

Agenda Item No. 4.3

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

8 August 2016

Report of the Strategic Director – Economy, Transport and Communities

- 3 APPLICATION FOR PLANNING PERMISSION FOR PROPOSED INSTALLATION AND USE OF A SCRAP METAL PRE-SHREDDER TO PRE-PROCESS EXISTING SCRAP MATERIALS ON LAND AT WARD RECYCLING, QUARRY HILL INDUSTRIAL ESTATE, GRIFFON ROAD, ILKESTON, DERBYSHIRE
APPLICANT: DONALD WARD LIMITED
CODE NO: CW8/0815/70**

8.1018.13

Introductory Summary This application proposes the installation and use of a new machine to support scrap metal recycling at the applicant company premises on the Quarry Hill Industrial Estate, off Griffon Road, Ilkeston. It is proposed that the machine would be used to pre-shred selective scrap metal wastes prior to the scrap metal being shredded further in a larger (and adjacent), fragmentiser plant, which was installed and first used at the premises in 2007. This proposal needs to be considered in the context of the development plan and current Government policy which are both guided by the ‘waste hierarchy’ which seeks to increase the economic value of waste and assist sustainable waste management. I consider that other key considerations in assessing the proposal relate to:

- The impact of the introduction and use of the proposed equipment on the amenity of this area (emissions to air-noise, dust and vibration).
- The cumulative impact of this equipment with impacts from other elements associated with the waste facilities at the premises.
- The potential impact on the potential re-development of the Stanton Ironworks Regeneration area.

The application, which is accompanied by a Flood Risk Assessment (FRA), an Amenity and Accident Assessment (AAA), and separate detailed noise and dust assessments, has been subject of detailed consultation with (amongst others), the County Council’s Landscape Architect, the Environment Agency and the Environmental Health Officer at Erewash Borough Council. The outcome of these consultations is that the Environment Agency supports the proposal and no objections are raised in landscape terms or by the Environmental Health Officer (subject to the imposition of appropriate

conditions, to control noise and dust). I am satisfied, that, in conjunction with the controls provided by the Environmental Permit, the impacts associated with the proposal, could be controlled effectively by planning conditions. Furthermore I do not consider that the operation of this machine, in addition to the existing machinery on the wider premises, would prejudice or threaten the future development of the Stanton Ironworks regeneration area. I therefore consider that the proposal is acceptable subject to the recommended planning conditions and recommend that the planning application be approved accordingly.

In normal circumstances, where planning applications do not raise contentious issues and no objections are raised on substantive planning grounds, decisions on such applications are taken by the Strategic Director, following consultation with the Chair of this Committee. In this case, however, since areas of the premises which are adjacent to the application site which the applicant is using for its metals recycling and in respect of which it is necessary to consider potential cumulative impacts, it is considered appropriate to report on this application to the Committee.

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

(2) **Information and Analysis**

Background Information

Situated at the north-western end of the former Stanton Ironworks complex, the area which is subject to this application (“the application site”) is part of the premises occupied by the applicant at the 50 hectares (and expanding), Quarry Hill Business Park, located on the southern outskirts of Ilkeston. The application site is about 0.2 hectares within an extensive enclosed flat yard which extends to about 3.5 hectares. In the yard directly to the north and adjoining the application site, there is a large high-sided fragmentiser plant which is used to shred large metal items (depolluted motor vehicles, white goods etc). To the east and west are open parts of the yard. The southern boundary of the premises lies a few metres south from the application site, and security fencing and concrete block walls enclose the entire premises. The Erewash Canal and the Nutbrook Trail (a National Cycling Route) are both located to the south of this boundary; each running approximately parallel to the boundary, but at a lower level. There are several occupied business units close to the site, the nearest being those off Griffon Road within 40 metres. The nearest residential properties lie 250 metres to the north-east, off Hexham Avenue, Ilkeston. There are two vehicular accesses to the premises; from Griffon Road and the industrial estate to the north, and also via Ilkeston Road/Quarry Hill Road to the west.

Planning History

The premises containing the application site have a long history predominantly connected to heavy industry and large area, of what is now the Industrial Estate, was used by the Stanton Ironworks Company until the early 1970. The more recent history was examined in depth by the Council when two related applications by the company for Certificate of Lawfulness of Existing Use (CLUEDs), were determined in 2014 by issuing a certificate for one with an amended description of the use for a restricted area, and a refusal notice for the other, in accordance with a resolution of this Committee (Minute No. 52/14 refers). The company then appealed to the Secretary of State against both the refusal and the terms of the certificate. The appeals were eventually withdrawn by the company in December 2015.

The more recent history of use concerning much of the premises relates to aspects of waste management:

- A large eastern portion of the premises was covered from 1994 by a Certificate of Lawfulness granted by Erewash Borough Council for the processing of scrap metals and vehicle dismantling.
- Following a change in occupiers, the County Council, in July 2003, granted a planning permission for continuation of scrap metal recycling activities and the development of a Material Recycling Facility (MRF) over the eastern part of this portion (planning application code no CW8/0602/37). The MRF was subsequently developed by the company. (The MRF area now includes a replacement building which was constructed in accordance with a planning permission for its construction (code no CW8/0105/187) which was granted by the County Council in February 2007).
- In September 2007, the County Council issued a Certificate of Lawfulness in respect of a proposal to install and use a fragmentiser (as plant and equipment to replace previous plant and equipment (a 'Heschell' shear)) on the basis that such development was permitted under the then current General Permitted Development Order. The fragmentiser, which has been subsequently installed and used at the premises, is within the plant specification that was proposed, but the area it is installed is not entirely within that which was covered by this certificate.

Policy 2 in the Erewash Core Strategy (ECS2) is specific to the proposed Stanton Ironworks Regeneration area (referred to below in the 'Planning Considerations' Section), and is relevant to this application in view of its proximity to the premises. An application proposal which involved the construction of approximately 2,000 homes, industrial units and a new school in the area, which was supported by the County Council, was being considered by Erewash Borough Council until it was withdrawn in July 2015. It is envisaged, however, that the proposal may re- emerge.

The Proposal

This application seeks permission to install and use a large pre-shredding machine which would be used predominantly to pre-shred bales of metal, fridges and other white goods, as well as the carcasses of scrapped end of life motor vehicles (ELVs). The applicant has indicated that the reason for the proposed new machine is to address the problem of explosions resulting from empty gas bottles being hidden, essentially in scrap metal bales. This problem has been experienced at the Griffon Road premises during the operation of the fragmentiser plant, and elsewhere countrywide. The purpose of the machine (which the applicant states would be one of a very small number in the UK), would ensure optimal shredding and, due to the nature of the machine, would almost completely eliminate the risk of explosions. The pre-shredder plant would extend to 10 metres wide, 11 metres long and 8.5 metres high, and would be located within the yard on the south facing elevation of the fragmentiser, close to the southern boundary of the premises. Scrap metal bales and scrapped motor vehicles would be fed into the pre-shredder by machine and the large slow turning blades within the machine would shred the metals. The shredded metals would then pass into the fragmentiser for further processing, the end product being collected together and removed off the premises for reuse.

The application is accompanied by several assessments for impacts. An AAA considers that the risks to amenity from accident are minimal. A FRA concludes that the site is at risk of flooding but the risk is low. A Noise Impact Assessment (NIA) finds that the proposed new machine, when operational, would not perceptibly increase noise levels at the premises. There is also a Dust Impact Assessment (DIA), which indicates that the impacts from dust arising would be at a low level, subject to implementation of suitable mitigation measures in this respect. With regard to traffic, the applicant has indicated that there would be no increase in traffic to and from the site and all vehicles would continue to use the existing site access/exit from Griffon Road, as well as Ilkeston Road/Quarry Hill Road. The applicant has indicated that three new jobs would be created if permission is granted.

Consultations

Local Member

Councillor Frudd has been consulted as Ward Member and also Councillor Major as adjoining Ward Member. No comments have been received.

Erewash Borough Council

Planning: Has not commented.

Environmental Health Officer:

No objections subject to the imposition of conditions to control dust and noise.

Environment Agency

Supports the proposal, but commented that the current environmental permit, issued in 2014, may need to be varied.

Stanton by Dale Parish Council and Natural England

No objections.

Publicity

The application has been advertised in the Ilkeston Advertiser, by site notices and neighbour notifications. No representations have been received as a result of the publicity.

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 development plan comprises the saved policies of the adopted Derby and Derbyshire Waste Local Plan (DDWLP) and the Erewash Core Strategy 2014 (ECS). Other material considerations for the determination of this application include such statements of Government policy in the National Planning Policy Framework (NPPF) (March 2012), as well as National Planning Policy for Waste (NPPW) 2014. The National Planning Practice Guidance (NPPG) is also relevant and contains guidance that is appropriate for this proposal.

At the heart of sustainable waste management is the waste hierarchy which encourages the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. It is not applied as a strict hierarchy as many complex factors influence the optimal management for any given waste material. However, as a guide, it encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting with landfilling of waste as the last resort.

The Derby and Derbyshire Waste Local Plan

The relevant policies are:

- W2: Transport Principles.
- W4: Precautionary Principle. This policy states *“if there is reasonable cause for concern that a proposed waste development would give rise to a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will not be permitted unless conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such*

damage; and that the risk of such damage is outweighed by the potential benefits of the development”.

- W6: Pollution and Related Nuisances. This policy states ‘*waste development will not be permitted if the development would result in harm caused by contamination, pollution or other adverse environmental or health effects.*’
- W7: Landscape and Other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W10: Cumulative Impacts.

Erewash Core Strategy ECS (ECS)

The central policy for this development is:

ECS Policy 20 which states:

“The comprehensive remediation and redevelopment of the Stanton Regeneration Site as a high quality mixed use sustainable new neighbourhood linked to Ilkeston will be permitted, subject to compliance with the development principles set out in this and other relevant policies. The site as identified on the Erewash Borough Policies Map will include provision for the following:

- a) *around 2000 homes to include a mix of housing types, sizes and tenures to create a mixed and balanced new neighbourhood;*
- b) *land for a range of new employment uses, including:*
 - i) *a business park of about 10 hectares within a feature setting, utilising existing buildings of townscape value and features of landscape value where possible;*
 - ii) *at least 10 hectares of land for general industry, to go towards meeting the strategic employment needs of the Borough as set out at Policy 4;*
 - iii) *additional replacement employment land for job losses incurred through the redevelopment where appropriate; and*
 - iv) *encouraging the utilisation or safeguarding of the rail spur and associated land for rail-freight use.*
- c) *a centre of neighbourhood importance, comprising a new primary school and appropriate levels of retail, service, commercial and community uses to meet the needs of the new neighbourhood, whilst consolidating and strengthening the network and hierarchy of centres as set out in Policy 6;*
- d) *a strategic area of green infrastructure to include:*
 - i) *a wildlife corridor linking the Nut Brook Valley with the Erewash Valley;*

- ii) an area of at least 20ha to provide a destination wild space and informal recreation area to serve the needs of both the new sustainable neighbourhood and the wider community; and*
- iii) enhancement to the multi-user link between the Nut Brook Trail, to the west of the site and the Erewash Valley Trail to the east.*

National Planning Policy Framework

The relevant references of the NPPF are:

Chapter 11: Conserving and enhancing the Natural Environment.

Chapter 17: Core planning principles.

Chapter 69: Promoting healthy communities.

Chapter 121: Contaminated land.

National Planning Policy for Waste (NPPW)

Paragraph 7 states when determining planning applications, waste planning authorities should ensure that waste management facilities are well designed, so that they contribute positively to the character and quality of the area in which are located.

The key issues to consider with this proposal are:

- the impact of the introduction and use of the proposed equipment on the amenity of this area (emissions to air-noise, dust and vibration);
- the cumulative impact of this equipment with impacts from other elements associated with the waste facilities at the premises; and
- the potential impact on the proposed development of the Stanton Ironworks Regeneration Project.

Impact on Amenity

This application proposes the installation and use of a relatively modest sized piece of machinery which would be located close by other plant which the applicant is using for its existing waste recycling facilities within the Industrial Estate, including a large metal fragmentiser. Both of these machines would then be part of a metals recycling process. In visual terms, the site is not prominent except from long distance views from higher ground. The existing local landscape is one of industry with a variety of post-war and more modern industrial buildings, plant and equipment and the new machine would be seen against this industrial background. I do not therefore consider that there would be any significant impact on the landscape.

Emissions to Air, Noise, Dust and Vibration

The site has a long historic heritage related to heavy industry, and the applicant's air emission consultants consider that dust and noise arisings from the new machinery would be low and minimal. In addition, if the application is approved and the machine is installed, there are the stated advantages in the

reduced risk of explosion. The introduction of this machine represents, in my opinion, an important, but nonetheless extra component, in the use of land for scrap metal waste processing and recycling. The pre-shredder would be ancillary to further processing which would involve the much larger fragmentiser machine, which is located close to the application site for the pre-shredder operation. The pre-shredder operation, under such a permission, would represent a substantial investment of specialised equipment, so it could be expected to function over an indefinite period into the future as part of a substantial overall metal waste recycling at the premises (though the exact pattern of the metal waste activities within the premises might continue to evolve).

Part of the land which the applicant occupies for its metal recycling at Griffon Road was recognised as falling within a lawful use by a Certificate of Lawful Existing Use or Development (CLEUD), as issued by the Council in 2014, in accordance with a resolution of this Committee. The applicant's metal recycling business at Griffon Road has also been expanded so as to now also include stockpiling of scrap and related activities on areas of the premises close to the north, and further to the west, of the pre-shredder application site. These activities are neither covered by a relevant planning consent nor any CLEUD (although all such activities are regulated for emissions through requirements of the Environmental Permit held by the applicant). I consider these aspects of the applicant's metal recycling business at the premises to be in breach of planning control. It is disappointing that the company has, to date, not applied for a planning permission which would cover the use of the adjacent land on its premises, which it also proposes to continue to use for its metals recycling, as well as the operation of the pre-shredder (especially as regards continued use of those areas of the adjacent land that do not benefit from any existing planning permission or certificate of lawfulness relating to recycling).

However, bearing in mind the potential for cumulative impacts, and also what can be required through conditions to any permission for the pre-shredder development proposal under this application, I cannot detect that any detrimental impacts on amenity, which can be linked specifically with the carrying on of the activities in those areas, have a fundamental bearing on the acceptability of the pre-shredder development. Therefore, whilst this carrying on of related metal recycling activities in those areas without planning permission does raise a breach of planning control issue, I do not consider that a determination of this application should be delayed further to enable the processing of a new application for planning permission which addresses that issue, or a prior conclusion of the issue through other means.

I have been mindful of the issue, as well as of all other aspects of the applicant's metal recycling, and its materials recycling facility, all at Griffon

Road, in considering the overall impacts from the proposal in the current application.

The applicant has indicated to me that the pre-shredder is required to enable it to conform with the requirements of its Environmental Permit relating to the premises. This has been substantiated by the Environment Agency (which in addition has indicated support for the application).

In consultation with the County Council's Landscape Architect, the Environment Agency and the Environmental Health Officer for Erewash Borough Council, the issues of visual impact, emissions to air (noise and dust impact), from the pre-shredder and associated materials handling in the application site area, in the context of the wider overall scrap metal recycling, which the pre-shredder operation would contribute to, have been considered. The contributions of these pre-shredder activities to the cumulative impacts on local amenity from the wider overall use (including the fragmentiser operation and mobile plant activities) would appear to be essentially only of significance in respect of dust emission, and relatively modest. The dust assessment includes daily particle deposition values from four monitoring points, which tend to show that the recycling activities now taking place at the premises (which it takes as "baseline conditions") involve noticeable dust production though not generally at rates which typically (according to guidelines from the former National Coal Board, and the Stockholm Environment Institute) would cause levels of annoyance likely generate complaints. The Nutbrook Trail and the closest industrial unit (We Pack on Griffon Road) are identified in the assessment as the most sensitive receptors. The dust deposition measurements from 2013, which are set out in the assessment, suggest that for the south boundary, closest to the Nutbrook Trail, the annoyance impacts of dust from this direction at times might be around the margins of acceptability. The assessment also indicates that with the introduction of the pre-shredder, dust levels overall should remain acceptable, relatively low or decrease, provided that the following mitigation measures are taken to prevent potential increases in impacts:

- reducing height of material stockpiles when reasonably practicable to do so;
- reducing drop heights when loading material into pre-shredder using high-reach grab;
- only loading pre-shredder when it is clear (to prevent overloading);
- enclosing sides of pre-shredder;
- use of water sprays during machine discharge; and
- use of mesh screens on boundary fence with Nutbrook Trail.

Whilst no objections have been raised against the proposal following consultations, it is therefore considered to be appropriate for the conditions to a permission for the pre-shredder to include mitigation measures of this kind

with respect to dust emissions. I consider that, as regards the mesh screen mitigation, this should encompass whatever length of the boundary of the whole premises, which is adjacent to the Nutbrook Trail, might be needed to ensure effective mitigation (i.e. it should not be limited to that part of the boundary which coincides with the pre-shredder application area), and that this mitigation should also extend to the boundary of the premises in the vicinity of the part of Industrial Estate which contains the industrial unit occupied by We Pack.

The conditions which appear within the Officer Recommendation are intended to ensure as far as it is reasonably practicable, that the noise and dust from the pre-shredder area is controlled so as to avoid contributing significantly to any cumulative impacts.

Impact on Proposed Stanton Ironworks Regeneration Area

Whilst I am mindful that the planning application for the proposed regeneration of Stanton Ironworks has been withdrawn, I am assured that the proposal will re-emerge, therefore, consideration of this project is relevant to this application. The application site, which is part of the larger waste recycling facility, is within an extensive established Industrial area which is situated on land close to the proposed regeneration area. The elements of the proposed development and the likely impacts were given due consideration by the Environment Agency and Environmental Health, and no objections were raised. The new pre-shredder equipment represents a modernisation of this waste management site and I am satisfied that the environmental impacts associated with this proposal could be managed and controlled effectively by way of conditions of a planning permission and the environmental permit. Any similar regeneration proposals (which would include industrial development) would not, in my opinion, be adversely affected, should planning permission for the pre-shredder be granted.

Having taken all of this into consideration, I consider that the development described in this planning application is in accordance with the development plan, and that having regard to this and to the other important considerations to which I refer in this report, planning permission should be granted subject to appropriate conditions as are set out in the Officer's Recommendation.

(3) **Financial Considerations** The correct fee of £3,698 has been received.

(4) **Legal Considerations** This application falls under Part III of the Town and Country Planning Act 1990 for 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 these permissions being granted subject to the conditions referred to below.

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

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

- (6) **Background Papers** File Nos 8.1018.9-8.1018.13. Planning application details supporting statements and amended information dated July 2015. Letters/e-mails from Erewash Borough Council (Environmental Health Officer) various dates. Letter from the Environment Agency dated August 2015. Letters/emails from Stanton by Dale Parish Council dated August 2015 and September 2015. Letter from Natural England dated August 2015. Certificate of Lawful Use Code No CL8/0114/154 dated July 2014.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that Planning Permission be **granted**, subject to conditions based on the following:

Form of Development

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. The Waste Planning Authority shall be given at least 14 days prior written notice of the date the development is begun. The date the development is begun shall be confirmed in writing to the Waste Planning Authority not later than seven days after the event.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended, to establish the precise date of commencement for any notifications required by the terms of the other conditions below.

Availability of Plans

- 2) From the date on which the first operations under this permission come into effect, a copy of these conditions, including all documents referred to in them, and any further submissions to, and approvals by the Waste Planning Authority under these conditions, shall be available for inspection at the site office during working hours.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of the development.

3) The development hereby permitted shall only be carried out in accordance with the details set out in the application for planning permission and supporting documents, unless otherwise required by conditions of this permission. The supporting documents comprise of the following:

- Planning Application Forms and Supporting Statement dated July 2015.
- Plan No 3252/10B showing site location and location of pre-shredder dated May 2015.
- Amenity and Accident Assessment ref 061.24.DWL.SR.AGS.AO dated October 2013.
- Noise Impact Assessments prepared by Spire Environmental ref R15.100-33AG, dated August 2015 and supplementary noise report ref R16. 1100-2-AG dated February 2016.
- Dust Impact Assessment dated June 2015.
- Flood Risk Assessment ref 1835.01.WR.FAZ.SV.A1 dated December 2014.

Reason: To enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.

Schemes to be Submitted for Approval Before Commencement

4) No development under this permission shall be commenced until the following schemes have been submitted to and approved in writing by the Waste Planning Authority:

- i) A scheme of working practices to be observed throughout all hours of operation of the pre-shredder and carrying out of the activities associated with it which are permitted under this permission which shall minimise so far as reasonably practicable all emissions of noise and vibration from the operation and the activities which would potentially have harmful impacts on local amenity (with particular regard to the adjacent industrial units and users of the Nutbrook Trail, and any potential cumulative impacts through combination with the noise and vibration from all other recycling use activities on the land in the control of the developer which is shown outlined in blue on the application plan).
- ii) A scheme of measures to be in place throughout all hours of operation of the pre-shredder and carrying out of the activities associated with it which are permitted under this permission which shall minimise, so far as reasonably practicable, all emissions to the air of dust from the operation and the associated activities which would potentially have harmful impacts on local amenity (with particular regard to the adjacent industrial units and users of the Nutbrook Trail and any potential cumulative impacts through, and

combination with dust from all other recycling use activities on the land in the control of the developer which is shown outlined in blue on the application plan) and shall mitigate so far as reasonably practicable those impacts. The measures under the scheme shall include measures for:

- limiting the areas and maximum dimensions for material stockpiles (which shall not exceed 5 metres in height from the ground in any event);
 - reducing height of material stockpiles when reasonably practicable to do so;
 - reducing drop heights when loading material into pre-shredder using high-reach grab;
 - only loading pre-shredder when it is clear (to prevent overloading);
 - enclosing the sides of the pre-shredder during times of its operation;
 - use of water sprays during machine discharge; and
 - use of mesh screens over those lengths of the boundary of the land outlined in blue which are adjacent to the Nutbrook Trail and the part of the Quarry Hill Industrial Estate which contains the unit occupied by We Pack.
- iii) A scheme of measures to be incorporated into the installation of the pre-shredder and its foundations which shall be designed to minimise, so far as reasonably practicable, any vibration from the pre-shredder operation which might have the potential to affect the enjoyment or integrity of any land or buildings by transmission through the ground.

The schemes, as approved in writing by the Waste Planning Authority, shall be implemented.

Reason: To ensure in advance of commencement that the proposed development and all other recycling use activities on the land in the control of the developer do not cumulatively have an adverse impact on neighbouring amenity and adjoining land uses.

- 5) No development under this condition shall be commenced until a scheme for the recording and investigation of all complaints received by the operator concerning noise, dust, or any other impact associated with the development, has been submitted to and approved by the Waste Planning Authority. The approved scheme shall be implemented in full accordance with the details as approved.

Reason: To ensure in advance of commencement that the amenities of the residents of the area are protected.

Environmental Protection

- 6) The site operators will ensure that all surface water drainage continues to operate in an efficient manner.

Reason: To ensure that the site drains efficiently.

Litter and Odours

- 7) Any wind-blown wastes or litter arising from the operations on the site shall be collected at the close of site works on each working day and removed from the site.

Reason: In the interest of protection of local amenity.

- 8) Each working day, the site shall be monitored for any odours arising from the development. If any materials result in noticeable odours they shall be contained, or removed from the site as soon as practicable.

Reason: In the interest of protection of local amenity.

- 9) All vehicle movements and movements of waste and materials, and other activities which would be capable of generating airborne dust shall be undertaken within areas having solid bound and clean surfaces, and shall be accompanied by applications of water to the surface and to relevant materials and waste on the site so far as required to avoid visible concentrations of airborne dust escaping.

Reason: To prevent avoidable dust arisings and in the interest of protection of local amenity.

- 10) Any skips or containers which receive waste materials and which may give rise to dust and cause nuisance or environmental degradation must be lidded or netted at all times other than when the waste materials are being added or removed.

Reason: To prevent avoidable dust arisings and in the interest of protection of local amenity.

Noise

- 11) 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: In the interest of protection of local amenity.

- 12) Reversing alarms used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

Reason: In the interest of protection of local amenity.

Lighting

- 13) No external lighting shall be installed unless details have been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interest of protection of local amenity.

Hours of Operation

- 14) No operations under this permission (including any deliveries of incoming material) shall be carried out other than between the following hours (except as may be required in an emergency):

- 07:00 hours to 18:00 hours Monday to Friday
- 07:00 hours to 13:00 hours Saturdays

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

Reason: In the interest of protection of local amenity.

Drainage and Pollution Control

- 15) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. 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. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: To prevent contamination of water including underground water.

- 16) No foul or contaminated surface water or trade effluent shall be discharged from the site into either ground water or surface water drainage systems.

Reason: To prevent contamination of water including underground water.

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 the planning applications in full accordance with this Article. The applicant had not 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 applications have 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.

Footnote

- 1) The proposed development lies within a coal mining area. In the circumstances, the applicant should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface activity to affect the development can be obtained from the Coal Authority. The Coal Mining reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk

Signed.....Date.....

Mike Ashworth
Strategic Director – Economy, Transport and Communities