

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 November 2014

Report of the Strategic Director – Economy, Transport and Environment

- 4 SECTION 73 APPLICATION TO VARY CONDITION 10 OF PLANNING PERMISSION CW4/0114/141 TO PERMIT LOCAL DISTRICT AUTHORITIES THAT COLLECT GREEN WASTE TO TRANSPORT IT TO THE IN-VESSEL COMPOSTING FACILITY FOR PROCESSING TO BE ACCEPTED AT THE SITE ON SATURDAYS PRIOR TO AND IMMEDIATELY AFTER BANK OR OTHER HOLIDAYS UNTIL 1700 HOURS AT ARKWRIGHT OPENCAST COLLIERY, DEEPSICK LANE, ARKWRIGHT
APPLICANT: SITA UK LIMITED
CODE NO: CW4/0614/42**

4.690.24

Introductory Summary This application relates to a previously granted planning permission (code no. CW4/0114/141 for the construction and operation of an in vessel composting (IVC) facility on land at the former Arkwright Colliery, Arkwright. This Section 73 application is seeking permission to carry out the development without compliance with Condition 10 of the planning permission. This would allow the importation of green waste to the site on Saturdays prior to and immediately before and after a bank holiday until 1700 hours. I do not consider that the proposed amendment would give rise to any significant environmental or amenity impacts. I am satisfied that the proposal would accord with the provisions of the National Planning Policy Framework (NPPF) and development plan policies, and I therefore recommend that the application is approved, subject to the recommended conditions.

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

(2) **Information and Analysis**

The Site and Surroundings

The site is located approximately 0.3 kilometre from Arkwright Town, to the east of Deepsick Lane. The application site covers an area of 10.3 hectares

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and is situated within part of the former Arkwright opencast colliery site. However, only 2 hectares of this site is required for the IVC facility; the remaining site is proposed to be landscaped. The site is surrounded by countryside consisting of restored agricultural land and new woodland planting, with allotments to the north. The Duckmanton Railway Cutting, a Site of Special Scientific Interest (SSSI), is located to the north-east. This site is designated for its geological interest as it provides rare and valuable exposures of a sequence of coal measure rocks with an abundance of fossils. A Local Wildlife Site (LWS) (NE125) is also located directly to the north of the site. The nearest residential property is Nursery Farm to the east on Sutton Lane. There are other residential properties on Deepsick Lane to the west. The village of Sutton Scarsdale, the Sutton Scarsdale Conservation Area and Sutton Scarsdale Hall, which is a listed building, are located to the south.

Background Information

Planning permission (Code No. CW4/0609/77) for the construction and operation of an IVC facility on land at the former Arkwright Colliery Site was granted on 22 February 2010, subject to a schedule of 27 conditions. The planning permission was implemented on 5 August 2013 within the extended period allowed under Section 91(3B) of the Town and Country Planning Act 1990.

In October 2013, the Authority approved a non-material amendment application made under Section 96A of the Town and Country Planning Act 1990, to add a condition listing the approved planning drawings to the extant planning permission.

In March 2014, the Authority approved a Section 73 application (code no. CW4/0114/141) to not comply with conditions 3 and 7 of that permission in order to allow minor material amendments and other circumstantial changes to the development previously approved relating to the design of the IVC facility, landscaping and the proposed relocation of the Sutton Hall Sluice. The construction of the IVC facility was completed in June 2014 and it is now operational.

The Proposal

This is an application made under the provisions of Section 73 of the Town and Country Planning Act 1990 not to comply with Condition 10 (Hours of Operation) of planning permission code no. CW4/0114/141 to vary the approved hours of operation at the site and allow the importation of green waste to the site between 0800 hours to 1700 hours on Saturdays immediate prior to and after a bank Holiday or other national holiday.

The current approved hours of operation of the site, including movements of vehicles delivering waste to the site, are stipulated in Condition 10 of the planning permission, which states:

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“Whilst the composting process is a continuous one, the hours of operation for all other activities, including the transport of material to and from the site and the construction period shall be:

*Monday to Friday 0800 hours to 1700 hours;
Saturday 0800 hours to 1300 hours.*

There shall be no operations undertaken, other than routine maintenance, on Sundays, Bank or other national holidays.”

The applicant is seeking to amend this condition to permit deliveries of green waste to the site by local district authorities for an additional 4 hours on Saturdays immediately before and after a bank holiday or other public holiday. The facility would not be available for use by any other third party and no other commercial waste would be received during these times. All other operations at the site would continue to operate within the current permitted hours of operation.

The applicant does not, however, anticipate that the authorities would deliver after 1600 hours on these specific days, but so as to retain some flexibility, should there be unforeseen delays, an amendment to 1700 hours is sought. Additionally, the applicant states that at present, two of the three district authorities that deliver to the site do not undertake green waste collections over the winter period, so the number of vehicles that would deliver to the site during this period would be reduced in the winter.

Consultations

Local Member

Councillor J Hill (Sutton) has been consulted and comments were requested by 21 July 2014.

North East Derbyshire District Council Planning

Comments received on 20 October state *“That North East Derbyshire district Council OBJECT to the proposed variation of condition 10 on the basis that the hours of operation for ‘other activities’ including transport of material for the composting facility during more noise sensitive days and times is likely to lead to disturbance and disamenity for nearby residential properties. During Saturday afternoons, Sundays, Bank holidays and other national holidays, local residents can reasonably expect to enjoy an environment relatively free from the commercial activity at this site.”*

Environmental Health Officer (EHO)

The EHO expressed concerns regarding the impact of noise as a result of the proposed working hours on Saturday afternoons which are considered to be a

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noise sensitive time when residents would expect the impact of industrial noise (and Heavy Goods Vehicle (HGV) activity) to be kept to a minimum.

The EHO noted that the background noise data that supported the original noise assessment for the site indicates that the background noise level did not diminish on Saturday afternoons when noise monitoring was undertaken and, on that basis, considers that the noise design target would not be likely to be exceeded as a result of this proposal.

Sutton cum Duckmanton Parish Council

The comments of the Parish Council are summarised below:

- Complaints are being received from local residents regarding the strong odours from the plant and not just during warmer weather. It has been suggested that this is because there were some unresolved issues affecting the plant and that it would not be fully operational until these have been resolved.
- The Parish Council finds it odd that a request is being made to extend the hours of operation before there has been any proper evidence that the plant is operating properly and questions why was this not determined earlier.
- The Parish Council, and the District Council, objected strongly to the siting of this plant on a greenfield site that should have been restored to a picnic and general amenity area for use by local people who had also had to put up with the operation of the largest opencast site in Europe for many years.
- This proposal means that lorries would be travelling to and from the site for six full days a week for at least six weeks per annum and therefore half of the weekend which, is in effect for most people, their main leisure time, particularly bank holiday weekends.
- There are many local walkers in this area and the Parish Council feels that this would impinge significantly further on their local amenity and enjoyment of the area.
- The Parish Council would like to say that there is more than a little irony in the County Council's headline statement which states "Improving life for local people" in respect of not just this application, but the site as a whole, which is a major intrusion into the local countryside.

Calow Parish Council

No objections.

Environment Agency

No objections.

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Highway Authority

The Highway Authority does not consider that the proposal raises any highway related issues and raised no objections.

Publicity

The application has been advertised by press notice (Derbyshire Times) and by site notice with a request for observations by 31 July 2014. One letter of representation has been received as a result of this publicity. The main points of objection raised in the letter are summarised below:

- The original planning application was granted on other operating hours submitted by the contractor and, as of yet, the facility is not fully operational.
- The proposed hours will reduce an area of rural significance when being operated at weekends and the residents will bear the brunt of heavy vehicles over more days of the week, together with the associated noise of vehicles and plant.
- The hours are requested without the full assessment of the operations, therefore, the amounts for processing has not and cannot be assessed at the present time as the facility has not been operational for any length of time.
- The calculations in the original plans were incorrect and conveys that the amounts of compost generated, and the number of vehicle movements that would be (are) required, were not previously questioned and the original planning application was not processed correctly and the applicants did not disclose the full content of their requirements for such operations.
- The Council has already twice reneged on the original designation for the site, which should have been a countryside park, and taken steps in the courts to bring about their own desired requirement.
- The Council has ignored the wishes of the local population in regards to the location of the facility.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this application, the relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (2005) (DDWLP), the saved policies of the North East Derbyshire Local Plan (2006) (NEDLP) and the Bolsover Local Plan (BLP). Other material considerations include such statements of Government policy in the National Planning Policy Framework (NPPF), the National Waste Management Plan for England 2013 and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10).

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This application relates to a previously granted permission for the development of an IVC facility on land at the former Arkwright Colliery. The principle of the development was assessed against the provisions of the development plan and relevant Government guidance in force at that time.

It was concluded that there was a need for the IVC facility to manage biodegradable waste arising in the north-east part of the County and that the facility represented a key component of the infrastructure required to move the management of waste up the hierarchy in Derbyshire. The location of the development was considered to be acceptable and, subject to relevant controls, it was not considered that the proposal would have any significant adverse impact on the amenity of the area.

I note the comments that have been made by Sutton cum Duckmanton Parish Council and in the letter of representations regarding the location of the facility. The location of the development on this site was previously considered when the original application was determined and does not require further consideration as part of this application.

In the context of the current development plan and Government guidance, the main consideration for this proposal is whether the development, as proposed to be amended, would be likely to give rise to any unacceptable impacts on amenity. The most relevant development plans policies for this proposal are:

DDWLP Policies

W6: Pollution and Related Nuisances.

W8: Impact of the Transport of Waste.

W10: Cumulative Impact.

NEDLP Policies

GS1: Sustainable Development.

T2: Highway Access and the Impact of New Development.

It is proposed that the local district authorities, that collect green waste and transport it to the IVC facility for processing, would deliver waste to the facility on Saturdays prior to or immediately after Bank or other national holidays until 1700 hours. This would require an extension to the current permitted operating hours by an additional 4 hours, on these specific days. The principle of the development is still the same as previously approved, the scale and nature of the operation and the amount of waste imported to the site would be unchanged. The proposed amendment to Condition 10, relating to the hours of operation at the site, in my view, would not result in a development that is significantly different from the development previously approved, which was considered to be acceptable in this location.

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The potential environmental and amenity impacts of this development were assessed during the consideration of the original application, which was accompanied by an Environmental Statement (ES) and mitigation was proposed to reduce those identified impacts where required. However, in the context of the current development plan and national guidance, I have given consideration as to whether the development, as changed, would be likely to give rise to any significantly different or additional impacts to what were previously considered.

The potential amenity impacts from the suggested change to conditions under this application, in my view, are noise disturbance from the vehicles delivering green waste to the site and additional traffic in the vicinity on some Saturday afternoons.

Noise

The impact of noise from the construction and operation of the IVC facility was considered during the assessment of the original application and it was concluded that the development would not give rise to significant levels of noise. The proposed amendments to the hours of operation would introduce a source of noise into the area from the development that does not currently occur during these hours and this could potentially cause disturbance to the public on what is acknowledged to be a noise sensitive time. However, for this particular location, the noise assessment that accompanied the original application for this development did not indicate that background noise levels for this location were lower and therefore, more sensitive on a Saturday afternoon.

I note the concerns raised by the local resident regarding the impact of HGVs and associated noise at a weekend in a rural area. As noted above, Saturday afternoons have been recognised as a noise sensitive time. However, this application is proposing, in my view, a modest increase in operational hours for deliveries of green waste to the site that would only be permitted to occur on a small number of Saturdays per year. The site would still be subject to the same controls to limit the impact of noise on residential amenity and the noise limits that are currently set out in other conditions of the planning permission. On balance, I do not consider that the proposed amendment to the hours of operation at the site would give rise to any significant increase in noise such as to warrant refusal of the application. I am satisfied that the development would accord with the NPPF, PPS10 and Policy W6 of the DDWLP.

Traffic

Except for the proposed amendment to the hours of operation, this proposal does not involve any other change in operation of the site or to the overall capacity of the facility/waste throughput at the site. The original application was assessed on the basis of a fully operational site. I do not consider that there would be any significant increase in traffic or highway impacts over and

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above what has previously been assessed for the development as a result of the proposed increase in operational hours. The Highway Authority has not raised any objections to the proposal. I am satisfied that the proposal is acceptable in the context of the NPPF, Policy W8 of the DDWLP and Policy T2 of the NEDLP.

Other Matters

I am aware that complaints have been received regarding odour from the site which the Sutton cum Duckmanton Parish Council has raised in its consultation response. This is a matter for the Environment Agency, the local Environmental Health Officer and the County Council's Monitoring officers. I am aware that this issue has been raised with the operator and is currently being addressed. I do not consider that the issue requires further attention on the determination of this application.

Conclusion

In conclusion, I find that the proposed amendment to the hours of operation at the site to be acceptable. I do not consider that the proposed amendment would give rise to any significant environmental or amenity impacts and I am satisfied that it would accord with Government guidance and development plan policies. Subject to the conditions set out below, the application is recommended for approval.

(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 and transport considerations.

(6) **Background Papers** File 4.690.24
Application documents 24 June 2014 and additional information received 20 August 2014 from SITA UK Limited. Letter from the Environment Agency dated 11 July 2014. Email correspondence from the Highways Area

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Management Division dated 3 July 2014, the Environmental Health Officer dated 18 July and 28 August 2014, Sutton cum Duckmanton Parish Council dated 18 September 2014 and Calow Parish Council dated 17 September 2014. Letter from North East Derbyshire District Council dated 20 October 2014. Letter of representation dated 15 July 2014.

(7) **DELEGATED DECISION** That the Committee resolves that Planning Permission be **granted** subject to the following conditions:

Form of Development

- 1) The proposed development shall be constructed and operated in accordance with the details contained in the planning application (code no. CW4/0609/77) and accompanying documents submitted by AXIS on behalf of SITA UK under cover of letter dated 26 June 2009, and the further submission by TerraConsult dated 17 August 2009 and Noise and Vibration Consultants Ltd (NVC Ltd) dated 25 September 2009, further submissions by AXIS on behalf of SITA UK submitted under cover of letters dated 4 October and 7 December 2012, as approved by the Waste Planning Authority on 20 December 2012 and 10 January 2013, as amended by non-material amendment application (Code No. NMA/1013/20) dated 2 October 2013 from AXIS on behalf of SITA UK as approved by the Waste Planning Authority 24 October 2013, planning application (Code no. CW4/0114/141) and accompanying documents dated 20 December 2013 from AXIS on behalf of SITA UK and planning application (Code No. CW4/0614/42) dated 24 June 2014 from SITA UK, except as amended by the requirements of the conditions below.

For the avoidance of doubt, the development shall be carried out in accordance with the following approved plans and documents, except as amended by the requirements of the planning conditions.

Plans and documents submitted with planning application Code No. CW4/0609/77

- 1 App Form - Application for Planning Permission dated 29 May 2009.
- Drawing No. 668-01-01 – Statutory Plan dated March 2009.
- Design and Access Statement 668-01 Rev A dated May 2009.
- Planning Application Document 668-01 Rev A dated May 2009.
- Environmental Statement Main Report Volume 1 668-01 Rev A dated May 2009 and accompanying drawings and appendices.
- Environmental Statement Non- Technical Summary Volume 2 668-01 Rev A dated May 2009.
- Foul Disposal Assessment TerraConsult dated 17 August 2009.
- Email Correspondence from AXIS dated 9 February 2010.

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- Email Correspondence from AXIS dated 11 February 2010.
- Email Correspondence from AXIS dated 19 February 2010.

Plans and documents submitted with planning application code no. CW4/0114/141

- 1 App Form-Application for Removal or Variation of a Condition Following the Grant of Planning Permission dated 20 December 2013.
- Planning Application Document dated December 2013.
- Drawing No. 1249-01-01 – Statutory Plan dated November 2013.
- Drawing no. Figure 1 - Landscape Design dated December 2013.
- Drawing no. 4875.DES1.02 Rev D - Proposed Landscaping Scheme dated 29 May 2013.
- Drawing No. 4875.DES1.03 Rev D – Proposed Earthworks and Schematic Surface Water Drawings dated 29 May 2013.
- Drawing No. 4875.ELEV.01 Rev F – Sections and Elevations dated 31 May 2013.
- Drawing No. 4875.GA.01 Rev D – General Arrangement dated 29 May 2013.
- Drawing no. Fig 2.2 - Site Wide Landscaping Scheme Revised Proposals dated December 2013.
- Landscape and Visual Effects: Supplementary Report dated December 2013.
- Updated Air Quality Assessment Report no. R1954-R01-v1 prepared by Smith Grant LLP dated December 2013.
- Ecological Assessment of Proposed Minor Material Amendments to Scheme, Version 2.0, dated 13 December 2013 prepared by Argus Ecology and the appended GCN Reasonable Avoidance Measures document dated 3 June 2013.
- Addendum to Noise Impact Assessment Report No. R13.1204/DRK prepared by NVC dated 11 December 2013.
- Plant Schedule and Implementation and Maintenance Specification dated December 2013.

Documents submitted with planning application code no. CW4/0614/42

- 1 App Form-Application for Removal or Variation of a Condition Following the Grant of Planning Permission dated 24 June 2014.

Reason: To control the form and appearance of the development in the interest of the amenity of the area.

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- 2) The external steel sheet cladding material to be fitted to the proposed buildings shall be coloured to juniper green (BS12B29), as specified in the application documents.

Reason: To minimise the appearance of the proposed building in the interests of the visual amenity of the area.

- 3) The protection of the geological interest and the wildlife value of the Duckmanton Railway Cutting Site of Special Scientific Interest shall be carried out and maintained for the duration of the development in accordance with the scheme and accompanying document entitled 'Scheme for Protection of Duckmanton Railway Cutting SSSI' dated 20 September 2012 submitted by Axis under cover of letter dated 4 October 2012, as approved by the Waste Planning Authority on 20 December 2012.

Reason: To ensure that the character and integrity of the designated site is not adversely affected by the proposed development.

- 4) No development involving the felling and clearance of trees and plants shall be undertaken during the bird nesting season (April to August).

Reason: To prevent the disturbance of nesting birds.

Landscaping

- 5) The site shall be landscaped in accordance with the scheme and accompanying documents submitted by Axis under cover of letter dated 7 December 2012, as approved by the Waste Planning Authority on 10 January 2013 and as amended by drawing no's 4875.DES1.02 Rev D (Proposed landscaping Scheme) dated 29 May 2013 and Fig 2.2 (Site Wide Landscaping Scheme Revised Proposals) dated December 2013. The scheme shall be implemented in the first planting and seeding season following the completion of the construction works. Any tree or shrub which, within five years of being planted, dies, becomes diseased or is otherwise removed, shall be replaced with another of the same species and size unless otherwise approved in writing by the Waste Planning Authority.

Reason: To help assimilate the development into the surrounding area.

Access and Highway Requirements

- 6) The access to Deepsick Lane (86425) shall be maintained with visibility sightlines in accordance with the 4.5 metres x 90 metres (north) and 4.5 metres x 215 metres (south) sightlines as detailed on Figure 3, Site Access Junction Lateral Visibility Splays, in Appendix 6.1 of the Environmental Statement, Volume 1, Main Report, May 2009 submitted

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with the planning application. The area in advance of the sightlines shall be maintained clear of any object greater than 1metre in height (less than 600mm in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

- 7) Space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, laid out and constructed in accordance with the scheme and accompanying drawing no. 1249-01-01 submitted by Axis under cover of letter dated 4 October 2012 and as approved by the Waste Planning Authority on 20 December 2012. The facility shall be maintained throughout the period of construction in accordance with the approved scheme free from any impediment to its designated use.

Reason: In the interests of highway safety.

- 8) Space shall be provided within the application site in accordance with the details contained in the application documents, for the parking, loading and unloading and manoeuvring of visitors'/staff/service and delivery vehicles (including secure covered cycle parking) laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

- 9) No mud or other deleterious material shall be transferred from the site to the public highway.

Reason: In the interests of highway safety.

Hours of Operation

- 10) Whilst the composting process is a continuous one, the hours of operation for all other activities, including the transport of material to and from the site shall be:

Monday to Friday 0800 hours to 1700 hours,
Saturday 0800 hours to 1300 hours, except that

deliveries of green waste to the site on Saturdays immediately prior to and after a bank holiday or other national holiday may take place between 0800 hours to 1700 hours.

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There shall be no operations undertaken, other than routine maintenance, on Sundays, bank or other national holidays.

Reason: To control the development in the interests of amenity of the area.

Water Environment Controls

- 11) The site drainage shall be carried out and maintained in accordance with the drainage scheme set out in the letter from Axis dated 2 May 2014 and accompanying drawing no's 7362-1-4a - Plan View Building Drainage dated 13 June 2013; and 7362-1-4b - Elevation plan dated 13 June 2013, as approved by the Waste Planning Authority on 19 June 2014.

Reason: To prevent pollution of the aquatic environment.

- 12) If, during the development, any contamination not previously identified in the ground investigation assessment (Terra Consult report 1056/01 (2009)) is found to be present no further development (unless otherwise agreed in writing by the Waste Planning Authority) shall be carried out until an amendment to the remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Waste Planning Authority.

Reason: To prevent pollution of the aquatic environment.

- 13) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Waste Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water.

Reason: To prevent pollution of the aquatic environment.

Noise Control

- 14) All plant and machinery shall operate only during the permitted hours, except in an emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: To maintain the amenity of the residents of the area.

- 15) From the date when waste material is first brought to the site, the noise generated by the development (corrected for acoustic feature) shall not exceed the noise criteria values stated in Table 12.7 of the Environmental Statement for any of the identified receptor locations during the night-time hours of 2300 hours to 0700 hours on Monday to

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Friday, the daytime hours of 0700 hours to 2300 hours on Monday to Friday and the Saturday operating hours from 0800 hours to 1300 hours.

For the avoidance of doubt, an acoustic feature correction of 5dB to the total noise from the site shall be applied if one or more of the following features occur:

- The noise contains a distinguishable, discrete, continuous note (whine, hiss, hum or screech).
- The noise contains distinct impulses (bangs, ticks, clatters or thumps).
- The noise is irregular enough to attract attention.

Reason: To maintain the amenity of the residents of the area.

- 16) Noise emitted from In-Vessel Composting facility shall be monitored in accordance with the noise monitoring scheme set out in the letter from AXIS dated 2 May 2014 and the accompanying 'Noise Monitoring Scheme' dated 4 April 2014, as approved by the Waste Planning Authority dated 19 June 2014.

Reason: To maintain the amenity of the residents of the area.

Dust, Odour and Bio-aerosols

- 17) The monitoring of dust, odour and bio-aerosols shall be carried out in accordance with a scheme submitted by AXIS under cover of letter dated 4 October 2012, as approved by the Waste Planning Authority on 20 December 2012. In the event that the triggers levels specified in the scheme being exceeded and the proposed remedial procedures have been implemented, the operations shall temporarily cease until other remedial measures have been identified and implemented.

Reason: To maintain the amenity of the residents of the area.

- 18) During construction works and the operation of the proposed facility, all reasonable measures shall be taken to minimise the emission of dust, odours and bio-aerosols from the site in accordance with the mitigation measures listed in the Environmental Statement (Main Report, Volume1, Chapter 13) dated May 2009.

Reason: To maintain the amenity of the residents of the area.

External Lighting

- 19) External lighting at the site shall be installed and maintained in accordance with the lighting scheme set out in the letter from AXIS

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dated 2 May 2014 and accompanying 'Lighting Details' dated 4 April 2014, and supplementary details provided within letters from Abacus dated 19 June and 17 July 2014, as approved by the Waste Planning Authority 31 July 2014. No other external lighting shall be installed at the site without the prior written approval of the Waste Planning Authority.

Reason: To maintain the amenity of the residents of the area.

Other Environmental Controls

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

Reason: To maintain the amenity of the residents of the area.

Ecology

21) The ecological mitigation measures set out in the Ecological Impact Assessment (In-Vessel Composting Facility, Arkwright Town, Derbyshire – Ecological Assessment of Proposed Minor Material Amendments to Scheme, Version 2.0, 13 December 2013 prepared by Argus Ecology) and the GCN Reasonable Avoidance Measures document (3 June 2013) shall be implemented in full and maintained for the duration of the development.

Reason: To ensure that the mitigation measures are in place in the interests of nature conservation.

Cessation

22) Within 12 months of the cessation of use of the site as an In-Vessel Composting facility all related plant and buildings shall be removed and the site shall be restored in accordance with a scheme that has been submitted to and approved in writing by the Waste Planning Authority. The site shall be restored in accordance with the details as approved.

Reason: In the interest of the amenity of the area and the environment.

Reason for Approval

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 development accords with the relevant development plan policies, which are listed below.

Furthermore, the grant of permission for the development, subject to the conditions set out in this notice, is considered to accord with the presumption in favour of sustainable development under the National Planning Policy Framework (NPPF), published by the Department of Communities and Local Government on 27 March 2012, and to be conforming in all other respects

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with the guidance in the NPPF (including additional guidance in National Planning Practice Guidance).

There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan and the NPPF.

Policies

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

The National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

The Derby and Derbyshire Waste Local Plan Policies:

W6: Pollution and Related Nuisances.

W8: Impact of the Transport of Waste.

W10: Cumulative Impact.

North East Derbyshire Local Plan Policies:

GS1: Sustainable Development.

T2: Highway Access and the Impact of New Development.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

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 discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required with any forthcoming application to amend the hours of operation of the In-Vessel Composting facility.

The Authority has kept the applicant up-to-date with the progress of the application and has forwarded to the applicant consultation responses and, where necessary, requested additional information in order to clarify the form of the development which the applicant has provided.

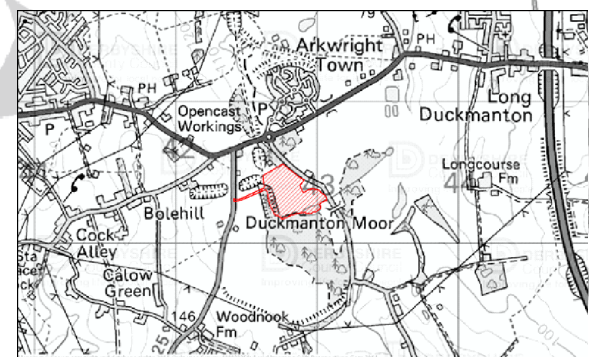
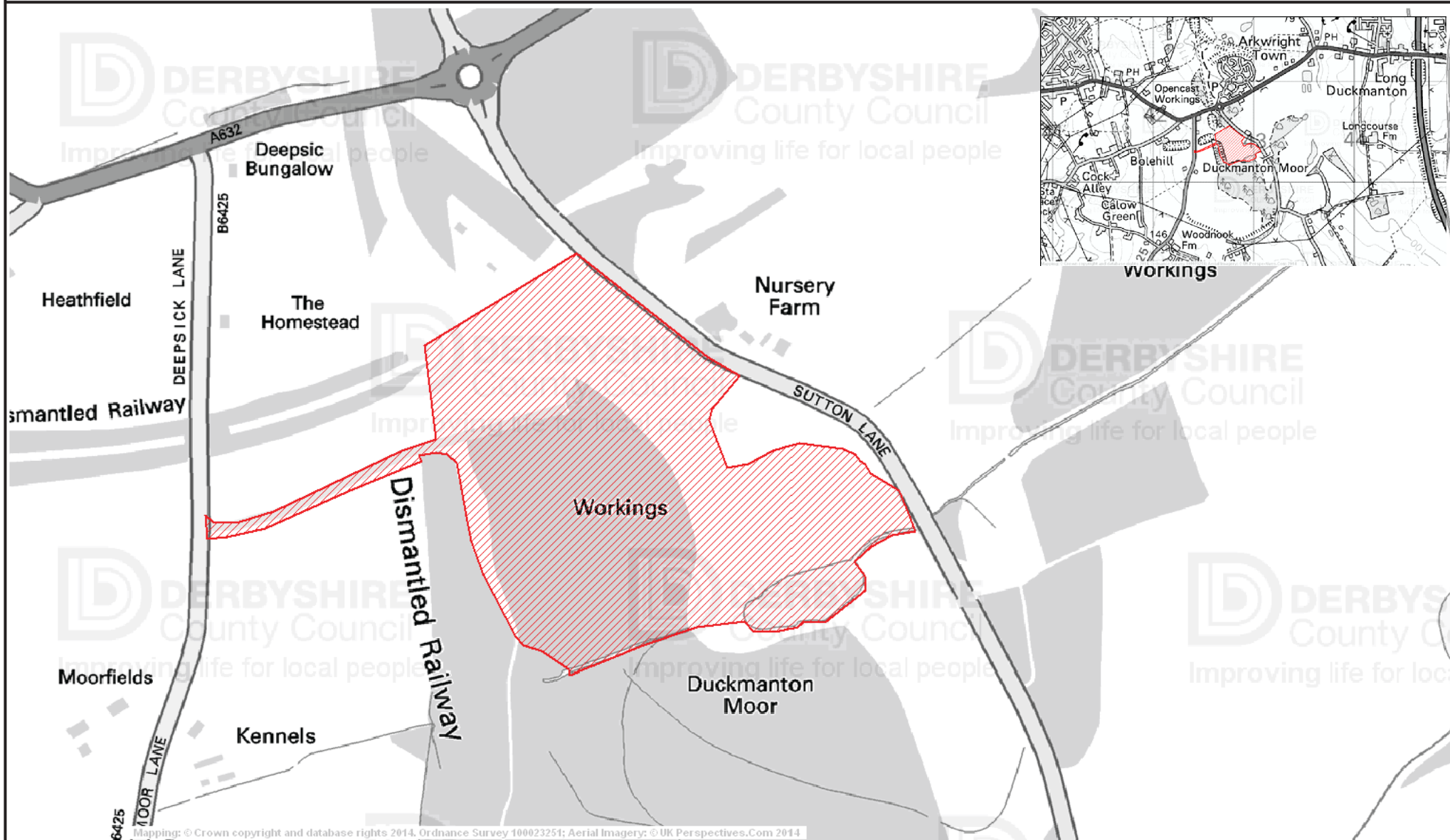
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Mike Ashworth

Strategic Director – Economy, Transport and Environment

Title

CW4/0614/42 Arkwright Opencast Colliery Site



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