

DERBYSHIRE COUNTY COUNCIL

TO: P Casey Environ Ltd
c/o Oakbay Design
29 Bradford Road
Eccles
Manchester
M30 9FF

County Hall
Matlock
Derbyshire
DE4 3AG
1.778.13

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Council under the above Act and all related Acts, Orders and Regulations, and with reference to your application Code No CW1/0110/190 submitted on the 12 January 2010 for permission **for the change of use from existing quarry (at Birch Vale Quarry) to recycling area – soils, construction, demolition and excavation waste and ash materials will be imported via Arden Quarry and processed within the recycling area by screening, sorting, stockpiling and aeration. The resulting (non-waste) materials will be used for daily cover and restoration on the adjacent Arden Quarry Landfill Site** in the manner described in the application and shown on the accompanying plan(s) and drawing(s), NOTICE IS HEREBY GIVEN that permission for the proposed development is **GRANTED subject to compliance with the following conditions:**

Commencement

- 1) The development shall be commenced within three years of the date of this decision notice.
- 2) The date of commencement shall be notified to the Waste Planning Authority within seven days of commencement.

Cessation

- 3) On completion of the restoration of the Arden Quarry landfill site, the approved operation shall cease, the mobile screen and other plant and equipment shall be removed from the site and all hardstandings removed.

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Form of Development

- 4) The form of development shall be in accordance with the details specified in the planning application from Oakbay Design dated 31 December 2009 and received by the Waste Planning Authority on 12 January 2010 or as otherwise amended or required by the terms of the conditions below. For the avoidance of doubt, this includes the height of stockpiles being restricted to no more than 3.5 metres and they shall be confined to the areas designated on drawing number DO56-504.

Hours of Operation

- 5) The operation of the facility, including the delivery of waste to the site and the transfer of materials from it, shall be limited to:

0700 to 1800 hours Monday to Friday,
0700 to 1300 hours Saturday.

Lighting

- 6) No external lighting shall be installed until a scheme for such provision has been submitted to and approved in writing by the Waste Planning Authority.

Control of Noise and Dust

- 7) The noise and dust created by the development shall be mitigated and controlled in accordance with the measures identified in the Written Statement December 2009 which was submitted with the planning application from Oakbay Design on 12 January 2010. In the event that the measures fail and noise or dust affects the amenity of other properties in the area, the use of the facility shall cease until alternative mitigation measures have been introduced.

Site Access

- 8) The only access to the site shall be via the existing site access to Arden Quarry from Oven Hill Road.

Mud on Roads

- 9) All vehicles leaving the site shall first use the cleaning equipment in operation for the landfill site.

Storage of Oils, Fuels and Chemicals

- 10) Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the

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compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reasons

- 1) In accordance with Section 91 of the Town and Country Planning Act 1990.
- 2) For the avoidance of doubt and to enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.
- 3) To relate the use of the facility to the duration of the landfill site in the long-term interests of the amenity of the area.
- 4) To control the form of development in the interests of the amenity of the area.
- 5) To control the hours of operation in order to maintain the amenity of the area.
- 6&7) To control the emission of noise and dust from the site in the interests of the amenity of the area.
- 8&9) In the interests of highway safety.
- 10) To prevent pollution of the water environment.

Reasons for Approval

The planning application has been determined in accordance with the development plan as required by Section 38(6) of the Planning and Compensation Act 2004. The development accords with the relevant development plan policies listed below. There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

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Policies

The principal planning policies relevant to this grant of planning permission are:

East Midlands Regional Plan

Policy 38: Regional Priorities for Waste Management.

Derby and Derbyshire Waste Local Plan

W1b: Need for the development.

W2: Transport principles.

W5: Identified interests of environmental importance.

W6: Pollution and related nuisances.

W7: Landscape and other visual impacts.

W8: Impact of the transport of waste.

W9: Protection of other interests.

W10: Cumulative impact.

W13: Sorting of waste before disposal.

High Peak Local Plan

GD4: Character, Form and Design.

GD5: Amenit.

OC4: Landscape Character and Design.

OC5: Development Conspicuous from the Peak District National Park.

TR5: Access, Parking and Design.

Footnotes

- 1) Under Section 163 of the Highways Act 1980, where the site curtilage slopes down toward the highway limits, measures shall be taken to ensure that surface water run-off is prevented from entering upon the highway by means of a barrier (e.g. dished channel gully).
- 2) Pursuant to Section 151 of the Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory of cleanliness.

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NOTES

The following notes are included as a requirement of the Town and Country Planning (General Development Procedure) Order 1995.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Room 3/17, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the county district in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990.

The following notes are the further advice of the County Council.

- This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority.
- Where a vehicle is habitually driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing, or the strengthening of a footway, as the authority considers necessary, or may be required to comply with conditions imposed by the authority.

Alternatively, the occupier may himself construct or arrange for the construction of a carriage crossing subject to the prior approval of the authority and to the work being carried out to their satisfaction.

The Statutory provisions in this respect are contained in Section 184 of the Highways Act 1980.

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