



Nottinghamshire
County Council

Report to Planning and Licensing Committee

18th September 2012

Agenda Item: 8

REPORT OF GROUP MANAGER PLANNING

ASHFIELD DISTRICT REF. NO.: 4/V/2012/0127

PROPOSAL: RECEIPT, PROCESSING, SCREENING/CRUSHING AND DISPOSAL OF INERT WASTE MATERIAL AT LAND TO THE EAST OF THE A611 AND ITS RESTORATION TO ECOLOGICAL AND RECREATIONAL USE

LOCATION: LAND ADJACENT TO SHENTON LODGE, DERBY ROAD, KIRKBY-IN-ASHFIELD

APPLICANT: MR & MRS J B CUTTS

Purpose of Report

1. To consider a planning application for the development of an inert waste disposal/landfill facility with ancillary processing on land adjacent to Shenton Lodge, Derby Road, Kirkby-in-Ashfield. The key issues relate to the need for the disposal facility and whether there are more sustainable methods for managing the waste stream in the context of national and local waste policies, particularly in terms of the choice of site given its Green Belt location and Greenfield character. The development also raises key issues regarding ecological impacts and has been treated as a 'departure' to the Development Plans and as affecting the setting of a listed building. The recommendation is to refuse planning permission for the reasons given at Appendix 1.

The Site and Surroundings

2. The application site is situated on the south-eastern side of the A611 (Derby Road) between Annesley and Kirkby-in-Ashfield (see plan 1).
3. The site is made up of two plots of land extending to 3.11 hectares comprising a rectangular shaped paddock of grassland to the north-east of Shenton Lodge and a narrow 'V' shaped valley to its rear (south) (see plan 2).
4. The paddock of land measures roughly 100m by 50m and is predominantly flat in character. The grass paddock is screened from the Derby Road by a hedgerow. An existing field access, which provides vehicular access to the A611, is situated towards the northern corner of the paddock.

5. The valley/cutting area has steeply sided banks of up to 45 degree angles which slope into a central valley with its base sloping in a north-east to south-west direction. The boundaries of the application site are drawn to incorporate approximately 200m by 70m of this valley. The land is uncultivated and overgrown in character incorporating a mix of gorse, grass and trees. The valley is crossed by an overhead electricity cable and forms part of a larger ecologically important designated site known as Robin Hood Hills Site of Importance for Nature Conservation (SINC), (also known as a Local Wildlife Site (LWS)). The site also lies immediately adjacent to an area of land that has been identified as part of both the 'Indicative Core Area' and 'Important Bird Area' in relation to the prospective Sherwood Forest Protection Area (SPA).
6. The entire application site is located within land designated as Green Belt within the Ashfield Local Plan Review.
7. The nearest residential property is the applicant's house, Shenton Lodge which adjoins the site boundary to the north. On the opposite side of the A611, is Beacon Poultry Farm and a historic building listed as Grade II known as Winshaw Well (200m to the north) which is recorded on the County Historic Environment Record. It is a stone built farm building which whilst much altered, retains some heritage value and significance. To the south of the proposal site is Annesley Colliery Conservation Area, designated in 2000 at a distance of approximately 750m. Warren Hill Stables are situated approximately 270m to the south east.

Relevant Planning History

8. Planning permission was refused by Ashfield District Council for tipping operations on the site on 1st September 1980 (ref 4/23/80/0773) for the following reasons:
 1. *The proposed development would, in the opinion of the Local Planning Authority, have a detrimental effect on the rural character of the area which constitutes an important informal recreation area for local residents. Moreover, the development would result in the loss of a footpath which is an important link in the footpath system in the locality.*
 2. *The proposed development, if permitted, could set a precedent for future tipping in the adjacent sandstone cuttings which form part of 'The Warren'.*
 3. *It is considered by the Local Planning Authority that the creation of an additional access for slow moving vehicles at this point on the A611 would be detrimental to the highway safety of the area.*
 4. *In the opinion of the Local Planning Authority adequate areas to cater for the disposal of waste materials exist with the benefit of planning permission, within reasonable proximity of the site.*

Proposed Development

9. Planning permission is sought for disposal of inert waste within the valley area of the application site (see Plan 3). The identified site is capable of accommodating 210,000 tonnes of inert waste and it is anticipated waste tipping operations would be undertaken over a four year period equating to 50 - 55,000 tonnes per annum. Following the completion of waste disposal the site would be restored to a similar botanical and faunal habitat to that existing on the site.
10. The landfill facility would be operated by two locally established road haulage companies who specialise in the removal and disposal of inert waste materials. At present these companies tip material into inert waste disposal sites across the East Midlands. The applicant states that these disposal facilities are diminishing in number resulting in a requirement to transport waste greater distances with associated increased transport costs. The applicant therefore considers the proposed landfill facility would assist in meeting a general need for additional disposal capacity and also a specific need associated with a company contract to dispose of all the construction wastes arising from Phase Two of the Nottingham Express Transit System (Tram).
11. The existing field access on to the A611 would be improved and hard surfaced and an internal haul road would be constructed to provide access to the tipping area. A wheel cleaning facility, weighbridge and security cabin/weighbridge office would be provided on the paddock of land between the landfill area and Derby Road. This paddock would also be used for the storage of topsoil within 3m and 4m high bunds which would subsequently be used for site restoration purposes following the completion of tipping operations.
12. A programme of reptile capture, translocation and barrier fencing would be carried out prior to the clearance of vegetation and the removal of soils. The landfill site would be constructed using an appropriate engineered design incorporating a geological barrier/liner to minimise potential ground contamination risks.
13. Waste would be sorted prior to its delivery so that only non-recyclable waste is received. All incoming loads would be inspected to ensure they are inert in character and suitable for tipping. Upon delivery incoming loads would be screened prior to disposal. Recyclable material would be sorted and stockpiled within a recycled produce storage area located in the north east corner of the landfill site. These materials would be periodically removed when there is sufficient quantity to be re-used/re-sold. Tipping would progress from the lowest (south-western) corner of the site in a north-easterly direction. Tipping levels would vary across the site to a maximum depth of 13m.
14. Operating hours of the site are proposed between 08:00 to 18:00 hrs Mondays to Fridays and 08:00 to 13:00 hrs Saturdays. The site would not operate on Sundays or Bank Holidays.
15. The traffic assessment has been undertaken on the basis that the site would be completed over a two-year period and therefore represents a worst case scenario assuming that 105,000 tonnes of waste would be imported into the site each year. Based on this level of input it is anticipated that the site would generate around 3,700 trips per year (7,400 movements). This equates to an

average of approximately 3 trips (6 lorry movements) per hour utilising lorries carrying between 10 and 19 tonnes of material at a time. Clearly if the site was tipped over a four year period the total number of vehicle movements over the extended period would remain unchanged, however the number of annual trips and the average hourly input rate would be halved.

16. Following the completion of waste disposal operations the landfill area would be capped with a combination of a geological barrier and a top liner prior to the replacement of the original soils. The final restoration profile of the completed site would remove the 'V' shaped valley feature and provide a gentle sloping plateau area leading to a steep slope along the southern extent of the site. The site would be seeded and planted to recreate the bracken habitat of the existing site including scattered trees and scrubs, herb rich acid grassland and wavy haired grassland. The paddock would be reseeded to create a heathland habitat including two ponds to create a wetland area.
17. The planning application is supported by a series of reports and technical assessments including a statement of need; operational method statement; planning statement noise and dust impact assessment; flood risk assessment; pollution risk report/site inspection; landscape and visual appraisal; transport statement and ecological assessment. An Ecological Assessment Addendum Report has also been submitted which seeks to address ecological concerns raised through the original planning consultation process. The issues raised within these reports are considered within the planning observations section of this report.

Consultations

18. **Ashfield District Council:** *Raise objections to the planning application for the following reasons:*
 - a. *The application site is located in the Nottinghamshire Derbyshire Green Belt where development is strictly controlled under saved Policy EV1 of the Ashfield Local Plan Review and Part 9 of the National Planning Policy Framework (NPPF). The proposal is considered to be inappropriate development in the Green Belt as it does not meet the criteria set out in the NPPF or Policy EV1 of the ALP. Should the applicant consider that there are 'very special circumstances' against which this application should be considered, then it will be necessary for the applicant to provide information to support this. Whilst the applicant states that there is insufficient capacity within the County for the disposal of inert materials over the next 10 years, there appears to be no justification as to why this site is the most suitable location. It is considered that there is insufficient evidence to support a case for 'very special circumstances'*
 - b. *The application site is designated as a Site of Importance for Nature Conservation (SINC). The applicant has provided an ecological survey which confirms that the site is important for both fauna (including bracken, heath land and broad leaved trees) and wildlife (both grass snakes and*

common lizards). The site also provides suitable habitats for nesting birds and two protected species. The proposal will inevitably result in a significant degree of disturbance to these features and habitats, as acknowledged in the ecological survey.

- c. *It is necessary for the applicant to justify why the proposed development cannot be located on an alternative site with less harmful ecological impacts. Should it be demonstrated that there is not an alternative site for the proposed development, it is suggested that further guidance should be sought from the relevant specialist bodies, such as Natural England and the Wildlife Trust, to ensure that these measures are appropriate and satisfactory.*
 - d. *A landscape character assessment produced in 2009 by NCC identified the landscape condition and sensitivity of the area as 'moderate' and recommended that the overall landscape strategy should be to 'conserve and create'. In particular, it recommends conserving and creating heath land. This will need to be taken into consideration in terms of any restoration proposals, should approval be considered.*
19. **Environment Agency (EA):** *Raise no objections subject to the satisfactory submission of surface water drainage details for the site which ensure that the development does not add to flood risks. The EA state that the operation of the site would require an environmental permit. The EA question the need for the development on the basis that the justification statement explains that the site would take all waste produced from the Nottingham Express Transitt (NET) Phase 2 development, however it is the EA's understanding that the project intends to re-use/recycle around 90% of waste produced.*
20. **Network Rail:** *The working area is within 120m of the Kirkby railway tunnel, and closer to the disused Annesley tunnel. Network Rail request a planning condition be imposed requiring the use of only inert spoil within the tip to ensure that railway property or safety is not compromised by contamination.*
21. **Nottinghamshire Wildlife Trust:** *Have reviewed the Supplementary Ecological Assessment report and maintain their objection to the planning application.*
22. *The proposal would result in the fragmentation of a linked group of SINC's, as most of the site lies within the Robin Hood Hills SINC and it is also close to a group of heathland and acid grassland SINC's – a cluster of closely located and linked SINC's which form a substantial mosaic of important habitats in a County context, such as is advocated in the landscape-scale approach to conservation advised in the Natural Environment White Paper 2011. Whilst noted that the Applicant proposes to seek to restore the lost heathland and acid grassland habitats, it cannot be assured that the surrounding SINC(s) would not be affected by damaging edge effects, and also that the restored site would function for fauna as the current site clearly does – the consultants noting its importance for breeding birds and reptiles.*
23. *The site should be treated as a greenfield and not brownfield or derelict. The application correctly identifies a number of relevant policies in the extant Waste*

Plan including W3.20 which requires the specific protection of heathland, W3.22 regarding the protection of habitats or species of county importance and W3.23 regarding the protection of SINC, all of which apply to this site and all requiring a clear demonstration that any development permitted contrary to those policies should be of sufficient importance to outweigh the ecological importance of the habitat(s) present. Despite the further information submitted, there is insufficient justification in the application as to why this development would meet that criterion.

24. *The breeding bird survey provided within the Supplementary Ecological Assessment was undertaken rather late in the season and is likely to under record some species. Notwithstanding this fact, the survey demonstrates that the site is of value for a number of breeding red and amber birds of conservation concern. The reptile surveys were not undertaken consistently across the whole site, nor were all the visits within the optimum period advised for such surveys, yet the results still demonstrated the site to be of County importance for reptiles and it can be assumed that the population of lizards and grass snakes is very significant indeed. No nightjar or woodlark were recorded during the surveys, although the site contains suitable habitat for nightjar.*
25. *With regard to impacts to any prospective Sherwood SPA, it is important to seek to maintain suitable habitats within the prospective SPA buffer zone for these Annexe 1 species, rather than to reduce the area of these habitats. The development therefore would have a detrimental effect in this regard by reducing the available habitat for nightjar. This applies particularly in the case of a botanical SINC, where policy seeks to protect the habitat from damage, even in the absence of any faunal interest.*
26. *Potential harmful impacts are identified including impacts that operational noise would have on breeding birds, direct loss of habitats and impacts to protected reptiles. The development therefore would not comply with the 'mitigation hierarchy contained within the NPPF which seeks to locate development in locations with least ecological impact and provide appropriate mitigation and compensation for lost habitats when there is an over-riding need for the development which outweighs the ecological harm.*
27. *Whilst it is acknowledged that the restoration scheme would return the site back to a similar type of habitat to that which would be lost, this would not replace the complexity of the faunal assemblages and would therefore have an overall negative ecological impact.*
28. **NCC (Nature Conservation):** *Raise objections to the development. It is identified that the site is designated as a Site of Importance for Nature Conservation (SINC) as well as being situated immediately adjacent to important bird habitats which may form part of any prospective future Sherwood Special Protection Area (SPA).*
29. *The Ecological Assessment has been supplemented by an addendum report which incorporates a breeding bird survey. Although this breeding bird survey has not been prepared to best practice (omissions have been made on the number and timing of surveys which impact on their reliability) it nevertheless*

demonstrates that the site provides a valuable habitat for breeding birds with three Red listed and five Amber listed birds of conservation concern recorded. The proposed development would involve the temporary loss of breeding habitat as well as increased levels of disturbance in terms of noise and dust to bird species on adjoining sites.

30. *The site is of 'high (County) value' for reptiles (grass snakes and common lizards). The development would result in the removal of this reptile habitat which would directly affect reptiles. Mitigation of these impacts is proposed through the trapping of reptiles prior to site clearance followed by translocation into areas of adjacent habitat. However, since the receptor area is actually smaller than the area of habitat lost and given that reptiles are known to be present on the receiving site, the translocation of lizards onto this site is likely result in the number of lizards on the receptor site exceeding its carrying capacity with potential harmful impacts to lizards.*
31. *In principle the restoration proposals, subject to some minor modifications have potential to mitigate for habitat losses in the longer term. However, the development would result in the loss of part of a SINC, loss of reptile habitat and potential harm to reptiles. When determining this application, regard must be given to the 'mitigation hierarchy', as outlined in the NPPF, whereby significant impacts should first be avoided, then mitigated against, and finally compensated for. Whilst a range of compensation and mitigation measures are proposed, it is considered that impacts can be avoided by not siting this proposed development at this location (given its greenfield status and high ecological value). Relevant policies in the Waste Local Plan - W3.20 (relating to heathlands), W3.22 (relating to habitats of county importance) and W3.23 (relating to designated nature conservation sites) - all require it to be demonstrated that the need for development outweighs the nature conservation interest of the features/sites covered by these policies, but no such over-riding need appears to have been presented.*
32. *The Ecological Assessment Addendum Report demonstrates that the potential impact of the proposals on woodlark and nightjar including any potential impacts on the 'prospective Sherwood SPA' have been adequately addressed.*
33. **Western Power Distribution:** *The development site has 132KV & 11KV overhead power cables crossing it for which there are wayleave consents in place. Western Power Distribution have concerns relating to changing ground levels below these cables. Western Power Distribution would expect the applicant to approach the company to discuss the need for diversion works, or for proximity advice during construction and on-going operations at the site.*
34. **NCC (Planning Policy):** *The recently published Nottinghamshire and Nottingham Waste Core Strategy identifies a need for additional inert waste disposal capacity during the life of this plan (up to 2030) and therefore lends some support to the proposal, in principle, however the need for new inert waste disposal capacity is not considered to be critical at the present time. The Waste Core Strategy does not anticipate any shortage of potential sites and future*

needs are expected to be met from extensions and existing and future mineral voids.

35. *In terms of site selection, the adopted Waste Local Plan and the emerging Core Strategy adopt a sequential approach whereby development on Greenfield sites (as proposed in this instance) is the least favoured option and should normally not be permitted. The impacts on the SINC and the location of the site within the Green Belt are material within the decision, as is the waste hierarchy which encourages waste to be recycled/reused with disposal as the least favoured environmental option.*
36. *Overall, although it is evident that the strategic approach for establishing disposal capacity in the Core Strategy provides some support, in principle, for additional capacity, Waste Local Plan policy and emerging policy in the Waste Core Strategy would provide grounds upon which to refuse the proposal. The development is for a greenfield site within the Green Belt and would be contrary to Policy WCS6. Therefore, policy objections in terms of both adopted and emerging waste policy are raised.*
37. **NCC (Highways):** *Raise no highway objections to the development on the basis that the proposal would result in 3 HGV loads arriving on site per hour (3 arrivals and 3 departures per hour) or 1 movement per 10 minutes. This is not considered to represent a high traffic generation for the surrounding road network and would not cause any highway concern regarding the road capacity. The site entrance can cope with a HGV waiting to leave at the same time as another is entering the site and the geometry would allow HGVs to enter and leave without crossing to the opposite traffic lane.*
38. **NCC (Landscape):** *Consider the development would result in some short term landscape disruption however these visual effects would be quite limited due to the character of the local landscape and the valley feature which would screen tipping operations. Overall the landscape team support the development and consider the application provides an opportunity to create a diverse new area of landscape upon restoration subject to the use of appropriate native planting. The planning conditions also provide an opportunity to secure the long term protection and management of the site.*
39. **NCC (Countryside Access):** *Raise no objections on the basis that no designated public footpaths cross the site or are directly affected by the proposals. Kirkby Footpath No. 44 passes over the land (around the field headland) to the south of the site, the applicant should ensure that there are no indirect adverse impacts to the footpath from dust, debris. The scheme provides a possible opportunity to create a new public footpath over the restored land leading from Kirkby Footpath No. 44 to Derby Road which would be a welcome addition to the local rights of way network.*
40. **NCC (Archaeology):** *Raise no objections to the development.*
41. **NCC (Built Heritage):** *Raise no objections to the development on the basis that during the active stage the development is considered to have a slight harmful impact on the setting of the historic building at Winshaw Well and, a slightly*

harmful impact on the setting of the conservation area to the south. When the long-term impacts are taken into account the impacts are reduced to negligible levels.

42. **NCC (Reclamation):** *From the aspect of contaminated land management the application would appear to have addressed the main issues related to potential impacts to both human health and the wider environment. The development would be subject to the provision of Waste Management Licensing Regulations and as such will be regulated and inspected by the EA. A number of planning conditions are suggested relating to drainage, monitoring of discharge water, pollution control and submission of a waste management plan.*
43. **NCC (Noise Engineer):** *The noise assessment demonstrates that noise emissions from the proposed landfill operation would not cause annoyance or disturbance to nearby residents (excluding Shenton Lodge which is owned by the applicant) and the operation of the site would comply with established noise criteria levels of less than 55dBLAeq,1hour for normal operations (crushing/screening of inert waste, spreading/compaction of tipped fill material) and less than or equal to 70dBLAeq,1hour (soil stripping, construction and removal of screen earthbunds.) If planning permission is granted conditions are suggested to control operating hours, the maximum annual capacity of the site; hourly lorry movements (max three two way movements per hour), machinery operated on site, use of appropriate silencers on machinery and controls to provide further mitigation of noise emissions should they be greater than identified in the noise assessment report.*
44. **National Grid (Gas), Severn Trent Water Limited, National Grid Company PLC:** *Have not provided a consultation reply.*

Publicity

45. The application has been publicised by means of a site notice and a press notice as a 'departure' to the development plan and affecting the setting of a listed building. Neighbour notification letters have been posted to the residents of Winshaw Well, Beacon Poultry Farm, Derby Road and Warren House, Annesley in accordance with the adopted Council's Statement of Community Involvement. No representations have been received.
46. Councillor Rachel Madden has been notified of the planning application.

Observations

Planning Policy Considerations

47. National waste policy set out in Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS 10) states that the overall objective of Government policy on waste is to manage it in a more sustainable way. PPS 10 identifies that the main method of achieving this objective is to ensure that

planning decisions are made in accordance with the 'waste hierarchy'. The waste hierarchy is identified within table 1 (see below), and encourages the development of waste facilities which contribute to the reuse, recycling and other recovery of waste with facilities for the disposal of waste viewed as a last resort.

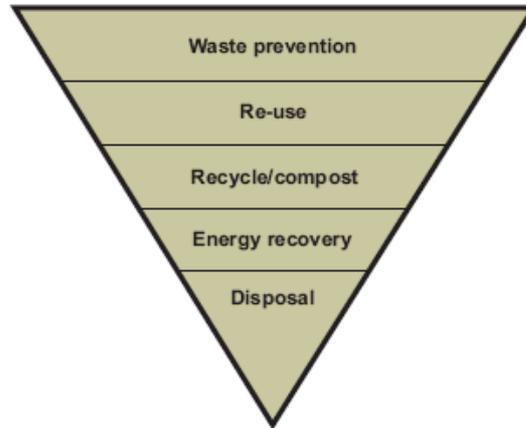


Table 1: The Waste Hierarchy.

48. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) has yet to be adopted, but as an emerging document which has been through initial consultation it should be afforded due weight as a material consideration. WCS Policy WCS2 is consistent with PPS10 policy and states:

'Future waste management proposals should accord with our aim to achieve 70% recycling or composting of all waste by 2025. Proposals will therefore be assessed as follows:

- a) *Priority will be given to the development of new or extended waste recycling, composting and anaerobic digestion facilities;*
- b) *new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be used locally or fed into the national grid;*
- c) *new or extended disposal capacity will be permitted only where it can be shown that this is necessary to manage residual waste that cannot economically be recycled or recovered.'*

49. The development would provide a facility for the disposal of inert waste and thus represents a waste treatment option at the lowest level of the waste hierarchy. PPS10 recognises that not all waste is suitable for or capable of being recycled/reused and there is a need to make provision for disposal facilities. However, paragraph 25 of PPS10 states that in the case of developments for waste disposal facilities:

'Applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy'.

50. The applicant explains that the site is intended for the disposal of construction and demolition (inert) waste material that cannot be recycled or reused. Such waste is normally readily recyclable and there is an established network of operational sites in the Nottingham, Ashfield and Mansfield area which can manage this waste stream in a sustainable way by ensuring material is diverted from landfill disposal. The applicant states that the primary purpose of the Shenton Lodge landfill site is to provide a disposal facility for waste material derived from the construction of the NET, although waste from other sources may also be accepted for disposal. The EA identify in their consultation response that there is a contractual requirement as part of the NET development to reuse/recycle 90% of all waste produced. The applicant states that a 90% recycling rate of waste materials derived from the NET project would be achieved by on-site source segregation of waste materials and pre-treatment of waste within the operator's waste transfer station at Bunny to ensure that re-useable and recyclable waste is diverted from disposal.
51. The facilities provided at Shenton Lodge if operated independently have potential to prejudice movement of waste management up the waste hierarchy. However, subject to the site being operated as part of an integrated waste management service alongside facilities to secure appropriate recycling of waste and diversion from landfill the development would satisfy the policy tests set out PPS10 and WCS Policy WCS2. Such controls could be secured through planning conditions to require that only pre-treated, non-recyclable waste is received at the site.
52. PPS 10 requires planning authorities to make provision within their Core Strategy for at least ten years disposal capacity from plan adoption.
53. The applicant has supported their planning application with a 'Statement of Need' which references data contained in the East Midlands Regional Plan (EMRP) which identifies an ongoing need of roughly 330,000 tonnes per annum inert disposal capacity through to 2024/25 to satisfy Nottinghamshire's disposal needs. This equates to a need to allocate adequate capacity for the disposal of 3,330,000 tonnes of inert disposal over the next ten years. Environment Agency data identifies there is a consented capacity of 2,091,000 tonnes within Nottinghamshire thus leaving a deficit of 1,228,000 tonnes of capacity (3.7 years supply) for the next ten years. The applicant argues the current proposal would assist in satisfying this shortfall of capacity. The applicant also highlights identified shortfalls of disposal capacity within Mansfield, Sutton-in-Ashfield, Kirkby-in-Ashfield, Nottingham and Hucknall which are identified in both the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) and emerging WCS to support the need for an additional landfill disposal facility at Shenton Lodge.
54. The applicants' conclusion that there is likely to be a shortfall of inert disposal capacity if no further disposal sites are permitted is reasonable. This potential shortfall, however, does not necessarily mean that planning permission should be granted for any inert waste disposal site which potentially addresses this shortfall. Paragraph 7.24 of the draft WCS acknowledges that there is a wider choice of possible locations for inert waste disposal since such sites pose lower

risk to groundwater and do not require the same level of site preparation and engineering as non-hazardous waste disposal sites.

55. To assist with the identification of appropriate inert waste disposal sites the adopted WLP and draft WCS incorporate policies setting out a sequential approach to site selection.
56. The WLP gives preference to disposal schemes which provide for the reclamation of mineral voids and incomplete colliery spoil tips (Policy W10.1) and the reclamation of derelict or degraded land (Policy W10.2) where such schemes provide environment improvements and do not result in unacceptable environmental impacts. WLP Policy W10.3, set out below, states that waste disposal on greenfield sites is considered inappropriate except where incidental areas of greenfield land are required to be included so as to achieve an optimum reclamation scheme of adjoining voids or derelict land.

'Proposals for waste disposal on Greenfield sites will not be permitted except where incidental areas of Greenfield land are required to be included so as to achieve an optimum reclamation scheme.'

57. The WLP approach is consistent with Policy WCS4 (Disposal sites for non-hazardous and inert waste) which states:

'Where it is shown that additional landfill capacity is necessary, priority will be given to sites within the main shortfall areas around Nottingham and Mansfield/Ashfield. Development outside this area will be supported where it can be shown that there is no reasonable, closer, alternative. Preference will be given to the development of sites in the following order:

- a. *the extension of existing sites;*
- b. *the restoration and/or re-working of old colliery tips and the reclamation of mineral workings, other voids and derelict land where this would have associated environmental benefits;*
- c. *disposal on greenfield sites will be considered only where there are no other more sustainable alternatives.'*

58. The applicant has asserted in the supporting documentation that the valley in which the disposal operation is proposed is a 'derelict sandstone cutting' and therefore the site should be considered either on the basis that it provides for the restoration of a mineral void under Policy W10.1 or the reclamation of derelict land under Policy W10.2. The applicant has submitted no evidence to support the claim that the site is a derelict former mineral working.
59. The valley landform of the application site can clearly be discerned on Sanderson's Map of 1835 and is quite possibly a natural feature. The landform is in keeping with the surrounding Robin Hood Hills which feature deep, narrow valleys that are likely to have arisen as a result of erosion by running water rather than quarrying. The site is not degraded or derelict in character and in fact is a well vegetated and ecologically important habitat that is not in need of any restoration or remediation works. The National Planning Policy Framework (NPPF) incorporates a glossary of terms which defines

previously developed (or brownfield) land and that the site could not be considered as previously developed land under the definition. It is therefore considered most appropriate to consider the application on the basis that it is a landfill operation being undertaken on a Greenfield site.

60. Since the development would not achieve the 'optimum reclamation' of a nearby site, WLP Policy W10.3 indicates that planning permission should be refused for the development. Draft WCS Policy WCS4 does not prohibit disposal schemes on Greenfield sites but the policy and supporting text clearly states that such development is the least favoured option and will be considered only where there are no other more sustainable options, which has not been demonstrated in this case. With an anticipated choice of potential sites available the policy favours schemes which provide environmental benefits associated with the restoration/reclamation of old colliery tips and mineral workings.
61. Disposal schemes are coming forward which are dependant on inert waste to secure the restoration of derelict land in the Nottingham & Mansfield/Ashfield shortfall areas. Planning applications currently under consideration by the County Council include disposal schemes at Bentinck Colliery Tip and Welbeck Colliery Tip which seek to secure the reclamation of these derelict sites. The County Council also understand the operators of Vale Road Quarry, near Mansfield Woodhouse have plans to submit a planning application to extend the duration and tipping capacity at this currently operational site and improve the restoration conditions of the site. All of these developments, if granted planning permission, would assist in meeting any shortfall of inert disposal capacity within the Nottingham and Mansfield/Ashfield areas and provide potential restoration benefits to derelict/degraded land and thus in principle would be favoured under the hierarchical approach set out within the adopted WLP and WCS Policy 4.
62. It is acknowledged that neither the Bentinck nor Welbeck disposal sites have planning permission at the present time. It is therefore not appropriate to count any capacity they may provide towards PPS10 requirements for ten years disposal capacity. Nevertheless, the submission of these planning applications clearly demonstrates that there are reclamation options coming forward to meet shortfalls in disposal capacity. There is an approved site close to Mansfield which has available capacity and, whilst it would be desirable to have better distribution of sites, it is clear that there are existing and proposed mineral workings which will require restoration without a need to tip onto Greenfield sites. It is therefore concluded that any current shortfall in disposal capacity is not critical at the present time.
63. The WLP and draft WCS share a common objective to direct new disposal capacity *'towards areas where it has both the least environmental impact and the maximum opportunity to gain environmental improvements, for example by, reclaiming a worked out quarry'* (WLP paragraph 10.18). This objective to avoid environmental harm and maximise environmental benefits associated with waste disposal facilities is incorporated into the policy criteria of WLP Policies W10.1 and W10.2. The WLP approach is consistent with draft WCS Policy WCS12 (Protecting our environment) which states:

'New or extended waste treatment or disposal facilities will be supported where it can be demonstrated that there would be no unacceptable impact on overall environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact. All waste proposals should seek to maximise opportunities to enhance the local environment through the provision of landscape, habitat or community facilities.'

64. This approach requires waste disposal schemes to provide environmental improvements. The approach is consistent with the key planning objectives of sustainable waste management as set out within Paragraph 3 of PPS 10 which seeks to *'drive waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option'*. The policy test therefore is for waste management schemes to secure environmental enhancements and schemes which result in unacceptable environmental impacts should be refused planning permission.
65. To assess the significance of the environmental impact the planning application is supported by a series of topic based environmental reports. The issues raised within the reports are considered in the following sections of the report.

Ecological Assessment

66. The majority of the site is locally designated as a Site of Importance for Nature Conservation, or SINC (also known as a Local Wildlife Site, or LWS) - Robin Hood Hills SINC 5/38. As such, the site is identified as being of at least county-level importance for its wildlife. The nearest statutorily designated site, Kirkby Grives SSSI, is approximately 1km to the west. The site makes up part of an important cluster of large and connected nature conservation sites in the Newstead area, which include Hollinwell Golf Course, Annesley Forest, Newstead and Annesley Country Park, Newstead Park, and Linby Quarries SSSI. As such it is a key component of the local ecological network.
67. The key policies of the WLP to assess the ecological impacts against are WLP Policies W3:20: Heathlands, W3.22: Biodiversity and W3.23 Nature Conservation (including geological) sites.
68. WLP Policy W.20 states:
- 'Planning permission for a waste management facility which would destroy or degrade areas defined as heathlands will not be granted unless their value is outweighed by the need for the facility. Where permission is granted, proper provision will be made to survey and record the site in order to:*
- a. Minimise the effect on the habitat and species;*
 - b. Consider the accommodation of species within the site or to provide alternative habitats for their use;*
 - c. Provide appropriate ameliorative measures.'*

69. The site consists predominantly of continuous bracken, with areas of scrub and trees, and patches of acid grassland and is therefore heathland in character. The site is assessed in the applicant's own Ecological Assessment as being of 'County Value'. The development would result in the loss of this heathland habitat. There is not a critical need for additional landfill capacity at the present time and therefore the development is assessed as being contrary to WLP Policy W3.20.

70. WLP Policy W3.22 states:

'Planning permission for a waste management facility which would harm or destroy a species or habitat of County importance will only be granted where the need for the development outweighs the local conservation interest of the site. Where planning permission is granted for such development, conditions will be imposed or planning obligations sought, to secure accommodation on-site or the provision of suitable alternative habitats.'

71. Furthermore WLP Policy W3.23 states:

'Waste management proposals which either individually or in combination with other proposals, are likely to affect sites or candidate sites of nature conservation or geological interest will be assessed as follows:.....

c. Proposals which are likely to significantly adversely affect sites of regional or local importance will only be permitted where the importance of the development outweighs the local value of the site.

The assessment of any adverse impact will take account of the scope for mitigation and/or compensatory measures to replace the loss.'

72. The ecological surveys have identified that notable numbers of Grass Snakes and Common Lizards occupy the site, confirming the habitat is of 'high (County) value' for reptiles. The Ecological Assessment concludes that the main potential impacts arising from the proposed development are loss of part of the SINC, loss of reptile habitat, and potential harm to reptiles and birds during the works. Measures to mitigate these potential impacts are set out within the Ecological Assessment Addendum Report. These mitigation measures would involve trapping to prevent killing during site clearance followed by translocation into areas of adjacent habitat which are known to support reptiles. Given that reptiles are present in the adjacent habitat it is proposed to increase the 'carrying capacity' of these areas (i.e. the number of individual reptiles that such areas can support) through the provision of log and brash piles. However, concerns remain that these measures would not be sufficient to raise the carrying capacity sufficiently to accommodate the potentially large number of reptiles that would be displaced by the works, notably the receptor area appears to be smaller than the area of habitat to be lost. It is therefore concluded that the reptile mitigation measures are insufficient and as a result it is not possible to ensure that no significant adverse impact to these species would occur.

73. The NPPF provides national planning policy in terms of conserving and enhancing the natural environment. Paragraph 118 sets out the government policy that planning authorities should adopt when determining planning applications, including a 'mitigation hierarchy' which states that significant impacts should first be avoided, then mitigated against, and finally compensated for. Although the application incorporates a range of compensation and mitigation measures, NPPF policy advises that ecological impacts would best be managed by not siting the proposed development at such locations (given its Greenfield status and high ecological value), thus ensuring impacts are avoided. There is no over-riding need for the proposed development at this precise location, furthermore, other alternative locations for waste disposal are potentially available which would not result in such significant ecological impact. The benefits of the development, therefore, do not outweigh the ecological harm which would result.
74. It is therefore concluded the development is contrary to the requirements of WLP Policies W3.22 and W3.23, and the 'mitigation hierarchy' set out within the NPPF due to the significant ecological impacts which would occur including the loss of part of the SINC, loss of reptile habitat, and potential harm to reptiles during the works.
75. With regard to impacts to woodlark and nightjar bird species and potential impacts to the prospective Sherwood Special Protection Area (SPA), the Ecological Assessment Addendum Report demonstrates that the site does not support nightjars and woodlarks. The site however contains habitat suitable for nightjar which would be lost as a result of the development. Whilst the concerns of Nottinghamshire Wildlife Trust regarding the desirability to maintain suitable habitat within the prospective SPA buffer zone for nightjar and woodlarks is noted, these impacts are considered to be minor on the basis that the site currently is not used by these species, the works are temporary and habitat would be restored following the completion of the development, albeit the restored site would not be so ecologically attractive owing to it not having such a complexity of floral assemblages. Overall it is concluded that the development would not result in any significant impacts to the integrity of any future Sherwood SPA
76. Visual and Landscape Impacts
77. WLP Policies W3.3 and W3.4 seek to minimise the visual impact of waste management facilities by careful site design and through the use of natural features to screen the development including topography.
78. The planning application is supported by a visual and landscape appraisal which identifies that the development would result in the re-shaping of an existing valley to provide a less steeply sided feature. The works would predominantly be undertaken within the valley feature which would screen operations from surrounding land. During the operational phase the landscape impact is identified to be 'slight/moderate adverse' due to the total removal of the existing vegetation/soils and temporary operations including soil storage and temporary buildings. Upon completion the site would be reseeded/planted and would quickly establish a ground cover and with appropriate management it is

concluded the restored site could provide a slight improvement in landscape character.

79. The landscape and visual assessment report has been reviewed by NCC's Landscape Team who generally accept the conclusions reached. It is therefore concluded that the development is capable of being undertaken without resulting in significantly harmful landscape and visual impacts.

Green Belt

80. Green Belt policy relating to waste disposal facilities is set out within Policy W3.17 of the WLP. This policy states that planning permission will only be granted for waste disposal in the Green Belt where it represents the best option for reclaiming mineral voids or other derelict voids. Since the development is not associated with the reclamation of a mineral or other derelict void the development fails to comply with WLP Policy W3.17.
81. Draft WCS policy regarding waste disposal in the Green Belt is set out within Policy WCS6 – General Site Criteria. The criteria based matrix set out within this policy indicates that landfill can be appropriate in the Green Belt, however paragraph 7.39 of the supporting text clarifies that this is only the case when the landfill scheme provides for the restoration of old colliery tips and mineral voids. Other landfill schemes in the Green Belt including those which result in the raising of original ground levels are deemed to be inappropriate development. Policy WCS6 is therefore consistent with the sequential approach for identifying disposal sites contained within Policy WCS 4 which least favours Greenfield sites.
82. The development also fails to comply with Green Belt policy contained within Policy EV1 of the Ashfield Local Plan Review (ALPR). This policy states that planning permission will not be granted within the Green Belt for inappropriate development except in very special circumstances. The policy definition of appropriate development includes *'engineering, mining or other operations and uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it'*. The development is not an engineering or mining operation.
83. In terms of whether the development could be defined as an 'other operation' the key issue is whether the development impacts upon the openness and conflicts with the purposes of including land within the Green Belt. The purposes of including land in the Green Belt, set out within part 9 of the NPPF, seek to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns merging into one another; assist in safeguarding the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The development would result in encroachment within the countryside and have negative impacts upon the openness of the Green Belt, particularly during the operational phase of the landfill site and therefore could not be considered as an appropriate 'other operation' within the Green Belt.

84. ALPR Policy EV1 also makes reference to ‘very special circumstances’ which may permit development in the Green Belt. The applicant has not submitted a case arguing ‘very special circumstances’ to support the development, but instead argues that the development is appropriate development on the basis that the site is a disused sandstone cutting and therefore the landfilling of such a feature is appropriate in the context of Green Belt policy since it provides for the restoration of this land. As previously identified within this report, the County Council has no record of mineral workings at this site and historical maps indicate that the depression is a natural feature. The land is not derelict in character and is not in need of reclamation; in fact the landfill scheme would result in negative ecological impacts. It is therefore concluded that there are no very special circumstances in the context of ALPR Policy EV1 to support this inappropriate development within the Green Belt.

Highway Considerations

85. The development site would be served by an existing access providing direct access onto the A611, which is to be re-engineered to a standard suitable to accommodate HGV traffic associated with this development. The development would generate comparatively low vehicle movements which, using a worse case scenario would equate to an average of one lorry movement every ten minutes.
86. These access arrangements have been reviewed by NCC Highways (Development Control) Team who are satisfied that this level of traffic would not cause any highway concern relating to road capacity and the proposed site entrance could cope with a HGV waiting to leave at the same time as another is entering the site whilst the geometry allows HGVs to enter and leave without crossing to the opposite traffic lane. The development therefore raises no highway objections and thus complies with WLP Policy W3.14 (Road Traffic).

Archaeology and Conservation/Built Heritage

87. The site is not considered to contain any archaeological interesting features.
88. The development site does not incorporate any features of conservation/built heritage interest. The site is visible from the Grade 2 Listed Building, Winshaw Well and the Annesley Conservation Area, to the south. Impacts to these conservation assets have been assessed as slight harmful during the operation stage and negligible following restoration and therefore acceptable in their magnitude.

Rights of Way

89. The development would not result in any direct impacts to any designated public footpaths in the area, and the operational practices discussed in the following sections to control noise and dust should ensure that any indirect impacts to users of Kirkby Footpath No.44 which passes over the land to the south of the site are avoided.

90. The applicant has indicated within their submission that the application offers potential to extend the network of public footpaths within the local area by providing a link between Kirkby Footpath No. 44 to Derby Road. Such a footpath would be a welcome addition to the local network and warrants consideration within the overall balance of planning considerations.

Pollution Control

91. The operation of the site would require an Environmental Permit issued by the Environment Agency under the requirements of the Environmental Permitting (England and Wales) Regulations 2010. These regulations should ensure that measures are put into place to prohibit or limit the release of substances to the environment to the lowest practicable level and ensuring that ambient air and water quality standards are met.
92. Notwithstanding this fact, PPS10 paragraph 29 acknowledges that potential impacts on the local environment arising from the operation of waste management facilities are material planning considerations which require assessment within the planning process. To enable this assessment to be made the planning application is supported by a series of environmental assessments which have been reviewed through the planning consultation responses and are assessed within the following sections of the report.

Water Resources

93. WLP Policy W3.5 states that planning permission will not be granted for waste management facilities where there is an unacceptable risk of pollution to groundwater or surface water or where it affects the integrity/function of a floodplain. WLP Policy W3.6 encourages the use of planning conditions to ensure that water resources are protected.
94. The operation of the landfill site has potential to affect water resources. The consultation responses from the EA and NCC's Reclamation Officer however acknowledge that these impacts are capable of being controlled to an acceptable level through the controls imposed under the Environmental Permit issued by the Environment Agency under the requirements of the Environmental Permitting (England and Wales) Regulations 2010 (henceforth referred to as 'the waste permit'), and through the imposition of planning conditions restricting the types of waste imported to inert in character; use of impermeable linings for the construction of the landfill; satisfactory surface water drainage facilities with appropriate balancing to control storm water flows.
95. Subject to the imposition of appropriate planning conditions, the site is capable of operating without generating significant harm to water resources, thus ensuring compliance with WLP Policies W3.5 & W3.6.

Odour & Landfill Gas Emissions

96. WLP Policy W3.7 seeks to ensure that waste management facilities do not generate odour emissions which result in adverse impacts to the amenity of surrounding land. The disposal of inert waste has a comparatively low potential

odour risk and, subject to a planning condition restricting the types of waste received, potential odour releases should be limited to an acceptable level, thus ensuring that the requirements of WLP Policy W3.7 are capable of being complied with.

97. The restriction of waste types to inert materials would also ensure that materials deposited within the landfill do not decompose and generate methane gas, an issue identified by Network Rail in their consultation response. Network Rail request a planning condition be imposed restricting the waste types to inert spoil so as to ensure the safety of railway property (Annesley tunnel) is not compromised.

Litter

98. WLP Policy W3.8 seeks to prevent litter emissions from waste management facilities. The main litter control with the proposed development would be provided by the inert character of the waste received at the site which is generally not vulnerable to wind blow. Nuisance from litter therefore is not anticipated.

Noise

99. WLP Policy W3.9 seeks to ensure that when planning permission is granted for waste management facilities conditions should be imposed to reduce potential noise impacts. Such conditions may include the enclosure of noise generating facilities; stand-off distances between operations and noise sensitive locations; restrictions over operating hours; using alternatives to reversing beepers and setting maximum operational noise levels.
100. The site is located within a rural location, however the proximity of the A611 and associated traffic movements has a significant impact on the local noise environment. The nearest residential property is the applicant's house, which adjoins the site boundary. Other residential properties include Winshaw Well Farmhouse approximately 200m to the north and Warren Hill Stables approximately 270m to the south east.
101. The application is supported by a noise assessment which incorporates a survey of the existing noise environment surrounding the proposed development and references appropriate national noise standards (set out within the NPPF supporting technical guidance & BS5228-1:2009: Code of practice for noise and vibration control on construction and open sites – Part 1: Noise). The noise assessment considers the impact from site operations and associated transportation of materials during the proposed operating hours of 08:00 to 18:00 Monday – Friday and 08:00 – 13:00 on Saturdays.
102. The noise assessment has demonstrated that noise emissions at nearby residential properties (excluding the applicant's property) are unlikely to generate justifiable complaints. The development is therefore capable of complying with the requirements of WLP Policy W3.9 subject to the imposition of planning conditions to control the operating hours of the site, a 55,000tpa restriction on the maximum amount of material processed at the site; a maximum of three

vehicles per hour accessing the site; a limit to the level of noise output at residential properties; the use of silencers on mobile plant and controls over reverse warning devices.

Dust

103. WLP Policy W3.10 identifies that dust emissions from waste processing facilities can be managed and reduced by implementing appropriate dust management techniques. To inform the consideration of the significance of potential dust emissions the application is supported by a dust impact assessment. The report identifies that with the exception of the applicants' own property, the facility is not located directly adjacent to residential property or other sensitive receptors. Dust management is recommended to be undertaken at source through a series of site management control practices to ensure that off-site dust emissions are minimised. These practices include the use of wheel wash facilities, hard surfacing of haul roads; use of misting sprays on crushing/screening equipment; limiting vehicle speeds; minimising the storage of materials in stockpiles; sheeting of lorries transporting materials and the damping of dust generating activities.
104. The imposition of planning conditions in accordance with WLP Policy W3.10 to impose a duty to undertake the recommended control practices would ensure that the site is capable of operating without generating significant dust emissions beyond the site boundary.

Mud

105. WLP Policy W3.11 identifies that vehicle movements associated with the operation of waste sites have potential to spread mud onto the public highway. To mitigate against such impacts the applicant proposes a series of measures as part of their dust appraisal report, including the use of a wheelwash facility, the hard surfacing of haul roads and the sheeting of lorries. The imposition of planning conditions in accordance with WLP Policy W3.11 to impose a duty to undertake the recommended control practices would ensure that the site is capable of operating whilst ensuring appropriate controls over mud entering the public highway.

Electricity Services within the site

106. Western Power Distribution (Electricity) have identified that the site is crossed by overhead power cables which the change in ground levels has potential to affect. Western Power Distribution have not raised an objection to the planning application, but requests the operator discusses the need for diversion works or for proximity advice during construction and on-going operations at the site. This request to consult with Western Power Distribution could be covered through an informative note attached to the planning decision notice.

Other Options Considered

107. 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.

Human Rights Act Implications

108. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered in this case. The development has potential to generate additional noise, dust and traffic movements which could have some minor impacts on the amenity of surrounding residential property, these impacts however are considered to be comparatively low in magnitude and substance on individuals and therefore do not result in interference with rights safeguarded under these articles.

Statutory and Policy Implications

109. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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.

Crime and Disorder Implications

110. The development would be located within an open countryside location and is potentially vulnerable from a security perspective. Access to the public highway would be secured by a gated access when the site is not operational. With the exception of mobile plant and machinery the site facilities are not particularly valuable.

Conclusions

111. PPS10 acknowledges that there is a need to make provision for disposal facilities and it is evident from the adopted Waste Local Plan and emerging Waste Core Strategy that there is a strategic need for additional inert disposal sites to ensure that a ten year supply of disposal capacity is provided for. The development, if permitted, would contribute to addressing this shortfall in capacity. However, there is not currently a critical shortage of inert waste treatment facilities with a ready supply of operational inert waste treatment facilities and an availability of disposal facilities to manage the waste stream.
112. It is envisaged that there is likely to be a choice of potential sites for inert disposal. To assist with the selection of sites the adopted WLP and the draft WCS incorporate a sequential approach to ensure that preference is given to the most environmentally sustainable locations. Critically the development is

contrary to WLP Policy W10.3 which states that planning permission will not be granted for waste disposal on Greenfield sites. A Greenfield site would also represent the least favoured option for waste disposal in the context of draft WCS Policy WCS4 on the basis that the materials can derive greater environmental benefit when they are used to secure the reclamation of derelict land and the restoration of mineral voids.

113. Landfill of Greenfield sites is not an appropriate use of Green Belt land. The development therefore fails to satisfy the requirements of WLP Policy W3.17, draft WCS Policy WSC4 and ALPR Policy EV1.
114. The development would fail to satisfy the objectives of WLP paragraph 10.18 and WCS Policy WCS12 which seek to ensure that disposal facilities are directed to areas where they result in the least environmental impact and the maximum opportunity to gain environmental benefits. Most notably the application site is designated as a SINC, the heathland habitat within this SINC would be lost as a result of the development contrary to the requirements of WLP Policies W3.20, W3.22 and W3.23. The development is also not compliant with the NPPF 'mitigation hierarchy' which seeks to avoid impacts within ecologically important areas.
115. On balance, whilst it is acknowledged that the development would assist in meeting a strategic need for additional waste disposal capacity, the negative impacts in terms of the Greenfield/Green Belt character of the site, the failure to comply with planning policy regarding site selection and the ecological impacts indicate that the development would not represent a sustainable waste management solution and therefore it is recommended that planning permission be refused.

RECOMMENDATIONS

116. It is RECOMMENDED that planning permission be refused for the reasons 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.

SALLY GILL

Group Manager (Planning)

Constitutional Comments (SHB – 29.08.2012)

Committee have power to decide the Recommendation.SHB.29.08.12".

Financial Comments (DJK 19.07.2012)

The contents of this report are duly noted; there are no financial implications.

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

Kirkby-in-Ashfield South Division Cllr Rachel Madden

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W000331 – DLGS REFERENCE

PSP.EP5343 – COMMITTEE REPORT FOLDER REFERENCE

23 August 2012 – Date Report Completed by WP Operators

Appendix 1

1. Landfill of Greenfield sites is inappropriate development in the context of Green Belt Policy and therefore contrary to Nottinghamshire and Nottingham Waste Local Plan (WLP) Policy W3.17 (Green Belt) and Ashfield Local Plan Review Policy EV1 (Green Belt).
2. The disposal of waste on Greenfield sites is contrary to WLP Policy W10.3 (Greenfield Sites) and draft Nottinghamshire and Nottingham Waste Core Strategy (WCS) Policy WCS4 (Disposal sites for non-hazardous and inert waste) and represents the least favoured option for waste disposal under the sequential site selection criteria set out within WCS Policy WCS6 (General Site Criteria). WLP Policies W10.1 and W10.2 identify the important contribution that waste disposal can provide in reclaiming derelict and degraded land, the disposal of waste on Greenfield land at Shenton Lodge would not provide environmental benefits and therefore does not represent a sustainable use of the waste stream.
3. The development would result in the loss of part of a Site of Importance for Nature Conservation (SINC) of heathland character as well as detrimental impacts to protected species. The 'mitigation hierarchy' as outlined in the National Planning Policy Framework directs development to locations where there is least ecological impact and therefore would not provide support for the location of the development. Any need for additional disposal capacity within

Nottinghamshire is not critical and would not outweigh the environmental impact caused by the development. The development is therefore contrary to WLP Policies W3.20 (Heathlands), W3.22 (Biodiversity) and W3.23 (Nature Conservation (including geological) Sites and WCS Policy WCS12 (Protecting our Environment).