

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

7 September 2015

- 1 **RETROSPECTIVE APPLICATION FOR A WASTE TRANSFER STATION, INCLUDING A LOADING PLATFORM AND HOPPER UNIT, UNIT 4, WATFORD BRIDGE INDUSTRIAL ESTATE, WATFORD BRIDGE ROAD, NEW MILLS**
APPLICANT: ENVIRON CONSULTANTS LTD
CODE NO: CW1/0515/19

1.62.11

Introductory Summary This application is for permission to continue an unauthorised operation at the planning application site in which spent carbon pellets, which have been used in landfill gas filters, are imported to the application site via heavy goods vehicle (HGV) tankers, are transferred into a steel hopper, bagged and sealed, and the bags stored on a HGV curtain-sided trailer for bulk delivery to a processing facility off-site.

A planning permission relating to the same premises was granted in 2012 for a transfer process in which sealed bags of spent carbon pellets were to be imported to this site and stored in sealed skips.

The pellet transfer process is sealed to avoid dust nuisance. The pellet transfer process was previously an open system which led to a number of complaints from local residents over dust. The sealed system was introduced in November 2014 and, since then, there have been no recorded complaints of dust nuisance.

The planning application is recommended for approval.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** The applicant is a specialist company which manufactures landfill gas cleaning equipment at Watford Bridge Industrial Estate. The cleaning equipment contains filters which use activated carbon pellets.

The application site already benefits from planning permission (code no. CW1/0711/50 was granted planning consent 25 June 2012 (Minute No. 6/12 refers)) for use as a particular type of waste transfer station. This existing

planning permission allows the importation of sealed bags of spent carbon pellets which have been used in landfill gas filters elsewhere, to be stored on site within lidded and lockable skips, prior to bulk removal off-site for re-processing elsewhere.

The applicant has been operating outside that planning permission since it has been importing un-bagged loads of spent carbon pellets via HGV tankers and tipping these into a steel hopper. The pellets are then transferred from the hopper into sealed bags, mounted on pallets and loaded onto a HGV curtain-sided trailer. When the trailer is full, it is transported off-site to a re-processing facility in Belgium.

Until November 2014, this transfer operation included tipping of the pellets into an open-topped hopper. This resulted in problems with dust and complaints to High Peak Borough Council's (HPBC) Environmental Health Department and a warning to the applicant of potential enforcement action by this Authority. The Environment Agency also identified non-compliance with the Environment Agency's Environmental Permit which regulates the process.

The applicant has subsequently reconfigured the pellet transfer process to a sealed system, whereby the spent pellets still arrive at the site un-bagged within HGV tankers, but are transferred from the tankers via a sealed pipe into a sealed hopper. The hopper is no longer open-topped and, under the latest configuration, there is no discernible dust produced during the normal pellet transfer and bagging process.

Site and Surroundings

The application site comprises the existing operational waste transfer area. The site is split into two levels: the yard and a raised embankment. There is a large steel hopper at yard level. Adjacent to the hopper is the raised embankment, upon which HGV tanker lorries are parked for tipping their loads of carbon pellets into the hopper.

The application site is on Watford Bridge Industrial Estate, which is at the north-eastern edge of New Mills. The application site is on a small portion of a large open yard within the applicant's business premises at Unit 4. The main feature of the Unit 4 premises is the applicant's modern two-storey industrial building/warehouse, adjacent to the west of the waste transfer station. Further to the west is the River Sett. To the east is a high sided embankment, beyond which are other buildings and yards of the industrial estate, and the access road into the site. To the north and south is the remainder of the yard at Unit 4.

There are no Listed Buildings within or adjacent to the application site and it is not within a Conservation Area.

The Proposal

The applicant is seeking to regularise the operation by applying for retrospective planning permission. The maximum volume and type of material that are specified in the application for importing, bagging and storing at this site are the same as those permitted under planning permission code no. CW1/0711/50: 900 tonnes of spent carbon pellets per annum. The number of goods vehicle movements is also to remain the same, at two HGVs per week (additional to vehicle movements to and from the warehouse).

The applicant has also clarified that the filtering process is conditioning for the removal of silicon. The applicant states that silicon is captured within the carbon pellets and cannot be released into the atmosphere in any way, other than by high temperature thermal treatment. This currently takes place at a specialist furnace in Belgium. The applicant maintains that the sealed hopper arrangement eliminates the possibility of dust or odour leaks.

The hours of use sought by the applicant remain the same at:

Mondays to Fridays 0800 hours to 1700 hours.

No working hours are sought for Saturdays, Sundays and Bank Holidays.

Access is via the existing works access off Watford Bridge Road. The planning application is accompanied by a Flood Risk Assessment which concludes that the risk from flooding is acceptable, subject to requirements including the preparation of an emergency plan in the case of site flooding and protection of ground waters.

Planning Permission is sought to retain a loading platform at the top of the embankment (where the HGV tanker parks to unload) and a large steel hopper at the base of the embankment (underneath which the bagging of the pellets takes place).

Planning History

Planning Application Code No. CW1/0711/50 – Proposed Establishment of an In-House Waste Transfer Facility, Land on Watford Bridge Industrial Estate, New Mills, was approved 25 June 2012 (Minute No. 61/12 refers).

Consultations

Local Member

Councillor Atkins was consulted on 29 June 2015. She made comments on 6 July and 10 July 2015, forwarded questions on 22 July, and made further comments on 3 August. Her comments relate to several points that concern her, as follows:

- The previous planning application was only granted by the Council on the basis that the material would be in sealed units when imported, stored and exported to/from the site. No planning permission has been granted for the hopper or for the pouring of material in the open air.
- Residents have seen dust blowing around from the operations.
- The spent carbon pellets are from filters used on sites of waste landfill, such as Arden Quarry at Birch Vale.
- There is concern about the toxicity of the mixture of substances (including silicon) which are taken up in the pellets, and any potential for a public health hazard to arise from emission of dust particles. Particular points of concern in this respect include the delivery of the pellets into an open topped hopper [as practised in 2014], and any potential for dust to permeate from the bags in which the pellets are stored. She refers to the High Peak area having a legacy of health issues associated with the former Ferodo brake linings factory and considers that local people are right to be wary.
- The previous use of the site was a calico mill which did not create dust. Many homes have been built in the area since the war. She considers that operation should be enclosed indoors and should not be close to any residential area.
- The potential for the development being close to the River Sett to have any adverse impact on the river. Much work has gone into depolluting this river over the last 40 years. She comments that it is exposed to flash flooding from local watercourses, and that since 1930 when there was a serious flood in the valley, many houses have been built on previously rural land which has therefore reduced the capacity for surrounding land to take up flood water.
- Residents have complained about the cutting back of trees and bushes at the site.

The Local Member is therefore not in favour of this operation taking place on this site.

High Peak Borough Council (Planning)

HPBC's Planning Services was consulted on 29 June 2015 with a request to make any comments by 20 July 2015.

High Peak Borough Council (Environmental Health)

HPBC's Environmental Health Department was consulted on 29 June 2015 with a request to make any comments by 20 July 2015. The HPBC's Environmental Health Department responded on 13 and 14 July 2015 stating that it has no objections as the movement and transfer of the spent carbon pellets is within an enclosed system, preventing any dust nuisance. The HPBC's Environmental Health Department confirmed that the last recorded complaint about the tipping of carbon pellets into the open topped hopper and dust nuisance was on 3 July 2014.

New Mills Town Council

New Mills Town Council was consulted on 29 June 2015 with a request to make any comments by 20 July 2015.

Environment Agency

The Environment Agency was consulted on 29 June 2015 and responded on 8 July and 10 July 2015 stating that it has no objections, does not currently provide a Flood Warning associated with the River Sett in that area and has confirmed that the applicant has a valid, up-to-date Environment Agency Environmental Permit in place.

The Environment Agency's Environmental Permit Officer for this area also carried out an inspection at this site on 7 August 2015 which focused on the permitted site area (infrastructure), operations at the site, the storage of waste and the recording of waste movement (consignment notes). The Environment Agency has confirmed in an email, dated 10 August 2015, that at the time of the inspection, the operator was fully compliant with its Environmental Permit with no non-compliances recorded.

Internal Consultations

The County Council's Public Rights of Way Team was consulted on 29 June 2015 with a request to make any comments by 20 July 2015.

The County Council's Highway Authority responded on 6 August 2015 stating that it has no objections subject to the inclusion of conditions in line with those already in force.

The County Council's Landscape Architect responded on 14 July 2015 and has no comments to make.

The County Council's Ecologist was consulted on 29 June 2015 with a request to make any comments by 20 July 2015.

The County Council's Flood Risk Management Team responded on 4 August 2015 stating that it has no objections.

Publicity

The application was advertised by site notices and a press notice in the Derbyshire Times.

Copies of the site notice were also hand delivered to neighbouring houses.

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As a result of the publicity 41 letters and emails of objection have been received from local residents. The residents refer to the following types of concern:

- That this is a retrospective planning application and that the operator has not complied with the existing planning permission.
- That the planning application has not supplied any details or adequate risk assessment about potential human health and environmental issues relating to the waste treatment process; references are made to needing information on toxicity of the waste material and the content of the associated dust; to soil, water and air analysis as being needed; and to a need to consider any impacts on local food growing. Non-methane organic compounds (NMOCs), and inorganic and radioactive contaminants, are referred to as being associated with landfill. Concerns are expressed regarding local air quality and water run-off which drains into the River Sett.
- That local residents are concerned about levels of dust emissions and the closeness of the site to a residential area. Dust has been observed settling on vehicles and on windows in local residential areas.
- That the HGV traffic movements for the use would exceed the stated frequency of two per week. The waste material is referred to as being transported through a residential area which already has problems with HGVs from a local haulage company. Traffic is referred to as causing noise, particularly at night, so windows have to be shut to reduce noise.
- That the development should be located on a site with better access for HGVs. The industrial estate is referred to as not being suitable for this type of use on the basis that, if there was an accident, the waste could contaminate the nearby residential area.
- That the road to the site is narrow and could be dangerous. Access to this location is referred to as either via a road with a low bridge or via a single land bridge crossing. It is claimed that HGV traffic struggles when accessing/ egressing Watford Bridge Road.
- That there are no barriers to access by members of the public to the pellet transfer area, which is next to an open shared access road leading to other units.
- That the site is being used outside permitted hours. The site is reported to be used habitually until later than 8 or 9 pm, and at weekends and Bank Holidays.
- That the operation is visually intrusive and can be seen from residential properties nearby; reference is made to removal within the last twelve months of trees that previously provided screening.
- That the development could adversely affect wildlife in the locality and its enjoyment. Kingfishers are referred to as having been sighted on the

River Sett; and the River Sett is referred to as being a trout river, with a nature reserve.

- That flood lighting from the site is intrusive; lights left on are reported to shine into bedrooms.
- That this proposal could devalue residential property prices.
- That staff at the site have to wear protective suits and breathing apparatus.
- There has already been a diesel spillage when a lorry overturned. It took a long time to clean up the River Sett.
- That there is a need for this site to be closely monitored; it is suggested that there can be no local confidence that rules for the development will be adhered to, and that the history of the applicant company's involvement with the site indicates an operational culture which may work against the adoption of adequate measures for protection of health, safety and the environment.
- Regarding the flammability of the pellet material.
- That on the planning application form, the applicant has indicated incorrectly that there is no hazardous waste, however, the submitted Planning Statement clearly acknowledges that the activated carbon pellets are used to remove organic compounds and heavy metals from landfill gas, and contain such impurities.
- That the retained material in the carbon pellets can leak out.
- That local residents have complained about odours from the site.
- That there is a risk of harm during a flood, by stored bags of pellets being swept into the river; a resident recalls that the area of the site flooded in July 1973, when cars were swept off Bridge Street into the River Sett. It is also recalled that in a separate flooding incident, flood water carried a 45 gallon drum allegedly containing industrial detergent from Garrison industrial site nearby, and that the contents killed the fish in the river.
- That the submitted Environmental Management System document contradicts itself (since in paragraph 4.2.2 it states that it is not possible to visually confirm the waste type due to the nature of the sealed transportation and transfer to storage bags, but then states in paragraph 4.2.3 that all wastes received at the site will be subject to detailed inspection).
- That the reference at Paragraph 4.4.7 of the January 2013 Environmental Management System document to water spraying as being additional dust suppression method that may be used should a particular activity be identified as causing a dust issue, raises a prospect that water that has been used to wash away dust on the site will drain into the watercourse.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (2006) (DDWLP) and the saved policies of the High Peak Local Plan (2005) (HPLP). Other material considerations include statements of Government policy in the National Planning Policy Framework (2012) (NPPF), National Planning Practice Guidance (NPPG), the National Waste Management Plan for England 2013 and National Planning Policy for Waste (NPPW) (2014).

National Planning Policy Framework

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and adds that there should be a presumption in favour of sustainable development. The NPPF does not contain specific waste policies and states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government Waste Policy, on the issues raised by this proposal, is contained within the NPPW document.

National Planning Policy for Waste

This document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this Country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Annex A of this document details the waste hierarchy.

The relevant policies against which to assess the proposal are:

National Planning Policy Framework Policy:

Chapter 11: Conserving and enhancing the natural environment.

National Planning Policy for Waste Policies:

Chapter 7: Determining Planning Applications.

Annex A: The Waste Hierarchy.

Annex B: Locational Criteria.

Derby and Derbyshire Waste Local Plan Policies:

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W9: Protection of other Interests.

High Peak Local Plan Policies:

GD5: Amenity.

EMP5: Open Storage and Processing.

TR4: Traffic Management.

The key planning considerations for this application are:

- Need for the development.
- Location of the development.
- Potential impacts on amenity and on the surrounding environment.

Need for the Development

The NPPW document emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the promotion of the recycling and reuse of waste, rather than sending it to landfill, is essential. The order of preference for waste management options known as the 'waste hierarchy' is detailed in Appendix A of the NPPW.

The waste hierarchy aims to:

- minimise the amount of waste that is produced;
- where waste is still produced, to reuse as much useful material as possible;
- where reuse is not possible, to recycle as much useful material as possible;
- where reuse and recycling are not possible, to recover any useful energy that the waste can be used to generate; and
- only when the above options are not possible, to dispose of the waste safely. Landfilling of waste should only be used as a last resort.

Chapter 7: Determining Planning Applications of the NPPW, states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW.

Criterion a) of Appendix B of the NPPW: Protection of Water Quality and Resources and Flood Risk Management, has been addressed; the applicant has submitted a Flood Risk Assessment which concludes that the risk from flooding is acceptable, subject to certain requirements which include the preparation of an emergency plan (in the case of site flooding) and protection of site waters. The County Council's Flood Risk Management Team has also been consulted on this planning application and it has no objections.

Criterion g): Air Emissions, Including Dust and criterion h): Odours, address the proximity of sensitive receptors and the extent to which adverse emissions and odours can be controlled through the use of appropriate, well-maintained and well-managed equipment. The applicant has sought to address problems of dust settling on neighbouring residential properties by reconfiguring the previous open pellet transfer process to a sealed process.

DDWLP Policy W1b: Need for the Development, states that waste development will be permitted if the development would satisfy a need which could not be realistically met closer to the source of the waste. This is an in-house facility to receive spent carbon pellets where the operator can ensure that all the spent carbon is recycled and re-used. This is a centralised facility but the activities relate operationally and economically to the applicant's business at the site.

Location of the Development

Chapter 4 of NPPW states that waste planning authorities should consider a broad range of locations for waste management facilities, including industrial sites, and look for opportunities to co-locate waste management facilities together and with complementary activities. The application site is at the premises of a business that manufactures landfill gas cleaning equipment, which is within an existing employment area.

Annex B of NPPW sets out locational criteria for waste planning authorities to consider in determining planning applications:

- protection of water quality and resources, and flood risk management;
- land instability;
- landscape and visual impacts;
- nature conservation;
- conserving the historic environment;
- traffic and access;
- air emissions, including dust;
- odours;
- vermin and birds;
- noise, light and vibration;
- litter; and

- potential land use conflict.

HPBC's Environmental Health Department has confirmed that it has not received any complaints about dust or any other environmental nuisances since 3 July 2014. The applicant has confirmed that it reconfigured the transfer process of the spent carbon pellets from an open system to a sealed system, approximately 8 months ago.

Paragraph 120 of Chapter 11: Conserving and enhancing the natural environment of the NPPF states that planning decisions should ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and that cumulative effects of pollution on health, general amenity and the natural environment should be taken into account. The land is part of an existing business that manufactures landfill gas cleaning equipment. There is no processing of the pellets on site, only the importation, transfer via a sealed system and the bulk storage of spent pellets. The process has a valid and up-to-date Environmental Permit issued by the Environment Agency.

Potential Impacts on Amenity and on the Surrounding Environment

Policy W6: Pollution and Related Nuisances of the DDWLP, states that waste development will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects to people or communities, the site of the development, nearby land uses or the wider environment. DDWLP Policy W9: Protection of Other Interests, states that waste development will be permitted only if the development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community.

Paragraph 109 of Chapter 11: Conserving and enhancing the natural environment of the NPPF, states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution, or land instability.

Policy GD5: Amenity of the saved policies of the HPLP, states that planning permission will be granted for development provided that it will not create unacceptable loss of amenity as a result of pollution.

Policy EMP5: Open Storage and Processing of the HPLP, states that planning permission will be granted for open storage and/or processing development, or for other potentially intrusive operations provided that the proposed development is on an established industrial site and it will not affect the amenities of the occupants of nearby properties due to pollution such as dust.

The use permitted under the 2012 planning permission (code no. CW1/0711/50 (Minute No. 61/12 refers)), relates to the importation of sealed bags of spent pellets and the storage of such bags before transfer to a processing plant elsewhere. The unlawful activities which the current application seeks to regularise, involve the importation of un-bagged pellets in HGV tankers. Until November 2014, these pellets were tipped into an open topped hopper, which created clouds of dust. Local people reported problems with carbon dust settling at their residential properties. The applicant converted the open pellet transfer process to a sealed system in November 2014. A Council Officer visited the application site unannounced, on 9 July 2015. The site was clean and tidy and there was no visible problem with dust.

There has been considerable objection to this planning application from local people who have previously experienced dust emanating from the application site and settling on residential properties in the locality. There are concerns from local people that the dust from the carbon pellets is dangerous. The Environment Agency has confirmed that the applicant is according with its Environmental Permit. There were previous problems on this site where the HPBC's Environmental Health Officer received complaints about dust. The Environmental Health Officer has confirmed that the last recorded complaint was on 3 July 2014. Paragraph 122 of Chapter 11 of the NPPF states that planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves, where these are subject to pollution control regimes.

The previous planning permission (code no. CW1/0711/50) did not contain a planning condition to control dust. It is considered appropriate, in the circumstances and given previous problems with dust, to include an appropriately worded condition in respect of dust in any planning permission.

HPLP Policy TR4: Traffic Management, states that planning permission will be granted for development provided that the local transport network can accommodate any increase in travel without harming highway safety or local amenity, and that the traffic generated by the development will not interrupt the safe and free flow of traffic. DDWLP Policy W2: Transport Principles, presumes against waste development which would result in a significant increase in the number of waste related journeys. This planning application does not propose any more vehicle movements than those permitted under planning permission code no. CW1/0711/50, and the County Council's Highways has not expressed any concerns over this planning application in its response dated 6 August 2015.

Concerns have been raised by local people about increases in HGV movements and one representation refers to seeing an Environ tanker leave the application site on a Sunday. The applicant has clarified that there is no

increase in incoming or outgoing HGV movements. The adjacent unit, renting yard space, is understood to have created increased vehicle movements, which objectors may have experienced. Operational hours permitted under the existing planning permission are Mondays to Fridays 0800 hours to 1700 hours and local people having referred to witnessed operations on this site outside these hours. Whilst these reports are noted, a condition that would apply these times on any new permission would provide an enforceable means of limiting the hours of working under it to these periods.

Conclusion

It is considered that the development would not have any significant environmental or amenity impacts, and that there would not be any significant effect on the environment in relation to either an accumulation of the potential impacts discussed above, or any of those potential impacts together with other development. Thus, it is considered that the development is acceptable within the context of national and local development plan policies.

Although there have been problems of dust nuisance associated with the unauthorised operation of the site as has been referred to above, this planning application has to be determined on its merits. The Environment Agency has approved the current process subject to controls in an up-to-date Environmental Permit, which the site is being operated in accordance with. There is already a planning permission in place for a waste transfer station to handle spent carbon pellets; it is the different reception, handling and storage of the material now being carried out that requires a new planning permission.

It is considered that the waste carbon pellets transfer facility has benefits in terms of the role it plays in enabling waste to be processed higher up the waste hierarchy and its contribution towards sustainable waste management objectives. It is not considered that the use gives rise to unacceptable or amenity impacts.

Subject to the recommended conditions, I consider that the proposal does not conflict with national or local planning policies and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £385 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a

result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

- (5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

- (6) **Background Papers** File No. 1.62.11
Application documents dated 24 June 2015 from Environ Consultants Ltd.
Correspondence dated 22 July and 3 August 2015 from Mr. Mike Halsall of Axis PED.

Correspondence from the Highways Area Management Division dated 6 August 2015, the Derbyshire Flood Risk Management Team dated 4 August 2015, the County Council's Landscape Officer dated 14 February 2015, the High Peak Borough Council (Environmental Health) dated 13 July and 14 July 2015, and the Environment Agency dated 8 July, 10 July and 10 August 2015.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially as follows:

- 1) The development shall be in accordance with the details set out in the planning application and the accompanying and associated plans and documents unless otherwise modified or amended by conditions of this planning permission. For the avoidance of doubt, the planning application and the accompanying and associated plans and documents are as follows:

One App Form – Application for Planning Permission dated 24 June 2015;
Number 1646-01-001 Revision A entitled Site Context dated June 2015;
Drawing Number 1646-01-002 Revision C entitled Site Location Plan dated June 2015;
Drawing Number 1646-01-003 Revision A entitled Proposed Elevations dated June 2015;
Planning Statement dated May 2015;
Appendix A - Site Environmental Management System. Report Reference 1668/R/006/01 EMS dated January 2013;
Appendix B – Flood Risk Assessment. Report Reference 1595 dated January 2012.

Email dated 22 July 2015 from Mr. Mike Halsall of Axis PED clarifying when the sealed hopper system was installed, further details of the transfer process and further information on the use of the carbon pellets.

Email dated 3 August 2015 from Mr. Mike Halsall of Axis PED providing further information on the content of the pellets, processing and confirmation of HGV movements.

Reason: To ensure conformity with the details of the application that is approved and to clarify its scope.

- 2) Throughout the duration of this permission the facility described in the application details shall only be used in the manner which is specified in the application details, including the specifications that the only waste material brought to the facility shall be carbon pellets derived from landfill gas filtration, and that the pellets shall be transported to the site only within sealed tanks on heavy goods vehicles from which the pellets shall be transferred directly into the sealed hopper system referred to in Condition 1 above.

Reason: For the avoidance of doubt and to ensure that the impact of traffic and general loss of amenity is minimised.

- 3) Within one month of the date of this permission the applicant shall submit to the Waste Planning Authority a scheme proposing specific measures to be taken to minimise any risk of any carbon pellets present on the site contaminating flood water or being removed from the site by flood water.

The scheme shall include provisions for the effective operation of a system to ensure that upon either:

- (a) the Environment Agency or the Meteorological Office issuing a flood warning which applies to the site, or
- (b) the water level in the River Sett adjacent to the site reaching a specified bank height,

a suitable towing vehicle with a suitable licensed driver is immediately available, and remains available throughout the period for which the warning is in force and/or the water level in the River Sett exceeds that level, and is deployed to remove any carbon pellets then being stored on the storage area from the site to a suitable secure location which is not at risk of flooding whenever the floor level of the site might become in imminent danger of being flooded. Upon approval by the Waste Planning Authority of such a scheme (subject to such reasonable additional or alternative provisions as it might specify in its approval), and at all times thereafter, the scheme as approved shall be implemented.

Reason: To ensure that identified flood risk issues are adequately addressed.

- 4) Within one month of this planning permission a Surface Water Drainage Management Plan shall be submitted to the Waste Planning Authority in writing. The scheme shall then be implemented as approved.

Reason: To protect ground water quality in the area and to ensure that identified flood risk issues are adequately addressed.

- 5) The site operators shall ensure that all surface water drainage operates in an efficient manner.

Reason: To ensure that the site drains efficiently.

- 6) There shall be no burning of waste materials on the site.

Reason: To ensure that the waste management facility and the related operations do not have an adverse impact on local amenity.

- 7) A Supplementary Dust Containment Scheme shall be submitted to the Waste Planning Authority for its approval within one month of the planning permission. The scheme shall include:

- precautionary working measures to be operated to supplement the methods and working arrangements that are referred to in the Planning Statement dated May 2015, Appendix A - Site Environmental Management System. Report Reference 1668/R/006/01 EMS dated January 2013 and/or the Emails dated 22 July 2015 and 3 August 2015 that are referred to in condition 1 so as to minimise so far as reasonably practicable (a) the incidence of any accidental release of dust particles that might be associated with the use of the site under this permission; and (b) the scale of any such release
- A regime for daily monitoring for and recording and reporting to the Authority of dust levels at the site, including specifying of weather conditions at the times of monitoring;
- Trigger levels for dust on the site that activate temporary cessations of activities under the use until the source(s) of the dust release giving rise to the levels have been identified and remedial measures are in place to the satisfaction of the Authority.

The approved scheme shall be implemented as approved.

Reason: To provide for the control of dust impact in the interest of local amenity of the area.

- 8) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purpose of maintenance, none of the above shall be operated with covers open or removed.

Reason: To ensure that the waste management facility and the related operations do not have an adverse effect on local amenity.

- 9) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours, except in an emergency.

Reason: To ensure that the waste management facility does not have an adverse impact on local amenity.

- 10) Except in an emergency, which shall be notified to the Waste Planning Authority as soon as practicable, no operations shall be carried out outside the following hours:

0800 hours to 1700 hours Monday to Fridays.

There shall be no working on Saturdays, Sundays, Bank Holidays or other National Holidays.

Reason: To ensure that the waste management facility does not have an adverse impact on local amenity.

- 11) No outside lighting shall be erected or operated on the site, other than any activated lighting which is in accordance with details that receive prior approval in writing from the Waste Planning Authority. The details shall include the means of activation, duration of activation, intensity of illumination and angle and direction of the beam of light.

Reason: To ensure that the waste management facility does not have an adverse impact on local amenity.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority, prior to the submission of the application.

The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework

(NPPF) (2012) and the National Planning Policy for Waste (NPPW) (2014) published by the Department of Communities and Local Government. There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

The development under the planning permission with the conditions above is in accordance with the relevant policies of the development plan, which are listed below.

Policies

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

National Planning Policy Framework Policy:

Chapter 11: Conserving and enhancing the natural environment.

National Planning Policy for Waste Policies:

Chapter 7: Determining Planning Applications.

Annex A: The Waste Hierarchy.

Annex B: Locational Criteria.

Derby and Derbyshire Waste Local Plan Policies:

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W9: Protection of other Interests.

Saved High Peak Local Plan Policies:

GD5: Amenity.

EMP5: Open Storage and Processing.

TR4: Traffic Management.

Footnote

- 1) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation

measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from www.groundstability.com

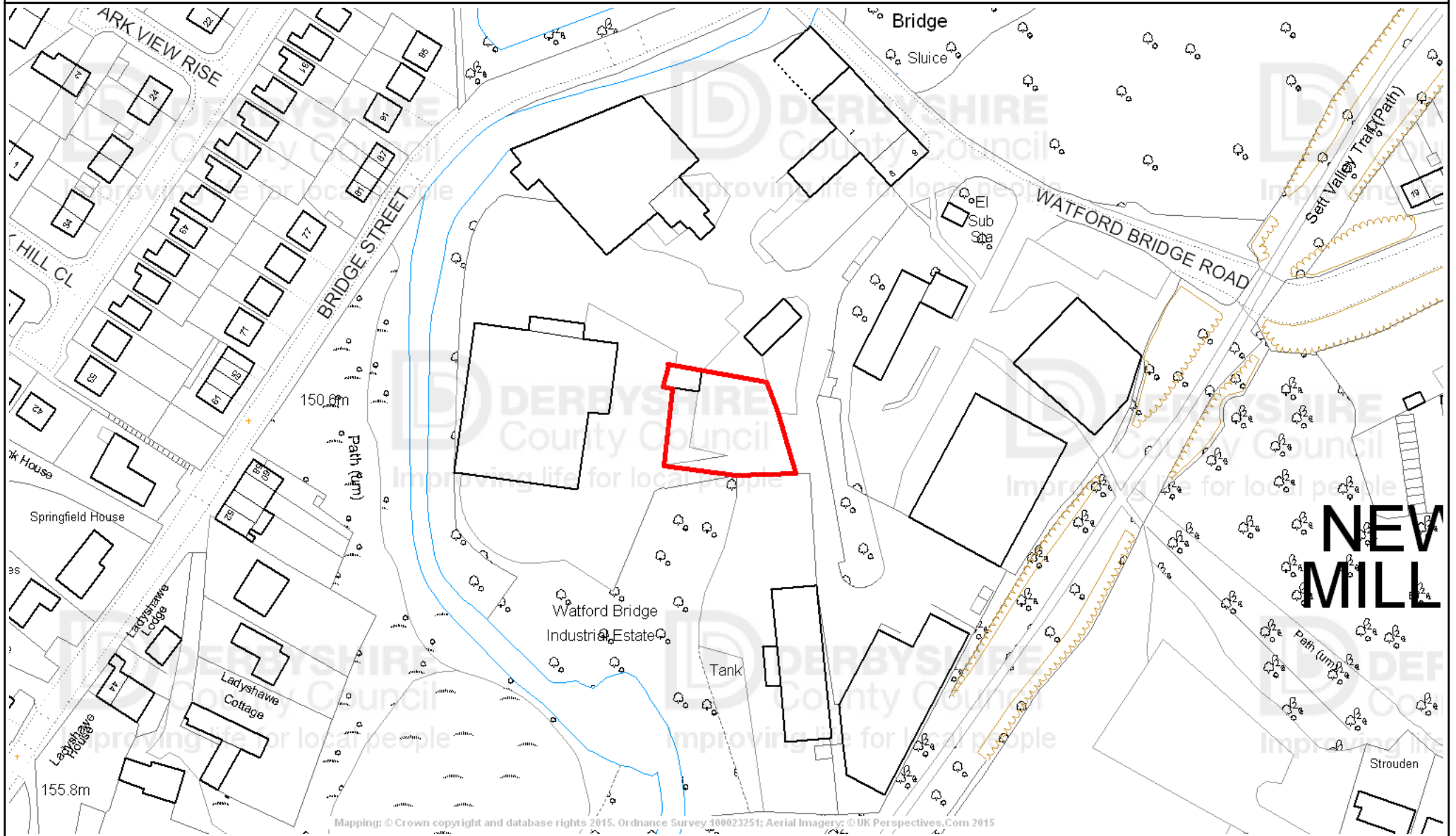
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website www.gov.uk/government/organisations/the-coal-authority

Signed.....Dated.....

Mike Ashworth
Strategic Director – Economy, Transport and the Environment

Title

CW1/0515/19 Unit 4, Watford Bridge Industrial Estate, New Mills



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