

Agenda Item No. 4 (4)

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**10 April 2017**

Report of the Strategic Director – Economy, Transport and Communities

**RETROSPECTIVE APPLICATION (SECTION 73A) SEEKING TO  
REMOVE CONDITION 2 OF PLANNING PERMISSION CW8/0209/205  
IN ORDER TO MAKE PERMANENT USE OF LAND FOR INERT  
WASTE RECYCLING, FOURWAYS, FORD LANE, LITTLE EATON  
APPLICANT: FREEBERNE PLANT HAULAGE LTD  
CODE NO: CW8/0416/8**

**8.1063.5**

**Introductory Summary**

This is a retrospective application, submitted under Section 73A of the Town and Country Planning Act 1990, that seeks to make an existing waste operation permanent. Members of this Committee approved a temporary three year planning permission which was granted on 2 April 2012 (Planning Permission Code No J810209). This is an existing waste processing site that screens and crushes inert construction waste into a secondary aggregate. I note that the Borough Council's Environmental Health Officer has not received complaints during operations of the temporary planning permission. The site is also controlled by an Environmental Permit issued by the Environment Agency. The applicant is seeking a permanent permission to continue the existing operations.

A Public Right of Way runs through the middle of the site and the applicant has agreed to divert the footpath away from waste operating areas for public safety reasons. The applicant has submitted an application for a Public Right of Way Diversion Order which is being processed in tandem with this planning application.

The application has been considered against the development plan and other material considerations, and I conclude that this proposal would not be contrary to the relevant policies. I recommend that the application is approved subject to conditions.

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

(2) **Information and Analysis** This application proposes a new planning permission for an existing waste operation to continue without the

restriction of Condition 2 of the previous planning permission code number CW8/0209/205. This condition limited the duration of the previous planning permission to three years from the date of commencement of that permission.

### **Proposed Development**

The Development for which retrospective planning permission is sought is a continuation of use for the inert waste recycling operations which have been undertaken at the site since 2012. The temporary planning permission which was granted then expired in April 2015 but waste operations have continued since then. In essence, the facility provides a small scale inert waste recycling centre in which material is delivered, screened, crushed and stockpiled before being transported to customers.

Generally the site has been operated in accordance with the original planning permission and the application does not propose any further changes compared to that originally considered.

### **Site and Surroundings**

The planning application site is approximately 0.2 hectares in size and is south of the village of Little Eaton. The site is bounded to the west by an active rail line and a steel palisade fence belonging to Network Rail. To the north is open grassland which is a restored landfill. East of the application site is a yard and residential property, 'Fourways', which is the residence of the applicant. Beyond the applicant's residence is a mobile home park. Ford Lane is adjacent to the south boundary of the site. Beyond Ford Lane to the south is an embankment which is part of the A38.

The site is within any defined settlement boundary and is within Green Belt land as defined in the Erewash Core Strategy (ECS) 2013. The Derwent Valley Mills World Heritage Site (DWMWHS) is to the west of the application site, west of the rail line. The Buffer Zone to the DWMWHS comprises the rail line. The application site is not within either the DWMWHS or its Buffer Zone.

A Public Right of Way (PROW) reference E7/17/1 (Footpath 17) bisects the site south-west to north-east. This is maintained and managed by the applicant. A wooden PROW gate provides access to the footpath at the south-west boundary of the application site, adjacent to Network Rail's steel fence. The PROW access at the north-east of the application site is open. There have been some issues over the maintenance of the PROW by the applicant and at the time of the officer's site visit to the application site it was noted that the PROW was blocked with topsoil which was also stored up against Network Rail's fence. The applicant addressed this immediately when contacted.

The applicant has submitted an application to divert the PROW to run along the Network Rail fence at the west boundary of the site and along the north boundary. This route would be a safer alternative for users of the PROW.

The access to the application site is from Ford Lane to the south. Ford Lane is 'a no through road' accessed via the A38 traffic island to the east.

The site is relatively level and surrounded by a 3m high earth bund to the west and partially at the north boundaries of the site. There are some existing mature trees to the east of the application site. To the south of the site, beyond Ford Lane, is an embankment that serves the A38. Overall, the application site is relatively well screened.

### **Planning History and Background**

<b>Planning Application Reference. No.</b>	<b>Description of Development</b>	<b>Determination Date/ Decision</b>
CW8/0209/205	Inert Waste Recycling	Approved 2 April 2012 temporary three year permission.

Freeberne Plant Haulage Ltd, has been carrying out waste operations at this site since 2011 and the previous planning permission was considered as a retrospective application. Building and demolition wastes are delivered to the site, crushed and screened to produce secondary aggregates which are stockpiled on site. Four people are employed full time. The applicant has also operated an established haulage business from the yard and residence which are adjacent east of the site for a number of years.

The waste operations are permitted under an Environmental Permit issued by the Environment Agency.

Up to 12,000 tonnes of inert construction waste is imported to the application site per annum. Heavy plant includes a wheeled loading shovel, tracked excavator and a mobile crushing machine to process the waste into re-usable aggregate to be temporarily stored on-site for sale and re-use in the construction industry.

The original planning application was accompanied by a Flood Risk Assessment (FRA) which concluded that the application site has a low annual probability of flooding and the proposed development was appropriate.

### **Consultations**

#### **Local Member**

Councillor Hart (Breadsall and West Hallam) was consulted on 27 April 2016.

#### **Erewash Borough Council (Planning)**

Erewash Borough Council (Planning) responded on 11 May 2016 stating that it has no comments to make.

### **Erewash Borough Council (Environmental Health)**

Erewash Borough Council (Environmental Health) responded on 25 May 2016 confirming that it has no history of any nuisance complaints lodged against the application site.

### **Breadsall Parish Council**

The Parish Council objects to the proposal to make permanent the waste operation, but suggests another temporary three years permission. The Parish Council adds that the application site is within Green Belt and is adjacent to the DVMWHS. The Parish Council states that this is a departure from local plan policy and the granting of permanent planning permission would preclude the future return of the site to a use more appropriate to Green Belt. The Parish Council also has concerns over the maintenance of Footpath 17, considering it to be poorly maintained. These matters are dealt with in the Planning Considerations below.

### **Little Eaton Parish Council**

Little Eaton Parish Council was consulted on 27 April 2016.

### **Network Rail**

Network Rail (Planning) was consulted on 21 February 2017.

### **Environment Agency**

The Environment Agency responded on 18 May 2016 stating that it has no objections and that the application site is in compliance with its Environmental Permit.

### **Derbyshire Wildlife Trust**

Derbyshire Wildlife Trust responded on 27 June 2016 and states that it has no comments to make.

### **Highways England**

Highways England responded on 16 May 2016 stating that it has no objections.

### **Derby City Council**

Derby City Council was consulted on 27 April 2016.

### **Internal Consultations**

The County Highways Authority responded on 23 February 2017 stating that the access onto the trunk road is within the remit of Highways England.

The County Flood Risk Management Team responded on 16 May 2016 and has no comments.

## **Publicity**

The application was advertised by a press notice in the Derby Evening Telegraph and by site notice with a request for observations by 3 June 2016.

One representation has been received on 13 October 2016 from a member of the public who states that whilst they do not object to the proposal, the PROW that runs through the site should be made safe. They were concerned that walkers have to walk through the middle of the site whilst heavy machinery is operating and where there is a guard dog, and there are health and safety issues associated with this.

## **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 Erewash Core Strategy (ECS) 2013 and the Saved Policies of the Erewash Borough Local Plan (EBLP) 2005 (Amended 2014).

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 (NWMPE) and National Planning Policy for Waste (NPPW) (2014).

In light of these policies, consideration has been given to the location of the development, visual and landscape impact, hydrology, noise and dust. The previous permission on this site must be taken as a material factor in determination of this Section 73A application. The original permission was time limited; whilst it has expired, operations have continued. The question now is whether the proposal to operate on a permanent planning permission is acceptable having regard to planning policies.

## **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 states in its introduction that it does not contain specific waste policies and states that national waste planning policy will be published as part of the NWMPE. The

NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF so far as relevant.

### **National Planning Practice Guidance**

The NPPG does not contain specific waste policies, but it does repeat the message of the NPPF that the main purpose of the planning system is to deliver sustainable development to support the needs of society. It does, however, provide practical guidance on many potential environmental impacts, such as noise and dust impacts, which are of relevance to this proposal.

### **Waste Management Plan for England 2013**

The WMPE sets the agenda for working towards a more sustainable and efficient approach to resource use and management. It provides an analysis of the current waste management situation in England, and evaluates how it will support the implementation of the objectives and provisions of the Waste Framework Directive.

### **National Planning Policy for Waste, 2014**

This document sets out detailed waste policies and should be read in conjunction with the NPPF and the WMPE. It is intended to support the main objective of the WMPE as referred to above. It states that local waste plans should ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities. It reinforces established Government waste policy of driving the management of waste up the waste hierarchy whilst stating that local planning authorities need to ensure there are sufficient opportunities to meet the identified needs of the area.

When assessing the suitability of sites for waste management uses, it advises that account should be taken of the physical and environmental constraints on development, including existing and proposed neighbouring land uses and the cumulative impact of waste facilities, although it does advocate the co-location of facilities where appropriate. When assessing planning applications, it states that waste planning authorities should consider the likely impact on the local environment and amenity using the criteria set out in the document. It further advises that account should be taken of the advice of the appropriate body concerning the potential impact on health and that they should ensure that facilities are well designed so that they contribute positively to the character and quality of the area in which they are located.

### **National Planning Policy Framework, National Planning Policy for Waste, Derby and Derbyshire Waste Local Plan and the Erewash Core Strategy**

I consider that the most relevant development plan policies against which to assess the proposal are:

### **National Planning Policy Framework Policies**

Chapter 4: Promoting sustainable transport.

Chapter 9: Protecting green belt land.

Chapter 10: Meeting the challenge of climate change, flooding and coastal change.

Chapter 11: Conserving and enhancing the natural environment.

Chapter 12: Conserving and enhancing the historic environment.

### **National Planning Policy for Waste Policies**

Chapter 5: Identifying Suitable Sites and Areas

Annex B: Locational Criteria

### **Derby and Derbyshire Waste Local Plan Policies**

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W9: Protection of other Interests.

W10: Cumulative Impact.

The objective of the DDWLP is to ensure the delivery of a sustainable waste management system with sufficient capacity and of the right types to meet the waste arisings in the DDWLP area. These policies seek to ensure that this objective is fulfilled with adequate facilities on the right site and in the right locations where the waste management operations would not give rise to unacceptable impacts on the environment, local communities and the economy of the area.

### **Erewash Core Strategy Policies**

The Plan does not contain any policies which are specifically concerned with waste management but some set out general development management criteria which are relevant to this proposal including:

Policy 1: Climate Change.

Policy 3: Green Belt.

### **Saved Erewash Borough Local Plan Policies:**

EV16: Landscape Character.

EV19: World Heritage Site and Buffer Zone.

R2: Rights of Way.

DC7: Development and Flood Risk.

GB1: Green Belt.

These policies raise similar issues to the policies of the DDWLP and seek to ensure that development is appropriate in the location proposed and would not give rise to unacceptable impacts on the environment and local communities.

This is a retrospective planning application for permanent use of an existing inert recycling facility. It is a relatively small scale business, serving a restricted catchment area and managing a limited inert construction and demolition waste. Nevertheless, it would contribute to the waste management needs of both the local area and the wider area of Derbyshire, and would help move waste up through the waste hierarchy in accordance with national waste policy. It would help reduce the amount of waste going to landfill or otherwise disposed of and contribute to the overall system for ensuring waste is collected, treated and re-used in a sustainable manner. A permanent permission would enable an operation to become permanently established, contributing to the provision of local employment opportunities and the services available to other local companies and the local community. Accordingly, it is considered that the proposal merits support in principle. The considerations relate to the suitability of the operation of the waste management at this location. The focus is the impact on surrounding properties and local amenity, and impact on the safe movement of traffic and pedestrians.

- 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 movement of waste up the 'Waste Hierarchy' by promoting the recycling and reuse of waste, rather than sending it to landfill, is essential.

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.

DDWLP Policy W1b states that *"Waste development will be permitted if the development would help cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management..."*



This existing, well used facility receives waste from local businesses in the surrounding area and provides a useful local waste management facility for the recycling of construction waste, playing a pivotal role in moving waste through the waste hierarchy. I am therefore satisfied that there is a need for the development to cater for a local need and that it would accord with DDWLP Policy W1b and the sustainable waste management objectives of NPPW.

### **Location of the Development**

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.
- Potential land use conflict.

I note that there have been no complaints which have been confirmed by the Environmental Health officers at Erewash Borough Council.

The application site is within Green Belt, as defined in the ECS. Policy 3: Green Belt of the ECS and Saved Policy GB1: Green Belt of the EBLP seek to maintain the strategic openness of the Green Belt, ensure the continued separation and preserve the setting and special character of neighbouring towns and rural settlements within Erewash Borough, and safeguard valued countryside. Chapter 9: Protecting Green Belt Land of the NPPF seeks to protect Green Belts, avoid the coalescence of settlements and safeguard the countryside from encroachment, but also recognises in Paragraph 90 that certain forms of development, such as engineering operations, are not inappropriate in the Green Belt provided that they do not conflict with the purposes of including land in Green Belt and preserve its openness.

I note the Parish Council's concerns, in particular those relating to Green Belt. This is a relatively secluded site which is bounded to the west by an active rail line and has existing residential development to the east. It is not considered that the waste operations would reduce the separation between neighbouring towns and rural settlements that would affect the strategic openness of the

Green Belt, and therefore consider that the proposal accords with Policy 3 of the ECS and Saved Policy GB1 of the EBLP.

Breadsall Parish Council has also raised concern that the proposal is adjacent to the DVMWHS. I note the application site is adjacent east of the Buffer Zone for the DVMWHS and is not either within the DVMWHS or the Buffer Zone. Paragraph 132 of the NPPF, under Chapter 12: Conserving and enhancing the historic environment, seeks to consider the impact of a proposed development on a designated heritage asset, giving great weight to the assets conservation. EBLP Saved Policy EV19: World Heritage Site and Buffer Zone concentrates on proposed development within the defined DVMWHS and Buffer Zone, seeking to preclude development that would affect the DVMWHS or its setting. The rail line forms the area of the Buffer Zone and provides a hard edge to the east boundary of the DVMWHS. The application site is outside the DVMWHS and its Buffer Zone. It is not considered that the DVMWHS would be affected by the proposal. Thus, it is considered that the proposal accords with the guidance on designated heritage assets in the NPPF and Saved Policy EV19 of the EBLP.

Paragraph 100 of the NPPF, climate change, flooding and coastal change seeks that development in areas at risk from flooding should be avoided by directing development away from areas at the highest risk of flooding. Policy 1: Climate Change of the ECS presumes in favour of development that avoids areas of current and future flood risk and which do not increase the risk of flooding elsewhere. Saved Policy DC7: Development and Flood Risk of the EBLP presumes in favour of development within areas of flood risk where the development would have no adverse effect on the management of that risk.

I note that the previous application was accompanied by a FRA. The application site is within a flood zone (Flood Zone 1) defined as having a low annual probability of flooding and the FRA concluded that any risk from flooding was manageable. Neither the Environment Agency nor the Derbyshire County Council Flood Risk Management Team have raised any concerns on flooding issues in respect of this planning application presently under consideration.

As such, it is considered that the proposal to make the existing waste operation permanent does not conflict with ECS policies 1 and 3, Saved EBLP Policy DC7, the locational criteria (flood risk management) contained in Annex B of the NPPW or the guidance provided on Green Belts in the NPPF.

## **Potential impacts on amenity and on the surrounding environment**

### **Impact on Health, Quality of Life, Environment**

Annex B of the NPPW considers potential impacts such as noise, dust and odours. Paragraph 123 of Chapter 11: Conserving and enhancing the natural environment of the NPPF states that planning decisions should aim to avoid

noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. This paragraph of the NPPF also states that there should be recognition that development from businesses will often create some noise.

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.

Policy W9: Protection of Other Interests of the DDWLP 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.

Erewash Borough Council is Environmental Health confirmed that it has not received any nuisance complaints since operations started. The waste operator also holds an Environmental Permit issued by the Environment Agency. It is considered that there would be no adverse effects on local health, quality of life or the environment and, as such, the proposal accords with the requirements of Annex B of the NPPW, Chapter 11 of the NPPF and policies W6 and W9 of the DDWLP.

## **PROW**

EBLP Saved Policy R2: Rights of Way, seeks to maintain and improve the Rights of Way network and presumes in favour of development where the proposal includes the retention of a PROW or the diversion of a PROW to an alternative route which is safe and convenient. The concerns of Breadsall Parish Council and a member of the public are noted. It is agreed that the present situation where a PROW runs through an operational waste processing site is unsatisfactory and potentially dangerous. The applicant is applying for a Diversion Order to realign Footpath No. 17 which presently runs through the site. The Diversion Order application is presently with the PROW Team.

## **Landscape Quality**

Criterion 3 of ECS Policy 10: Design and Enhancing Local Identity presumes in favour of development which protects, conserves, and, where appropriate, enhances landscape character. This part of the policy also stresses the importance of the Derbyshire Landscape Character Assessment. Saved Policy EV16: Landscape Character of the EBLP states that development should recognise and accord with the landscape character within which it is located. DDWLP Policy W7: Landscape and Other Visual Impacts seeks to protect the local landscape and townscape, respect the character and local distinctiveness of the area and ensure that the visual impact of development is minimised.

A landscaping scheme was never submitted as part of the original temporary planning permission and no landscaping has been implemented. Additional planting along the western boundary, associated screen bunds and the planting of a replacement hedgerow along the southern boundary was recommended by the County Landscape Architect at the time of the original planning application and I consider that this is still relevant and is reflected in the recommended conditions.

### **Cumulative Impact**

Chapter 5 of NPPW states that waste planning authorities should assess the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

Policy W10: Cumulative Impact of the DDWLP states that proposals for waste development will be assessed in the light of cumulative impact which they and other developments would impose on local communities, concurrently or successively. The policy also states that waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.

This is the only facility of this nature in the locality. It is not considered that there would be any cumulative impact on the well-being of the local community arising from the proposal to make the inert waste processing operations permanent and, as such, the proposal accords with guidance contained within Chapter 5 of the NPPW and Policy W10 of the DDWLP.

### **Transport**

Paragraph 34 of Chapter 4: Promoting sustainable transport of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe.

Policy W2: Transport Principles of the DDWLP states that waste development, which would be likely to result in an overall significant increase in the number or distance of waste-related journeys, will not be permitted if there is a practicable, environmentally better alternative.

The proposal seeks to make the existing waste operation permanent. There is no change proposed to vehicle movements. As such, the proposal accords with guidance contained within Chapter 4 of the NPPF and Policy W2 of the DDWLP.

### **Conclusion**

I am satisfied that this proposal 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 existing development. Thus, it is considered that the development is acceptable within the context of national and local development plan policies.

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 accordingly.

(3) **Financial Considerations** The correct fee of £195 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.

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 No. 8.1063.5  
Application documents dated 11 April 2016. Letters from Erewash Borough Council (Planning) dated 11 May 2016, Erewash Borough Council (Environmental Health) dated 25 May 2016, Breadsall Parish Council dated 18 May 2016, Derbyshire Wildlife Trust dated 27 June 2016, The Environment Agency dated 18 May 2016, Highways England dated 16 May 2016, the County Highways Authority dated 23 February 2017, the County Flood Risk Management Team dated 16 May 2016, and the County Landscape Architect dated 28 February 2017. One letter of representation from a member of the public dated 14 October 2016.

(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 shall be in accordance with the details set out in the original planning application (CW8/0209/205), accompanying drawings and supporting information received from the applicant Mr. J. Freeberne (Agent: Amber Contract Services):

- One App Form Application for Planning Permission (dated 15 December 2008)
- Location Plan (undated)
- Design and Access Statement (undated) Author: Amber Contract Services
- Plant Specification/ Policy Statement (undated). Author: Amber Contract Services
- Dust Assessment (dated 6 August 2009). Author: Spire Acoustics Ltd.
- Flood Risk Assessment (dated May 2010). Author: William Saunders Consultancy
- The highway traffic plan submitted on 4 October 2012 and approved on 3 January 2013 (SW2323)
- The development shall be in accordance with the details set out in the Section 73 planning application (reference CW8/0416/8) accompanying drawings and supporting information received from the applicant Mr. J. Freeberne (Agent: Bond Planning Ltd.):
- One App Form Application for Planning Permission (dated 11 April 2016)
- Supporting Statement (dated April 2016). Author: Bond Planning Ltd.

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

- 2) A copy of this permission, all other documents referred to in the conditions of this permission, and any other documents subsequently approved in accordance with any condition of this permission shall be kept available for inspection at the site office during the prescribed 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) No more than 12,000 tonnes of waste annually (up to a maximum of 2,000 tonnes in any calendar month) shall be imported to the site. The applicant shall keep accurate records of the amount of waste arriving at and leaving the site, and these records shall be made available for inspection by the Waste Planning Authority on any reasonable request.
- The drainage and polluting scheme submitted on 4 October 2012 and approved on 3 January 2013 (SW2323)
  - The Flood path risk assessment submitted on 4 October 2012 and approved on 3 January 2013 (SW324)

**Reason:** The import of waste to the site at a higher annual rate could create environmental impacts which could be detrimental to the amenity of the area.

- 4) The amount of processed and unprocessed waste stockpiled on the site at any one time shall not exceed 4,000 tonnes in total and no waste shall be stockpiled outside the application area. No stockpile of waste or recycled material shall exceed 4m in height as measured from ground level.

**Reason:** To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

- 5) No use of a mobile crusher on the site shall take place except on up to four occasions each of up to five consecutive working days, in any such year.

**Reason:** To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

#### **Access, Traffic and Protection of Public Highway**

- 6) The sole vehicular access to the site shall be the existing access off Ford Lane as specified in the application documents.

**Reason:** To restrict the routes for accessing the site in the interests of highway safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

- 7) No mud or dirt shall be carried out from the site onto the public highway.

**Reason:** In the interest of highway safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

#### **Hours of Operation**

- 8) The approved operations shall be carried out between:

0800 hours to 1800 hours Monday to Friday;  
0800 hours to 1200 hours Saturdays.

No operations, including the servicing, maintenance and testing of plant and equipment, shall be carried out on Sundays, Bank Holidays or other Public Holidays.

During winter months (1 November – 31 March), the approved operations shall only be carried out between:

0800 hours to 1600 hours Monday to Friday only.

**Reason:** In the interest of amenity.

### Noise, Dust and Odours

- 9) At all times such reasonable measures, as may be necessary, shall be taken to minimise the emissions of noise, dust and odours resulting from any operations authorised or required by this permission.

**Reason:** To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

- 10) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the site. Machinery shall not be operated with covers open or removed.

**Reason:** To control the impact of noise generated by the development in the interest of local and residential amenity.

- 11) All reversing warning systems on vehicles on the site and those visiting the site shall be either non-audible or ambient related or low tone devices.

**Reason:** To control the impact of noise generated by the development in the interest of local and residential amenity.

- 12) No plant, equipment or machinery other than that described in the application documents, shall be brought to and operated on the site, unless the prior written approval of the Waste Planning Authority has been obtained beforehand. Only one mobile crusher or one power screen shall be in use at any one time.

**Reason:** To control the impact of noise generated by the development in the interest of local and residential amenity.

- 13) During the carrying out of operations authorised or required by this permission, water bowsers, sprayers, whether mobile or fixed, or similar equipment shall be used in such a manner to minimise the emissions of visible dust from the site. No vehicles used for the movement of materials on the site shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, movements of material, crushing and screening shall cease until such time as conditions improve.

**Reason:** To provide for the control of dust impact in the interest of local and residential amenity and the local environment.



### Lighting

- 14) No external lighting shall be installed except in accordance with a scheme that has been submitted to and received the prior written approval of the Waste Planning Authority. The scheme shall include the following:
- i) precise details of the lighting fixtures to be used at the site;
  - ii) a 'lux' plan; and
  - iii) a programme of implementation.

The scheme shall then be implemented as approved.

**Reason:** To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

### Environmental Protection

- 15) All rubbish, debris, scrap, paper and other loose waste material generated on the site shall be regularly collected each working day and stored in a suitable and lidded container until disposed off-site in a suitable facility.

**Reason:** To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

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

**Reason:** To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

### Landscaping

- 17) The site shall be landscaped and maintained in accordance with a landscaping scheme that has been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be submitted within three months of the date of this planning permission. The scheme shall be implemented as approved during the first available planting season following its approval and shall include details of the following:
- (i) The location of all proposed bunds on the site, including sizing and overall shape.
  - (ii) Location, species, size, and spacing of trees and shrubs to be planted (planting to comprise native shrubs and trees).
  - (iii) Protection of newly planted stock and provision for removal of tree guards when no longer required.
  - (iv) Seed mixtures, fertilisers (if necessary) and weed killers to be used and their rate of application.
  - (v) A programme of implementation.

All shrubs and trees planted under the scheme as approved or retained at the site in conformity with the scheme as approved shall be maintained in accordance with the principles of good forestry and husbandry, and any of those shrubs and trees which die or become seriously damaged or diseased, or go missing, shall be replaced with plants of the same species or such alternative species as shall have been approved in writing beforehand by the Waste Planning Authority (for the avoidance of doubt 100% replacement is required).

**Reason:** To ensure the site is suitably landscaped and in the interests of visual amenity and the environment.

**Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) 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.

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

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Communities**