possible to develop all four digesters within the boundaries of the original site and the therefore the fourth digester was omitted from the non-material amendment

permission. Planning Permission is now sought to re-instate this fourth digester tank which would straddle the boundary between the original and amended south-eastern boundary. In other respects the digester is of a similar size and appearance to the other digester units within the site.

17. The extension to the concrete surfacing comprises a comparatively minor area of additional concrete surfacing at the rear of the site. The additional concrete would join existing areas of concrete which are currently interspaced by crushed stone.
18. The proposed portable building would be located at the site frontage adjacent to the existing modular office building. The building would measure 4.9m by 2.9m and would be 2.7m high with a flat roof. The building would be used as a laboratory for testing purposes associated with the operation of the AD plant.

## **Consultations**

19. Gedling Borough Council: *Raise no objections.*
20. Stoke Bardolph Parish Council & Colwick Parish Council: *No representations received.*
21. Environment Agency: *Raise no objections subject to the imposition of a planning condition requiring the development to be implemented in accordance with the measures set out within the flood risk assessment. The EA state that the operation of the facility would require a permit, which would ensure that appropriate odour and drainage controls are imposed on the operation of the site.*
22. Network Rail: *Raise no objection subject to the provision of barriers in positions where vehicles have potential to roll onto the railway and no alterations being made to the rail side fence.*
23. NCC (Highways): *Raise no objection on the basis that the development would only result in a net increase of approximately 70 HGVs passing through the A612 junction when compared to the site's previous use. This would translate to approx. 10 or so movements in the peak hour. Substantial improvement works are being undertaken on this junction as a result of the new Sainsbury's development at Victoria Retail park. The Traffic Signals section of the Council are confident that the impact of the additional movements generated by the AD plant can be satisfactorily accommodated within the capacity of the new junction.*
24. NCC (Noise Engineer): *Raise no objection to the development on the basis that the third generator would not result in increased noise at sensitive locations. Previous conditions relating to noise should be carried forward into any planning permission.*
25. Severn Trent Water Limited: *No representation received.*

## Publicity

26. The application has been publicised by means of a site notice and press notice. Occupiers of surrounding businesses have been notified by letter. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
27. Councillor's John Clarke & Nicki Brooks have been notified of the application.

## Observations

### Introduction

28. The Planning and Licensing Committee Report (12<sup>th</sup> November 2013) incorporates a detailed assessment of the planning merits of the Bio Dynamic AD plant within Colwick Industrial Estate. The report is supportive of the process and its location, the conclusions of the report are set out below:

*The development would contribute to sustainable waste management insofar that it would divert waste from landfill disposal and provide a facility to recover energy from this waste through the use of anaerobic digestion. This approach would deliver waste management at a higher level within the waste hierarchy.*

*The facility would assist in providing security of electrical supply utilising UK sourced residual waste food to contribute to a diversified and dependable source of renewable energy which lessens the dependence on insecure foreign imports of carbon rich fossil fuels therefore fully contributing to meeting the objectives of national energy policy. The development therefore represents a sustainable waste treatment development and benefits from the underpinning presumption in favour of sustainable development contained within the National Planning Policy Framework which seeks to ensure that such development goes ahead without delay unless there are irresolvable material considerations which indicate otherwise.*

*The siting of the development within a designated industrial estate is appropriate in the context of national waste policy, and supported by WCS Policies WCS 3: Broad Locations for Waste Treatment Facilities and WCS 6: General Site Criteria.*

*Environmental impacts have been assessed where it is concluded that no significant impacts would occur and any environmental effects can reasonably be mitigated by the imposition of the attached conditions.*

### Planning considerations of proposed revisions.

#### a. Increase in processing capacity

29. The increase in processing capacity of the site from 49,000tpa to 150,000tpa is supported by Policy WCS8 of the Nottinghamshire and Nottingham Waste Core

Strategy (WCS), subject to the requirements of Policy WCS13 which ensures that waste developments are only permitted when there are no unacceptable impacts on any element of environmental quality or the quality of life of those living or working nearby.

30. The most noticeable environmental change as a result of enlarging the site's capacity would be the increase in vehicle movements from the currently consented level of 54 daily two way movements per day (incorporating 38 HGVs) to 130 two way movements (incorporating 114 HGVs). These vehicles would access the site via the established industrial estate access road (Private Road No. 1) which links directly onto the A612. NCC Highways (Development Control) have reviewed the traffic implications of the development and raise no objections on the basis that substantial improvement works are being undertaken on the A612/industrial estate access road junction as a result of the new Sainsbury' development at Victoria Retail Park, the increase in traffic is comparatively modest and would not exceed the capacity of the re-engineered junction.
31. To ensure that vehicle movements are limited to the levels set out within the planning application, a planning condition is suggested to limit the average number of HGV delivery vehicles. To allow for some fluctuation between actual daily movements it is suggested that the daily limit on vehicle movements is controlled over a two week period (1254 HGVs each 14 days). This control would ensure that traffic levels are limited to an acceptable level and ensure compliance with WLP Policy W3.14.
32. An alternative access into Colwick Industrial Estate is available from Mile End Road to the West (see Plan 3). The Mile End Road access into the industrial estate passes a number of residential properties and historically these residents have objected to HGV traffic associated with the operation of the industrial estate passing their properties. To address this problem Mile End Road has a one-way environmental weight restriction which prohibits vehicles over 7.5 tonnes obtaining access to the A612 from the industrial estate. The County Council has consistently sought to apply controls on planning permissions it issues within Colwick Industrial Estate to require waste operators to establish working practices to avoid their delivery vehicles using Mile End Road for access into or out of the industrial estate. Controls were imposed on the original planning permission for the AD Plant through a planning condition requiring the erection of signage on their site and issuing of instructions to drivers advising of the required route. It is recommended these controls are carried forward as part of any planning permission Committee may be minded to approve.

b. Additional CHP Engine

33. The increased throughput of the site does not require additional infrastructure and can be managed by upscaling the existing facilities except for the installation of an additional CHP Engine to manage the increased gas yields produced from the additional waste.
34. The additional CHP engine would be installed within a container of similar size and appearance to the two existing CHP container units currently incorporated within the site. This container would be sited adjacent to the existing structures

and therefore would have a minimal visual impact upon the surrounding area. The operation of the CHP engine would produce a limited amount of noise, however the magnitude of noise produced would not create any harmful impacts to the amenity of residential properties or other sensitive receptors which are remote from the site.

c. Amendment to site boundary

35. The alteration to the site boundary is a comparatively nominal revision brought about by a historical land transfer which was not completed. The implications of this revision are that the applicant has gained some additional land and lost a similar quantity of land, but the overall site remains of a similar size to that originally granted planning permission. The incorporation of the additional area does not raise any issues from a planning perspective since both parcels of land are incorporated in the same 'employment land' designation within the Gedling Replacement Local Plan. The incorporation of the additional land does not bring the site into closer proximity to sensitive receptors.
36. Whilst not directly linked to the amendment of the site boundary, the construction of the site has required some re-engineering of the site levels. Significant quantities of soils have been stockpiled within the site, particularly on the extended area. The storage of these soils does not have planning permission and has potential to affect flood flows and flood storage capacity. Although the applicant has confirmed that these soils are temporarily stored pending their re-incorporation into the site or their removal, it is recommended to impose a planning condition requiring the operator to remove the surplus soils within 12 months, thereby ensuring the matter is appropriately regulated.

d. The development of a fourth digester tank

37. The original planning permission for the site incorporated four digester tanks. This was reduced to three as part of the non-material amendment due to there being insufficient space for all four tanks within the reduced site area. With the re-instatement of the site to its original site area requested in this application permission is sought to reinstate the fourth digester tank into the development straddling the nominal boundary between the original site and the extended area. The digester is of an identical design to that previously given planning permission, and its minor re-configuration within the site does not raise any environmental issues.

e. Extension to concrete surfacing within the site

38. The additional concrete surfacing within the site would replace areas that were originally approved with stone surfacing. Concrete surfacing is more resilient to wear than crushed stone and therefore would assist with minimising the potential for delivery vehicles to damage stoned surface areas and carry underlying mud and other deleterious material onto the highway, an approach which is encouraged by Nottinghamshire and Nottingham Waste Local Plan (WLP) Policy W3.11. The regular sweeping of haul roads to ensure they are kept clean can be secured by planning condition. A planning condition can also be imposed to require further measures to minimise nuisance from mud in the event that the above steps prove inadequate.



f. Siting of an additional portable office building

39. This ancillary office would integrate with the buildings and structures on the wider waste site which is itself located within an industrial area. The structure therefore complies with WLP Policy W3.3 which seeks to minimise visual impacts from new buildings on waste sites. .

### **Other Options Considered**

40. 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**

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

- Implications for Service Users, Financial, Equalities, Safeguarding of Children and Human Resource: No implications.
- Crime and Disorder Implications: The application site would be enclosed by 2m high security fencing.
- Human Rights Implications: The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals would increase HGV traffic accessing the site with potential for some nuisance although the location of the site and routing of these vehicles through a designated employment site directly to an A class road should ensure that the magnitude of any impact is minor. These considerations need to be balanced against the wider benefits the proposals would provide in terms of assisting with the sustainable waste management and the production of renewable energy. Members will need to consider whether these benefits would outweigh the potential impacts.
- Implications for Sustainability and the Environment: The development would assist with the managing waste at a higher level in the waste hierarchy and would recover energy from waste that would otherwise be disposed to landfill, and thus represents a more sustainable waste management solution.

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

42. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and national government policy. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the application. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

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

**JAYNE FRANCIS-WARD**

**Corporate Director Policy, Planning and Corporate Services**

## **Constitutional Comments**

Planning & Licensing Committee is the appropriate body to consider the content of the report. [SLB 24/02/2015]

## **Comments of the Service Director – Finance**

There are no specific financial implications arising directly from this report. (SES 25/02/15)

## **Background Papers Available for Inspection**

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

## **Electoral Division(s) and Member(s) Affected**

Carlton East: Cllr Brooks and Clarke.

Report Author / Case Officer  
Mike Hankin  
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For any enquiries about this report, please contact the report author.

W001397rep.doc – DLGS REFERENCE  
11<sup>th</sup> February 2015 – Date Report Completed by WP Operators

## APPENDIX 1

### RECOMMENDED PLANNING CONDITIONS

#### Commencement

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

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

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

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

#### Approved Plans

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, or where amendments are made pursuant to the other conditions below:
  - a. Planning application forms received by the WPA on 27<sup>th</sup> November 2014.
  - b. Planning Supporting Statement (Ref: 13/1577/DK/EM) received by the WPA on 27<sup>th</sup> November 2014, and in particular the noise outputs set out within Appendix A of this report.
  - c. Drawing No. 13/1577 35B Site Layout Plan received by the WPA on 23<sup>rd</sup> January 2015.
  - d. Drawing No. 13/1577: 38 Proposed CHP Unit No. 3 received by the WPA on 27<sup>th</sup> November 2014.
  - e. Drawing No. 10/1433: 41 Proposed Laboratory received by the WPA on 23<sup>rd</sup> January 2015. Noise Impact Assessment Report received by the WPA on the 4<sup>th</sup> October 2013.
  - f. Planning Supporting Statement ref: 13/1577/DK/EM received by the WPA on 27<sup>th</sup> November 2015.

*Reason: For the avoidance of doubt.*

### **Surfacing and Drainage**

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

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

### **Access & Parking**

5. The car parking spaces and ancillary manoeuvring facilities identified on Drawing No. 35B – Site Layout shall be kept free of all obstructions and only used for their designated purpose at all times.

*Reason: To ensure satisfactory off street car parking in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

6. There shall be a maximum of 1254 two way HGV movements within any two week period (627 HGVs into the site and 627 HGVs out of the site). Written records shall be maintained of all vehicle movements including the time of day such movements take place including registration numbers. Copies of the vehicle movement records shall be made available to the WPA within 7 days of a written request being made by the WPA.

*Reason: To limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

7. The operator shall take all reasonable steps to instruct all delivery vehicle drivers entering and leaving the site to access from the A612 using the Private Road No. 1 junction thereby avoiding trafficking along Mile End Road. The steps shall include the issuing of instructions to all drivers and the display of signage at the vehicular exit of the site to advise drivers of the required route.

*Reason: To ensure that residential properties on Mile End Road are not adversely affected by vehicular movements associated with the operation of the site limit vehicle movements in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Capacity of the Site**

8. The maximum amount of waste material accepted at the site shall not exceed 150,000 tonnes per annum in total. A written record shall be kept by the site operator of the amounts of waste accepted and it shall be made available to the WPA within 7 days of a written request from the WPA.

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

## **Odour**

9. Measures shall be employed to ensure that operations associated with the development hereby permitted do not give rise to any malodours. Such measures shall include but not necessarily be limited to the following:
- a. There shall be no external storage of materials within the site;
  - b. All incoming waste shall be unloaded and stored within the building;
  - c. Waste shall be regularly rotated within the waste receipt/processing building to ensure that material is circulated on a regular basis and not allowed to decompose;
  - d. The fitment, use and regular maintenance of fast acting screen shutter doors to the unloading bay and self-closing hinges to personnel door openings within the waste receipt/processing building. These doors shall remain shut at all times, other than to allow passage of waste delivery/collection vehicles and people into/out of the building. The shutter doors shall be shut during waste vehicle loading operations;
  - e. The use of odour control measures at all times within the waste receipt/process building comprising a negative air pressure within the waste receipt building, the construction and maintenance of the building utilising an air tight design and the use of an air filtration system in general accordance with the details set out within Appendix E of the Design and Access Statement which supported the original planning application submission.
  - f. All vehicles transporting waste materials either to or from the site shall be fully enclosed or sheeted.

In the event that these measures prove inadequate, then within one week of a written request from the WPA additional steps or measures shall be submitted for the written approval of the WPA in order to prevent the release of odours from the site. The supplementary odour management measures shall be implemented in accordance with a timetable which shall be agreed in writing by the WPA.

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

## **Noise**

10. Only plant and machinery which is listed within the Noise Impact Assessment Report received by the WPA on 4<sup>th</sup> October 2013 albeit with the addition of the third CHP Engine hereby approved (as detailed on Drawing 13/1577: 38: Proposed CHP Unit No. 3) shall be operated from within the site at any time, unless the details of any new plant/machinery are first agreed in writing by the WPA. Any request to operate additional machinery shall incorporate details of the sound power output of the machinery to be operated.

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

11. Measures shall be used to ensure that noise generated within the site is kept to a minimum. Such measures shall include the fitting and use of effective silencers to plant and machinery in accordance with the manufacturers' specifications and the regular servicing of plant and machinery. Silencers shall be fitted to the CHP exhausts prior to first use, to ensure that noise levels do not exceed 57dB(A) when measured at a distance of 7m from the exhaust.

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

12. All reversing warning devices used on mobile plant under the control of the operator shall comprise white noise (broadband) alarms.

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

13. Combined noise levels from site operations shall not exceed 40dB(A) when measured at a position 115m from the proposed location of the CHP/units, located on top of the flood embankment and marked X on Drawing No. LR/F2863/01. In the event that a complaint is received regarding noise arising from the development hereby permitted which the WPA considers may be justified the operator shall, within 1 month of a request of the WPA, undertake and submit to the WPA for its written approval a noise survey to assess whether noise arising from the development exceeds the noise criterion. In the event that the noise criterion is exceeded the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the permitted noise level.

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

### **Litter, Dust and Mud**

14. Measures shall be employed to ensure that litter, dust and mud generated within the site are kept to a minimum and contained within the site. These measures shall include, but not necessarily be restricted to:
- a. The use as appropriate of a dust suppression system throughout all working areas;
  - b. The use as appropriate of water bowzers and/or spray systems to dampen the access roads, vehicle circulation and manoeuvring areas;
  - c. The regular sweeping of haul roads;
  - d. In the event that a complaint is received regarding litter, dust or mud arising from the operation of the site which the WPA consider may be justified the operator shall within 1 month of a written request of the WPA prepare and submit a mitigation strategy to remedy the nuisance. The site shall thereafter operate in compliance with the mitigation strategy throughout its operational life.

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

15. All open topped vehicles transporting processed digestate from the site shall be fully covered with sheeting prior to them leaving the application site and entering Private Road No. 4. The applicant shall issue instructions to delivery drivers bringing waste to the site stipulating that incoming loads are fully sheeted.

*Reason: To prevent mud and other deleterious material contaminating the highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Vermin**

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

*Reason: To ensure satisfactory environmental management at the site.*

### **Protection from Flood Risk**

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- a. Identification and provision of safe routes into and out of the site to an appropriate safe haven, including a mezzanine floor.
- b. Finished floor levels are set no lower than 600mm above surrounding ground levels.
- c. The office floor level to be 800mm above surrounding ground levels.
- d. Increases in impermeable area to be managed via rainwater harvesting and gravel trenches to allow percolation to the ground.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the WPA.

*Reason: To ensure safe access to and egress from the site, to reduce the risk of flooding to the proposed development and to not increase the rate of surface water runoff from the site and to ensure compliance with Policy W3.13 of the Nottinghamshire and Nottingham Waste Local Plan.*

18. All surplus soils and spoil material currently stockpiled within the site, or generated by the development hereby approved shall be removed from the site and the ground returned to its original level within 12 months of the date of commencement, as notified under the requirements of Condition 2.

*Reason: To avoid adverse impacts to surrounding land and property during flooding events and to ensure compliance with Policy W3.13 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Closure of the Site**

19 In the event that the use of the site for the importation of waste should cease for a period in excess of one month then, within one week of a written request from the WPA, the site shall be cleared of all stored waste and process materials.

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

### **Note to Applicant**

1. Your attention is drawn to the attached email from Network Rail dated 28<sup>th</sup> August 2013.
2. Private Road No. 4 is designated as a public footpath (Carlton Public footpath No.22) and therefore should not be affected or obstructed or users impeded in any way by the proposed development.



3. The operation of the facility will require a permit from the Environment Agency which is likely to be Bespoke and therefore any issues surrounding noise, odour, dust etc emanating from the site or process would be addressed within the permit.
4. With reference to the protection of the railway, Network Rail request the following requirements are met.
  - Armco Safety Barriers: An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.
  - Fencing: Network Rail request their fence should not be altered or moved in any way and nothing should be put in place to prevent them from maintaining their boundary fence which the company is obliged to do in law. Network Rail's existing fencing /wall must not be removed or damaged. They also require clarification of the type of fencing to be used in the modifications to the boundary proposed under the application.