



3rd September 2019

Agenda Item: 6

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/18/00628/CDM

PROPOSAL: TO OPERATE AN ASBESTOS WASTE TRANSFER STATION AND CLINICAL WASTE TRANSFER STATION.

LOCATION: C.W. WASTE SERVICES LIMITED, SANDY LANE INDUSTRIAL ESTATE, WORKSOP, S80 1TN

APPLICANT: C.W. WASTE SERVICES LIMITED

Purpose of Report

1. To consider a planning application for the operation of an asbestos and clinical waste transfer facility on part of a larger waste processing site previously used as a waste transfer station. The key issues relate to the suitability of the site and the wider location for the development of a waste transfer facility, concerns relating to the safety and management of the site, particularly in the context of the planning history of the site, potential adverse impacts to surrounding land and property and traffic generation. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. The planning application site is located on Sandy Lane Industrial Estate, approximately 1km north-west of Worksop town centre which is accessed from Sandy Lane (A60) (see Plan 1).
3. The application site is surrounded by industrial uses. To the west is the existing MBA Polymers plastic recycling site. To the south are companies called Canning Conveyors (supplier of industrial conveyor belts) and Fabco (a steel fabrication company). To the north is a dilapidated building and open storage associated with the former Worksop Waste transfer station, beyond which are railway sidings and the Worksop to Chesterfield rail line which runs in an east to west direction. To the east is other land associated with the former Worksop Waste, land occupied by Canning Conveyors and Spire Facilities (decorative stone supplier) and other industrial storage land.
4. The nearest residential properties are located on Sandy Lane, approximately 130m south of the application site (see Plan 2).

5. The site incorporates part of a larger piece of land which was last used as a mixed waste recycling centre operated by Worksop Waste Limited. The boundaries of the planning application site have been drawn around the lower (southern) yard area (around 20%) of this larger site. The site has a road frontage of 40m and a site depth of 100m. It incorporates a single storey office building adjacent to the road frontage with a weighbridge at the side and a single storey garage/servicing building at the rear of the site. The site is surfaced with crushed stone with a small area of broken concrete hardstanding adjacent to the northern boundary. The site is enclosed by 1.8m high metal fencing.

Planning History (see Plan 3)

6. Planning permission was granted in September 2005 (ref: 1/02/05/00101) for the use of the planning application site for the development of a materials recycling facility associated with the management of household, commercial and industrial waste.
7. Planning permission was granted in July 2010 (ref: 1/02/09/00388) for a northern extension of the waste transfer station, the construction of a waste transfer building and installation of a ramp between the two areas of land.
8. In the process of implementing this planning permission the operator extended the operations onto adjoining land. Planning permission was granted to regularise this development in December 2010 (ref. 1/02/10/00326) and permit its continued use for inert waste management including screening, crushing and recycling of hardcore and topsoil.
9. Subsequently, retrospective planning permission was issued in November 2013 (Ref: 1/13/01032/CDM) to regularise a series of non-compliance issues in respect of the original planning permission including the construction of a waste transfer building not in accordance with the approved plans and non-compliance with the approved operational plan for the site.
10. A series of planning enforcement and stop notices were served on the previous operators of the site, between November 2013 and September 2017 against various breaches of the planning conditions imposed on the operation of the site. These are summarised below:
 - Various issues of non-compliance with the planning permissions and their conditions were noted after the permissions were issued. A planning application (Ref: 1/13/01032/CDM) was submitted to regularise issues associated with the waste transfer permission (1/02/09/00388) but progress to determine the application was slow. In light of the ongoing issues two planning enforcement notices were served on the operator of the site, Worksop Waste Limited in October 2013 for breaches associated with both the waste transfer permission (1/02/09/00388 and the inert permission (1/02/10/0326) including the site layout, waste types and environmental controls.

- As a result progress was made on the outstanding application and planning permission was issued in November 2013 (Ref: 1/13/01032/CDM) to regularise a series of non-compliance issues in respect of the waste transfer planning permission including the construction of the waste transfer station not in accordance with the approved plans and non-compliance with the approved operational plan for the site. This superseded planning permission 1/02/09/00388.
 - Worksop Waste Limited subsequently failed to lay the site out in accordance with the new planning permission or address those issues subject to the enforcement notices served in October 2013. In early 2014 Worksop Waste Limited went into partnership with Trent Valley Recycling (TVR) to run the site jointly with a view to TVR taking over the site. Worksop Waste Limited went into administration and TVR took control of the site. TVR initially cleared the waste associated with the notice relating to general waste transfer site and started some works to comply with the inert waste enforcement notice. The activity at the site started to intensify but waste was confined to the permitted area. In 2015 there was a further marked scaling up of the throughput of waste and following the collection of evidence that the permitted hours were being breached enforcement and stop notices were served in October 2015 requiring the site to operate within the approved hours.
 - The hours were largely complied with after the notices were served, although alleged breaches continued to be reported to the Council but were not evidenced by visits. The operation of the site as a whole did give cause for concern in light of the apparent throughput of waste. In October 2016 TVR filled the site, (with the exception of the area of the current application) with waste over a very short period of time and went into administration leaving a large quantity of waste at the site.
 - The land subject to the current application is owned by a holding company and was leased to TVR and was not tipped by them prior to them going into liquidation. The other land was owned by TVR and was disclaimed by the liquidator. In such circumstances the land was passed to the Crown and held in escheat. The Crown will hold the land to sell on but will not manage the land in any way. At around this time a limited quantity of baled carpet and mattress waste was deposited on the land subject to the current application.
 - A fifth enforcement notice was served in September 2017 against various breaches of the planning conditions requiring waste stored outside the designated areas to be removed and the site laid out in accordance with the approved plans. This was aimed at securing the removal of the recently deposited carpet and mattresses and also to ensure that any potential purchaser of the other land was fully aware of the breaches of planning control and the actions which needed to be taken.
11. The applicants for the current application secured an interest in the land subject to this application. They carried out various works to tidy up the premises including the removal of the baled carpet and mattress waste and have since

been in discussions with Officers to move forward the current proposals. The remaining land continues to be in escheat and discussions have and continue to take place with various stakeholders to try to secure a mechanism to remove the waste from the land.

Proposed Development

12. The planning conditions imposed on the existing planning permission permit waste transfer activities across the larger site with all waste processing restricted to the land and buildings immediately to the north, outside the boundaries of the current planning application site. The consented use of the current planning application site is limited to office accommodation, vehicular parking, fleet maintenance and skip storage ancillary to the use of the wider site for waste management. The proposed asbestos and clinical waste processing therefore could not be operated under the terms of the existing planning permission for the site.
13. Planning permission is therefore sought to use part of the former waste transfer station site at Sandy Lane to operate an asbestos and clinical waste transfer station. Planning permission was also originally sought to undertake inert waste processing at the site but this was withdrawn from the proposed development and no longer forms part of the application. The activities for which planning permission is sought are set out below and identified on Plan 2.

Asbestos Waste Transfer Station

14. Asbestos waste would be managed from an area of hardstanding located adjacent to the northern boundary of the site. The existing hardstanding area would be overlaid with concrete to create an impermeable pad measuring 15m x 11.5m. Two secure lockable waste skips would be sited on this hardstanding, each measuring 3.84m in length by 1.81m in width and 2.18m in height and providing 12.2 cubic metres of storage capacity, equating to approximately 300 bags of asbestos waste. The hard standing would also incorporate space for the parking of vehicles delivering asbestos waste.
15. The hardstanding would be constructed to contain potential accident or spillage utilising impermeable concrete and 200mm perimeter kerb/bund. Surface water from the concrete pad would discharge to a drainage tank installed below surface level. This tank would filter the water through a catch pit filter and collect any asbestos fibres. The filter would be inspected and cleaned each week. Filtered water would discharge by soakaway to the underlying ground. The ground underlying the proposed drainage tank has been tested for the presence of contamination. The results demonstrate that the soil is clean and therefore water flows from the tank would not mobilise any pre-existing ground contamination.
16. All asbestos delivered to the site would be 'double bagged' by wrapping it in two plastic bags to ensure compliance with industry standard and minimise risk of air borne emissions of asbestos fibres. Delivery vehicles would enter the site and drive over the weighbridge prior to being directed to the asbestos banded

area for unloading on the fully bunded area. Bagged asbestos would be placed directly into skips. All users of the facility would be required to wear appropriate personal protective equipment including overalls and face mask. There would be no processing of asbestos waste at the site, with activities limited to storage, bulking and onward transfer within the lockable skips. After unloading, vehicles would be re-directed over the weighbridge where they would be issued with a duty of waste transfer note and a hazardous consignment note.

17. In the event of an asbestos spillage, fibre suppressant and a H type vacuum (a high-hazard vacuum cleaner incorporating a filter conforming to BS EN 1822 suitable for the safe removal of asbestos-containing materials) would be used to clean up any debris and extra class 9 asbestos bags would be kept in the bunded area.
18. It is anticipated that the site would receive approximately 48 tonnes of asbestos per week (around 2,500tpa), brought to site in small commercial vehicles such as transit vans or similar utilising approximately 60 vehicle deliveries each week. This represents a reduction in the level of throughput from the original submission which identified 10,000tpa. CW Waste may instigate their own collection service which would form part of the aforementioned throughput. The containers would be removed from the site utilising 2- 4 roll on/off HGV deliveries per week.
19. In a supporting letter the applicant states that they are appropriately qualified and licensed to manage asbestos. The applicants also confirm that they have obtained an environment permit from the Environment Agency for the asbestos waste transfer activities to be undertaken at the planning application site.

Clinical Waste Transfer Station

20. Clinical waste transfer activities would be carried out within the existing building at the rear of the site. This building was previously used for garaging/fleet maintenance. The interior of the building has a concrete floor and a roller shutter door to its front elevation. It is proposed to accommodate a 12.2 cubic metre container and 8 1,100 litre 'Euro' bins within this building.
21. Clinical waste would predominantly be brought to site in small commercial vehicles such as transit vans or similar. It is anticipated that the site would receive approximately 3 tonnes of clinical waste utilising approximately 30 vehicle deliveries per week. CW Waste may instigate their own collection service which would form part of the aforementioned throughput. 1-2 Cargo type vehicles per week would be utilised to remove the wheeled containers from the site.
22. Clinical waste would be delivered to the site in yellow bags, typically containing incontinence pads, nappies and sanitary waste. It would not incorporate any body parts. Waste carriers would deposit the yellow bags into the lockable Euro bins. There will be no processing of the clinical waste on the site and when full skips would be transported to incinerator/landfill for treatment.

23. In the event of spillage extra yellow bags are stored in the clinical waste area as well as body fluid disposal kits.

Operation of Site - General

24. Operation working hours for the site are proposed between 07.30 to 17.00 Monday to Friday and 07.30 to 12.00 on Saturdays. The site would not be operational on Sunday or Bank Holidays. When the site is fully operational it could potentially employ 10 full time and 10 part time staff, but initially staffing levels are likely to be half this.
25. The business would utilise the existing building at the frontage of the site as an office and amenity facility to manage the operation of the business. The site is secured by 1.8m high palisade steel fencing and 24hour CCTV surveillance. Floodlighting and CCTV coverage would be provided to maintain 24-hour site security. Operational plant will be limited to a fork lift truck or bowser type plant.
26. With the exception of the asbestos operating pad, the development would not change the existing drainage arrangements at the site which incorporate a soakaway system for roof water run-off, infiltration through the existing crushed stone surfaces on the open areas of the site, and mains foul water connection for the drainage originating from the office building.

Consultations

27. Consultees were requested for their observations on three separate occasions coinciding with the initial receipt of the planning application and on two later occasions following the receipt of revised documents. The summary of consultation responses identifies where consultees have changed their position following the receipt of the additional information.
28. Bassetlaw District Council: *Object to the planning application. The District Council acknowledges that the site has a history of concerns connected with its operation in connection with waste processing. Whilst waste is not something that the District Council would object to, it is important that the site is operated in compliance with legislation and regulation going forwards. As such, the quality of information contained within the original planning application submission is not sufficiently detailed or of satisfactory quality to enable proper consideration or comment to be made. Matters of concern relate to the lack of detail regarding clinical waste processing and potential risks from vermin and flies, the noise survey does not appear to accurately assess the magnitude of impact from inert processing activities, the supporting statement does not set out all the potential waste streams which the site would deal with and therefore a reasonable assessment of impact cannot be made. The submitted information is not robust enough to assess impact to air quality, noise, litter, odours, land contamination, dust, vermin and insects. The Council's Environment Health department consider the development of the site for waste related development is not consistent with future aspirations for the area.*

29. *Bassetlaw's Environment Health Officer has re-assessed the planning application following the submission of the supplementary planning documents. They state the documents are considerably more detailed and enable a more considered appraisal of the application to be made. The EHO makes the following observations:*
- *Air Quality, extraction, ventilation, noise, lighting, contaminated land, food hygiene, health and safety - no comments*
 - *Pollution prevention and control – The site will be regulated by an Environmental Permit. Any concerns surrounding release of asbestos fibres, or odours from clinical waste storage would be adequately controlled through permit conditions.*
 - *The EHO has previously commented on the un-desirability of this site for ongoing waste handling and these comments still stand.*
 - *Vermin – There is potential for vermin from site operations. Rodent and insect control is relatively straightforward and should be put in place by the operator.*
 - *Noise - The hours of operation together with the character of operations should ensure that nearby residents would not experience any significant negative impacts from the proposed development.*
 - *Drainage – A connection to the foul drainage system is recommended to avoid potentially contaminated water percolating through contaminated soils and leading to contamination of groundwaters.*
30. Environment Agency: *Raise no objections subject to the imposition of planning condition to require the submission of a scheme to deal with the disposal of surface water.*
31. The Environment Agency have responded to the third consultation by confirming that they have issued a 'standard rules' environmental permit on the 19th July 2018 for the operation of an asbestos waste transfer station at the site. *Under this permit, the only permitted hazardous waste is insulation materials or construction materials containing asbestos. These wastes must be double-bagged except where waste will not fit into a bag when it must be securely wrapped. Bagged or wrapped waste must be stored within secure, lockable containers. These rules do not permit the treatment or repackaging of asbestos or the separation of recyclable materials, or the burning of any wastes, either in the open, inside buildings or in any form of incinerator. These standard rules do not allow any point source emission into surface waters or groundwater. Liquids from waste storage areas may be discharged into a sewer (subject to a consent issued by the local water company), taken off-site in a tanker for disposal or recovery, or discharged directly to surface waters, or to groundwater by seepage through the soil via a soakaway if first passed through a filter capable of removing asbestos fibres. Clean surface water from roofs, or from areas of the site that are not being used in connection with storing waste, may be discharged directly to surface waters, or to groundwater by seepage through the soil via a soakaway. The permit limits the amount of asbestos waste which may be deposited at the facility to 10 tonnes per day and no more than 10 tonnes at the site at any one time.*

32. NCC (Lead Local Flood Authority): *Raise no objections subject to it being satisfactorily demonstrated that run-off from waste handling areas does not result in pollution and site drainage from rainfall does not result in increased flooding to surrounding land.*
33. *The flood authority has subsequently confirmed that they have no objections to the application as subsequently revised.*
34. NCC (Highways): *Do not object to the planning application. The Highway Authority queried the accuracy of the traffic numbers supplied within the original planning submission but were satisfied that the vehicular movements were not significant. These concerns were addressed in the revised design and access statement which provides a detailed breakdown of vehicle movements which equates at an average of approximately 2 vehicles per hour over the suggested 9.5-hour day. Planning conditions are recommended to limit the maximum number of HGVs and LGVs accessing the site, to ensure that delivery drivers are instructed to enter and leave the site from the west via the A57 and thus avoid trafficking through Worksop, and all vehicles transporting waste being sheeted/covered.*
35. Via (Noise Engineer): *Raise no objection. Concerns were originally raised in connection with potential noise emissions from inert waste crushing and screening activities and that these issues had not been formally assessed as part of a noise assessment. Following the amendment to the planning application including the omission of inert crushing and screening, no objections are raised on noise grounds on the basis that the asbestos and clinical waste activities would not utilise any operational processing plant and therefore noise emissions from the activity would be low.*
36. Via (Reclamation): *Given the site's development history as a scrap yard and more recently as a waste management and recycling facility there is the potential for ground contamination issues at this location. It is understood that the only intrusive building works proposed on-site are for an underground water storage tank near the hardstanding area proposed for asbestos storage. It is therefore recommended that samples of the proposed area of excavation for the water tank are analysed to screen for a broad spectrum of contaminants.*
37. *The additional information incorporates a soil analysis which indicates that the soil beneath the proposed drainage tank is uncontaminated. The excavation of the site for the installation of the drainage tank and subsequent outfalls of filtered water from the drainage tank through the ground strata would not increase pollution risks from the site.*
38. Network Rail Civil Engineering: *Raise no objections*
39. Cadent Gas Limited, Western Power Distribution, Severn Trent Water Limited: *No representations received. Any representations received will be orally reported.*

Publicity

40. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the occupiers of surrounding businesses and the nearest residential properties on Sandy Lane in accordance with the County Council's adopted Statement of Community Involvement.
41. 17 letters of representation have been received raising objections on the following grounds:
 - (a) Further waste development at the site is undesirable.
 - (b) There is a school and housing nearby. The facility should be developed in a non-residential area away from the general public.
 - (c) The management of 10,000 tonnes of asbestos at the site is a concern and could have serious implications to local residents and surrounding businesses. Asbestos fibres should be encapsulated at all times and contained in a sealed unit. There is no guarantee that the handling of the asbestos would be 100% safe. Asbestos is proven to cause health conditions including cancer. A local resident reports they have breathing problems which the facility would exacerbate.
 - (d) The perception of risk will affect the ability of adjoining businesses to attract and retain staff and would deter present and potential customers from visiting their premises to do business, thus adversely affecting surrounding businesses.
 - (e) It is questioned whether the handling and safety arrangements at the site will be subject to independent supervision.
 - (f) The clinical waste would attract flies and vermin and would harbour hazardous bacteria. The waste could contain body parts.
 - (g) Concerns were raised about the inert waste processing facility originally proposed at the site in respect of noise and dust emissions.
 - (h) The increased traffic associated with the development would have a negative impact on local traffic conditions. Sandy Lane is already a busy road, but it is not of a suitable standard for heavily loaded lorries, the speed limit is frequently ignored, and safety concerns are raised, particularly in respect of pedestrians including children walking to school. It is very unlikely that all vehicles will access the site from the west.
 - (i) The site has inadequate parking for cars and lorries.
 - (j) The traffic would affect the foundation of nearby houses which were built early 1900.
 - (k) There is no drainage system on the site, will one be installed?
 - (l) Concerns are raised over dust, smells, fire risk and HGV traffic. Dust suppression is inadequate, and residents are concerned that previous

dust issues associated with the operation of the site will re-occur. The development would result in further detriment to the local residential neighbourhood, the nearby school and local football ground.

- (m) What experience does the company have with waste management? Is the company appropriately qualified and trained to manage the site?
 - (n) What guarantees are there that the company will not go bankrupt and leave another mess in the area?
 - (o) The planning submission omits sufficient detail in respect of the development proposals, in particular questions are asked about how the asbestos will be maintained.
 - (p) The previous waste facility at the site did not sheet all their vehicles and a resident's vehicle was hit by falling debris from a haulage lorry. It also generated large numbers of vehicle movements including queues onto Sandy Lane.
 - (q) A spoil heap is still on the adjacent site from the last waste company which operated the site and went bankrupt. The land is in a disgusting and hazardous condition and has created several hazards including flies and vermin and should be removed prior to any new development of the site.
 - (r) A similar planning application in Kirklees was withdrawn due to concerns relating to health risks.
42. Local residents have been re-consulted on two further occasions in connection with the revised and supplementary information that has been provided in support of the planning application. This has resulted in a further 6 letters of objection being submitted. These letters reiterate the concerns outlined above in respect of noise pollution, vehicular traffic and congestion, health and safety, the location of the site and its proximity to surrounding property, impact to surrounding businesses, composition of clinical waste, fire risk, concerns regarding dust, devaluation of property and a request for committee members to inspect the site prior to making their decision.
43. John Mann MP raises objections to the planning application, raising the following concerns:
- (a) The location is in the heart of the town, close to housing, employment units, sports provisions and future food use is inappropriate and unacceptable.
 - (b) The site should no longer be designated as a waste site and the authority should work with its partners to ensure an alternative use that benefits the community.
 - (c) The set up of the site is unacceptable.

44. Councillor Sybil Fielding and Councillor Glynn Gilfoyle have been notified of the application.
45. Cllr Gilfoyle raises concerns regarding the quality of the submitted drawings which are more suited to an outline rather than full planning application. A lack of detail as to the size of structures, car parking spaces and level of throughput are a real worry. Concern is also expressed that the applicants have started to construct the concrete bases which does not bode well in light of the history of the site and previous breaches of planning control.
46. The issues raised are considered in the Observations Section of this report.

Observations

47. The proposed asbestos and clinical waste transfer station would provide a local facility for the management of these waste streams, enabling the waste to be deposited and bulked prior to it being transferred to an appropriately licensed waste disposal/incineration facility for final treatment. The waste transfer station would serve both the applicant's existing business as well as the wider community of Worksop and its surrounding areas, enabling the waste to be managed in an appropriately permitted facility and assisting in reducing the distance that potentially small loads of waste would need to be transported.
48. In the context of waste planning policy, the facility is supported in principle by WCS Policy WCS3: Future Waste Management Provision which aims to provide sufficient waste management capacity to manage a broadly equivalent amount of waste to that produced within Nottinghamshire. The development is also supported in principle by WCS Policy WCS11: Sustainable Transport which seeks to minimise the distance travelled in undertaking waste management.

Bassetlaw District Council Development Plan Policy

49. The Bassetlaw Core Strategy and Development Management Policy DPD (BCS) was adopted in December 2011. It incorporates strategic policies and prioritises new development to the existing settlements in the District including Worksop. The plan does not incorporate any specific site allocation policies. The planning application site is within the urban boundary of Worksop.
50. BCS Policy CS2: Worksop gives support to economic development proposals within the urban area of Worksop, in line with other material considerations and planning policy requirements.
51. BCS Policy DM7: Securing Economic Development states that all vacant former employment sites will be protected for economic development purposes.
52. Bassetlaw District Council commenced the preparation of a site allocations document and published a preferred options consultation in February 2014. The plan identified that the industrial units at Sandy Lane, including the application site were on land within the urban boundary of Worksop, but with no specific land allocation. The District Council aborted preparation on the draft site

allocations plan in December 2014 and therefore it was never adopted. No weight therefore can be given to the proposed policies or allocations which were to be incorporated in the draft plan.

53. Bassetlaw District Council published a Draft Bassetlaw Local Plan in January 2019. This draft plan includes strategic policies which will guide development if the plan is adopted. The preparation of the plan is at an early stage, but upon adoption it will replace the 2011 Core Strategy and Development Management Policies Development Plan Document. The draft Local Plan includes draft policies and two strategic sites which are proposed to deliver two new garden villages. The outcome of the consultation will refine the strategic direction of the draft Bassetlaw Local Plan. It will also inform the next iteration of the Plan, which will include more detailed development management planning policies and site allocations. It is anticipated this next stage of the plan preparation will be published for consultation in late 2019. Because this plan is still at an early stage of its preparation, and it does not incorporate any specific site allocations or detailed development management policies, the weight which can be given to it in this planning decision is limited. However, it is noted that the plan does not identify any change to planning policy relating to the industrial land at Sandy Lane.
54. Overall, it is concluded that BCS policy CS2 and DM7 are supportive of further economic development at the planning application site. There is nothing in the adopted BCS or draft emergent plans which indicate any change in land use policy for the Sandy Lane area, and the development plan does not support the view held by Bassetlaw's Environmental Health Officer that the development of the application site for waste related development would not be consistent with future aspirations for the area.

Nottinghamshire and Nottingham Waste Core Strategy Locational Policies

55. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) was adopted in December 2013 and sets out strategic waste planning policy for assessing waste related development within the County.
56. WCS Policy WCS4 (Broad locations for waste treatment facilities) provides a spatial policy which promotes a pattern of appropriately sized waste facilities in the areas where they are most needed. The policy references table 8 of the plan which identifies that the facility should be assessed as a small-scale waste transfer station in the context of the level of throughput proposed for the facility. WCS Policy WCS4 states that the development of small-scale waste transfer facilities are appropriate in all locations where they help to meet local needs and fit in with local character. The policy therefore is supportive of the location of the proposed development, subject to it fitting into the local character.
57. WCS Policy WCS7 (General Site Criteria) sets out the general characteristic of sites which are suitable for waste management. It identifies that derelict, previously developed and employment land is most suitable for the development of new waste transfer stations, and therefore lends support to the development that is proposed at Sandy Lane.

58. It is therefore concluded that the WCS is supportive of the development of an asbestos and clinical waste transfer facility on industrial land at Sandy Lane, subject to the operation of the facility having an acceptable environmental impact.

Assessment of Environmental Effects

59. WCS Policy WCS13: Protecting and enhancing our environment provides support for new waste management facilities subject to it being demonstrated that there would be no unacceptable impact to any element of environmental quality or quality of life of those living or working nearby.
60. The Council has received a significant number of objections from the local community which raise concerns about potential impacts to environmental quality and residential amenity. These matters are assessed within the following sections of the report.

Process emissions and their effect on health

61. Concerns have been raised that the processing of asbestos has potential to release microscopic fibres which if breathed in can cause long term and life-threatening damage to lungs and also concerns of bacteria releases from the management of clinical waste.
62. The unregulated management of the proposed waste streams has potential to result in some very serious health impacts. The concerns expressed by the local community in respect of potential adverse impacts to health are therefore understandable.
63. Paragraph 183 of the NPPF states that:

183. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

64. The policy within the NPPF is clear. The control of emissions from the operation of the site is a matter for the pollution control authorities, which in this case is the Environment Agency through the Environmental Permit. It is not a function of the planning system to consider potential health impacts in planning decisions when an activity is regulated by environmental permit.
65. The Environment Agency confirm that the operation of the site would require an Environmental Permit. A permit has been granted for the asbestos processing activities, but it is understood a permit has not yet been sought for the clinical waste processing at the site.

66. The purpose of the environmental permit is to regulate process emissions to air, land or water to minimise and avoid their potential impact to human health and ecological systems. The permitting system requires the operator to demonstrate that Best Available Technique (BAT) has been applied to the site design which would necessitate consideration of alternative options for treatment. The Environmental Permit therefore would regulate all emissions from the asbestos and clinical waste aspects of the development and ensure that potential impacts to human health are safeguarded.
67. The responses from the local community identify a series of concerns in relation to potential pollution and health issues, including health risks associated with asbestos and flies, vermin and bacteria associated with the management of clinical waste. Whilst the control of these matters ultimately falls to the Environment Agency through the waste permit, the planning submission is supported by a working plan which explains how the site would be operated and the controls that would be put in place to minimise pollution risk. The working plan acknowledges the potential for pollution and health risks from asbestos and clinical waste streams and seeks to control the level of risk by managing the potential pollution pathways, primarily by ensuring all waste managed at the site is bagged to control atmospheric release of waste materials and carefully controlling the handling, storage and transfer practices used on the site. The working plan identifies procedures to be put in place in the event of accidental spillage. The applicant has also demonstrated that they are appropriately qualified to safely manage asbestos waste.
68. Planning decisions should assume that the permitting regime operates effectively and should not re-examine pollution control issues when making planning decisions whose function is to determine whether a development is an acceptable use of land, having regard to the policies of the development plan and other material considerations.
69. The concerns expressed by the local community regarding potential health effects of asbestos and clinical waste materials are understandable. However, these waste materials would be managed within a regulated process whose primary aim is to avoid potential pollution and health risks. Planning decisions should assume that the permitting regime operates effectively and should not re-examine pollution control issues when making planning decisions. It is therefore concluded that a refusal of planning permission for the development could not be supported on the grounds of adverse health impacts from the development. Subject to compliance with appropriate pollution control, there is no reason to refuse planning permission for the development due to its proximity to neighbouring land including nearby residential properties, business properties, schools and sports facilities.

Transport

70. WLP Policy W3.14 (Road Traffic) states that planning permission will not be granted for a waste management facility where the vehicle movements likely to be generated cannot be satisfactorily accommodated on the highway network or would cause unacceptable disturbance to local communities.

71. Traffic data supplied in support of the planning application states that the operation of the facility would generate approximately 90 light good vehicle deliveries per week comprising 60 vehicles associated with asbestos delivery and 30 vehicles associated with clinical waste delivery and a maximum of 6 HGVs to remove the bulked waste from the site. This would amount to approximately 2 vehicles per hour over the suggested 9½ hour day not taking into account staff movements. This is not assessed as being a significantly high number of vehicles in the context of existing traffic flows on Sandy Lane which is designated as the A60. Traffic counts show that there are around 15,000 vehicle movements each day on Sandy Lane including around 500 HGVs. The site is located within an industrial area with established vehicular access to Sandy Lane. The development is not dissimilar in character to the previous consented use of the site. It is concluded that this level of traffic which represents a very small percentage of overall traffic flow on Sandy Lane can satisfactorily be accommodated on the highway network without significant detriment to road safety, adversely impacting highway capacity, or causing structural damage to surrounding properties.
72. Off-street car parking is proposed for 5 vehicles and a planning condition is recommended to ensure this parking is provided and thereafter made available to users of the site. The site layout incorporates adequate space for delivery vehicles to manoeuvre and park clear of the public highway. It is therefore concluded the site has satisfactory off-street parking and manoeuvring facilities.
73. Residents have raised concern that the vehicle movements associated with the development could adversely impact the amenity of the residential properties, notably the properties located directly opposite the Sandy Lane Industrial Estate road junction. These properties already experience a level of traffic noise from the existing vehicular traffic on Sandy Lane. The level of increase in vehicle movements proposed in this planning application is comparatively low and in practice residents would observe the passage of any additional vehicles associated with this development in the context of this existing baseline flow rather than as isolated transport movements. On this basis it is considered the vehicle movements associated with the development would be largely imperceptible in the context of these existing background flows. Significant adverse impact to the amenity of nearby residential properties from vehicular movements is therefore not anticipated subject to the hours of deliveries into the site being restricted to coincide with the hours sought for the operation of the main site (07.30 to 17.00 Monday to Friday and 07.30 to 12.00 on Saturdays, closed Sunday and Bank Holidays), thus avoiding disturbance from vehicular traffic at unsociable hours of the day. It is therefore concluded that the development is compliant with WLP Policy W3.14.
74. WLP Policy W3.15 encourages the use of planning conditions to require the posting of site notices and/or the issuing of instructions to lorry drivers detailing any routes to be avoided or followed. Sandy Lane provides access between the A57 Worksop bypass to Worksop town centre. The Highway consultation has identified it is preferable for HGVs to access the site directly from the A57 rather than through Worksop town to the east and have requested a planning condition in accordance with WLP Policy W3.15 to require this route to be followed by HGVs by the issuing of instructions to drivers and erection of signage.

Noise

75. WLP Policy W3.9 (Noise) identifies that the primary source of noise at waste management sites originates from the operation of mobile plant and waste processing plant. To minimise adverse impacts from noise emissions WLP Policy W3.9 encourages potentially noisy facilities to be located remote from noise sensitive properties and also to impose controls within planning conditions to minimise the potential impact from noise, including the restriction of operating hours.
76. Planning permission was originally sought to use the site for inert waste processing as well as asbestos and clinical waste transfer activities. The initial appraisal of this planning submission identified that the crushing and screening of inert waste had potential to be intrusive to the residential properties on Sandy Lane and therefore this part of the planning application was withdrawn from the submission.
77. The planning application now concerns itself solely with asbestos and clinical waste transfer activities. There would be no processing of waste on site and activities would be limited to the unloading of bags of waste from vehicles into containers/skips and the subsequent haulage of these skips from the site. These activities would generate minimal noise emissions and it is concluded they would not be intrusive at the nearby residential properties on Sandy Lane.
78. With respect to noise from vehicles servicing the site, waste imports would predominantly utilise light goods vehicles with heavy goods deliveries limited to one or two each day. These vehicles would travel past residential properties on Sandy Lane to access the site. Sandy Lane is an 'A' class road which serves other commercial premises in the local area and therefore these vehicle movements would merge with the existing flow of traffic with minimal additional noise impact.
79. A planning condition is recommended to regulate the hours of operation of the site and associated deliveries to between 07.30 to 17.00 Monday to Friday and 07.30 to 12.00 on Saturdays. Subject to this control it is concluded that the potential for noise complaint arising from the operation of the site is very limited, and the development therefore is compliant with WLP Policy W3.9.

Dust

80. Planning policy concerning dust control at waste facilities is incorporated within WLP Policy W3.10 (Dust). The policy seeks to control dust through the identification of sites that are remote from dust sensitive neighbours and implementing dust suppression management controls at waste sites, regulated by planning condition, to minimise the generation of dust.
81. The previous occupiers of the site operated a mixed waste and inert processing facility including inert waste crushing and screening. Complaints were received that these activities generated dust emissions and enforcement action was taken by the County Council against dust nuisance.

82. The level of potential dust risk from the proposed activities is much lower. This is because the asbestos and clinical waste streams delivered to the site would be fully wrapped in bags, bulked in sealed skips prior to removal from the site and there is no processing of the waste proposed. None of these activities therefore would generate any significant dust emissions.
83. It is recommended that planning conditions are imposed to regulate dust emissions from the operation of the site and ensure that all waste deliveries arrive in sealed bags, are placed directly into covered skips and not processed. Subject to compliance with these planning conditions it is concluded the activities sought planning permission are low risk in terms of potential for dust emissions and the development is compliant with WLP Policy W3.10.

Mud

84. WLP Policy W3.11 (Mud) seeks to prevent nuisance from mud being spread onto the adjoining public highway. The policy identifies that unmetalled site haul roads and plant areas can become very muddy and site traffic can spread this mud onto the public highway, unless precautions are taken.
85. Nuisance from mud is not anticipated from the development. The waste materials managed by the site would not generate mud and the existing site is surfaced with crushed stone thus ensuring delivery vehicles would not pick up mud on their wheels. Wheel wash facilities are therefore not required in this instance. The development therefore is compliant with WLP Policy W3.11.

Visual Impact

86. WLP Policy W3.3 and W3.4 seek to minimise the visual impact of waste management developments by minimising the amount of built development and external storage as far as practicable.
87. There are no new buildings proposed as part of the development with new external structures limited to the two lockable containers which would be used for the storage of asbestos waste and the parking of vehicles associated with the development.
88. It is concluded that visual impacts as a result of the development would be minimal and the development therefore is in accordance with WLP Policies W3.3 and W3.4.

Litter

89. WLP Policy W3.8 seeks to minimise impacts from litter associated with the operation of waste management facilities by controlling site activities through planning conditions so as to prevent litter escaping from the site.
90. The operational procedures to be implemented at the site require all waste to arrive in sealed bags and to be placed directly into lockable containers in the case of asbestos waste, or covered skips sited within the building in the case of

clinical waste. These controls can be regulated by planning conditions and ensure that waste is not stored on the open areas of the site thus satisfying the requirements of WLP Policy W3.8. It is therefore concluded that potential nuisance from litter would be minimal.

Vermin

91. The planning submission identifies a series of operational controls including the bagging and use of sealed skips for the storage of clinical waste and the frequent removal of skips from the site. These controls ensure that waste is not stored in locations where it would be accessible to vermin thus ensuring that site activities are not attractive to vermin and minimising potential risk of nuisance from vermin.

Odour

92. WLP Policy W3.7 seeks to minimise odour emissions from waste processing facilities by locating potentially odorous waste management facilities away from sensitive receptors, particularly residential properties and imposing planning conditions to reduce the potential for the release of unpleasant odours.
93. Asbestos materials are not odorous and therefore their management in a waste transfer facility would not result in any potential odour emissions. Clinical waste does have some potential to release odour however, site management controls proposed in the planning submission, including the bagging of waste and its storage in sealed skips, would minimise the level of odour release. The operator proposes to maintain a watching brief for odour. In the event that odour is detected it is proposed to eliminate the odour by using a masking deodoriser and the removal of the waste from the site at the earliest practicable opportunity. It is recommended that the carrying out of these odour controls is regulated through planning conditions to ensure that odour levels are satisfactorily controlled and ensure compliance with WLP Policy W3.7.

Drainage and pollution control

94. WLP Policy W3.5 (Environment Pollution and Health Risks – Water Resources) states that planning permission will not be granted for waste management facilities where there is an unacceptable risk of pollution to ground or surface water, unless the harm can be mitigated by engineering/management solutions. WLP Policy W3.6 identifies a series of control measures which can be imposed on waste sites to limit pollution.
95. The drainage strategy has been designed to specifically minimise pollution risks from the operation of the site.
96. Within the uncovered asbestos waste management area an impermeable concrete base with kerb edges would be constructed. This would capture any potentially contaminated run-off from the pad as well as any rainwater that falls on it and drain it to a new underground water settlement tank which would filter

run-off to the underlying ground to remove any potential asbestos contamination. Soil surveys have been taken to ensure that the ground underlying the drainage tank is clear from contamination and thus ensure that outfall flows would not mobilise any pre-existing contamination which may be present in the ground.

97. All waste transfer activities within the clinical waste transfer station would be undertaken on the existing covered impermeable concrete base. Drainage flows from this area are likely to be negligible because it would not be influenced by rainwater and therefore any liquids would be limited to accidental spillages which would be managed through spill kits to avoid any wider contamination issues.
98. Other parts of the site would retain the existing drainage infrastructure. The site utilises soakaways for the roof water, ground infiltration for the crushed stone vehicular manoeuvring areas, and foul drainage for the toilets and sinks within the main building at the site.
99. It is concluded that these drainage arrangements satisfactorily control pollution risks that may occur from the proposed operation of the site. Planning conditions are recommended to ensure the drainage facilities are installed in accordance with the submitted specification, and the filtration system from the underground tank taking liquid discharge from the asbestos transfer area is periodically cleaned.

Other Issues

100. The planning consultation responses from the local community have identified a number of concerns which are considered below.
101. In terms of the concerns raised regarding the perception of risk and how this affects the ability of adjoining businesses to attract and retain staff and visiting customers, these concerns are capable of being material planning considerations, but for them to carry significant weight within this planning decision there would need to be reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the facility actually does pose an actual risk. The applicant's planning application submission incorporates information to explain how the site would be operated and the controls that would be put in place to safeguard against environmental risk. The operation of the site would be regulated by an environmental permit issued by the Environment Agency. The planning authority can be satisfied in this instance that the operation of the site would be appropriately regulated to ensure that it meets air quality, pollution and health controls. Taking into account the advice in the NPPF the planning authority must assume that the pollution control regime will operate effectively, and therefore a refusal of planning permission on grounds of a perception of risk relating to such environmental impacts could not be substantiated.
102. The concerns raised by the local community in respect to breaches of planning control by the previous waste business which occupied the site and the condition they left the site are understandable. Operating in this manner has

undermined confidence with the local community and the local ward member in any future proposals for waste related development at the site. Officers take the previous breaches of planning control very seriously and have issued a series of enforcement and stop notices to remedy the breaches of planning controls. However, this application is not connected in any way to the previous waste operators of the site and it would not be reasonable to refuse planning permission for this development simply on the basis that a previous tenant of the site operated it unscrupulously. The assessment of this planning application identifies that satisfactory environment controls can be put in place through the recommended planning conditions and Environmental Permit issued by the Environment Agency to ensure the site operates in an environmentally acceptable manner.

103. When the former business ceased trading they left a large quantity of waste materials on the land to the immediate north of the planning application site. As part of the bankruptcy procedures this site was disclaimed by the liquidator, passed to the Crown and held in escheat. The Crown will hold the land with a view to selling it on. Discussions have and continue to take place with various stakeholders to try to secure a mechanism to remove the waste from the land. The current planning application relates to a separate parcel of land and it would be unreasonable to refuse planning permission for a new use of this separate land purely on the basis that there have been previous breaches of planning control on an adjacent site, undertaken by an unconnected company.
104. The solvency of the applicant's business is not a material planning consideration. There is no evidence in front of the Council which indicates that there are any issues of insolvency within the applicant's business.
105. The concerns raised regarding potential fire risk are a matter for the Environmental Permit.

Other Options Considered

106. The report relates to the determination of a planning application. The planning application originally sought planning permission for inert waste processing at the application site in addition to the asbestos and clinical waste transfer, but this aspect of the planning application was withdrawn following concerns regarding environmental impacts. The County Council is under a duty to consider the planning application as now proposed.

Statutory and Policy Implications

107. 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

108. The development would be located within an established industrial area park benefiting from perimeter security fencing, security lighting and CCTV coverage.

Data Protection and Information Governance

109. 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

110. 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 operation of the site. The proposals have the potential to introduce impacts such as increased traffic nuisance and adverse impacts from the handling of waste materials upon the occupiers of surrounding land and property. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in terms of waste management provision and the working practices that would be put in place to minimise and avoid adverse impacts. 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

111. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

Implications for Sustainability and the Environment

112. These have been considered in the Observations section above,
113. There are no financial, human resource, safeguarding of children and adults at risk and service users.

Conclusion

114. The proposed asbestos and clinical waste transfer station would provide a local facility for the management of these waste streams, enabling the waste to be deposited and bulked prior to it being transferred to an appropriately licensed waste disposal/incineration facility for final treatment. The development is supported by WCS Policy WCS3: Future Waste Management Provision which

aims to provide sufficient waste management capacity to manage a broadly equivalent amount of waste to that produced within Nottinghamshire. It would also assist in reducing the distance that potentially small loads of waste would need to be transported and is therefore supported in principle by WCS Policy WCS11: Sustainable Transport.

115. BCS policies CS2 and DM7 are supportive of further economic development at the planning application site which is industrial in character. WCS Policy WCS7 (General Site Criteria) sets out the general characteristic of sites which are suitable for waste management. It identifies that derelict, previously developed and employment land is most suitable for the development of new waste transfer stations, and therefore lends support to the location of the development.
116. WCS Policy WCS13: Protecting and enhancing our environment provides support for new waste management facilities subject to it being demonstrated that there would be no unacceptable impact to any element of environmental quality or quality of life of those living or working nearby.
117. It is acknowledged that a significant number of objections have been raised by the local community regarding potential environmental impacts from the development. These concerns have been examined within the observations section of the report where it is concluded that there would be no significant harmful impacts subject to the site operating as set out in the planning application submission which is regulated by the recommended planning conditions set out within appendix 1 of this report, and the Environmental Permitting system regulated by the Environment Agency.

Statement of Positive and Proactive Engagement

118. 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 negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

119. 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 SLB 05/08/2019

Planning and Licensing Committee is the appropriate body to consider the content of this report.

Financial Comments [RWK 05/08/2019]

There are no specific financial implications arising directly from the 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(s) and Member(s) Affected

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