

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**11 November 2013**

Report of the Acting Strategic Director – Environmental Services

**3.1 PROPOSED CONSTRUCTION OF AN ADDITIONAL  
BUILDING TO HOUSE A WASTE RECYCLING FACILITY  
WITHIN AN ESTABLISHED INDUSTRIAL ESTATE ON  
LAND AT ROBERTS YARD, CROMPTON ROAD, QUARRY  
HILL INDUSTRIAL ESTATE, ILKESTON  
APPLICANT: R ROBERTS AND COMPANY LIMITED  
CODE NO: CW8/0813/81**

**8.1019.10**

**Introduction Summary** This application seeks permission to construct an industrial building and associated structures to house a waste recycling and waste storage facility at an established waste recycling facility at Ilkeston. I consider that the proposed new structures would improve the overall management of waste at this facility and its use would not conflict with the existing usage of the adjoining industrial units. The relevant development plan and Government policy is guided by the 'waste hierarchy' which assists sustainable waste management. In this case, I consider that the proposal achieves the identified key policy objectives and I am therefore recommending that the application be approved subject to the conditions set out in my recommendation.

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

(2) **Information and Analysis**

**The Site and its Surroundings**

The application site is part of the former Stanton Ironworks complex and former branch rail sidings, and is situated on the eastern end of the now extensive Quarry Hill Industrial Estate. The roughly level site comprises of approximately 2.0 hectares of a flat open yard area, a series of irregular shaped, two-storey buildings with hard surfaced yards to the front and rear of the buildings. The site in its entirety is used by the applicant company for waste recycling, including open windrow composting to the rear of the premises. To the north, south and west, the site is bounded by other industrial

premises. To the east on lower ground is the Erewash Canal. Centrally located within the site is a large two-storey brick building and, adjoining it, a modern high sided industrial type building, which collectively are used in part for waste recycling and office accommodation. To the east of the building is a large open yard, which extends towards the Erewash Canal. Within this area a large concrete pad has been constructed upon which the applicant company has developed a green waste composting facility and an inert waste recycling area. To the west, and the frontage of the main building, is an open yard area used for plant, skips and equipment storage, and a company car park. Immediately beyond the southern boundary there is the Nutbrook Trail which is now a permissive Greenway (No 118), a well-used public footpath and National Cycle Route. To the north-east of the site boundary is a large concrete works, where there is a large high sided building and a series of elevated silos. The site is not directly overlooked other than by the adjoining industrial units and the nearest residential properties are approximately 500 metres to the north-west. The site, which is enclosed by a series of security fencing, adjoining buildings and bunded embankments, has operated as a waste transfer/waste recycling and skip hire facility since 2003. The site currently deals (annually) with approximately 40,000 tonnes of assorted wastes arising (principally green wastes), from the Erewash area. Approximately 200 metres to the north-east of the application site is Hallam Fields Canal Lock. All access to and from the site is from Merlin Way, through the Quarry Hill Industrial Estate, then a short stretch of un-adopted, hard surfaced road which also serves a number of adjoining industrial businesses. The un-adopted part of the road (approximately 200 metres), which terminates at the application site, is in private ownership and is visibly in a poor state of repair, affected by large potholes and uneven surfaces.

### **Planning History**

The Industrial Estate has emerged over the last 60 years from the heavy industry associated with the former Stanton Ironworks and rail sidings associated with the works. With regard to the application site, the more recent planning history includes a waste management use, in particular:

- Planning permission (Code no CW8/0704/70) granted by the County Council in 2004 for the alteration/extension of an existing building for waste transfer operations.
- Planning permission (Code No CW8/0107/164) granted by the County Council in 2007, for the construction and use of the site for an inert material screening and green waste composting plant.
- Planning permission (Code No CW8/0308/259) granted by the County Council in 2008 for extension to an existing building and use of a new access.

The Quarry Hill estate area is allocated in the Erewash Borough Local Plan (EBLP), for employment purposes and part of the estate (land immediately to

the south of the application site), is also now included in the Stanton Ironworks Regeneration area where, under the EBLP and the Erewash Core Strategy (ECS), there are specific policies to preserve and protect the use of land for future development, including the regeneration of approximately 90 hectares of the former Stanton Ironworks.

### **The Application Details**

The application proposes to construct an industrial type pitched-roof building which would extend to 35 metres long, 20 metres wide and approximately 10 metres to ridge height. Constructed of a portal-frame with modern plastic coated steel cladding (to match existing structures), the building would be erected close to the north-west corner of the existing large building, in the open yard area on land currently used for storage. To the eastern boundary of the new building, the application also proposes the construction of three 9 metres high and 6 metres diameter cylindrical silos. These dome-topped structures would be constructed of steel sheeting similar to the main building. Around the silos a protective steel clad barrier would be constructed such that the new building and the silos would appear to be one structure. A large doorway would be created in the south facing elevation of the new building to allow access for vehicles and equipment. The area in front of the new building (currently an open yard) would be reserved for manoeuvring incoming and outgoing heavy goods vehicles. Inside the building it is proposed to enclose all the waste management activities (including packaging and baling of plastic wastes), mixed municipal wastes, biodegradable and food waste and inert waste recycling. The applicant company has indicated that whilst the new building would enable improved waste recycling and overall site operations, there would be no short term increase in the current quantity of waste imported or recycled at the site which is currently 40,000 tonnes per annum, the large bulk of which is green waste which is composted in windrows on the site. The three silos would be used to contain on site liquid (leachate/surface water) arising from the daily operations on site, such that they could be tankered off site periodically.

The proposed hours of operation at the site would be (waste reception and site operations) 0700 hours until 1900 hours weekdays including Saturdays, Sundays and Bank Holidays.

There would be no increase to the approved daily goods movements. All access to the site would continue to be via the Industrial Estate then by way of the existing access into the site.

The application is accompanied by a flood risk assessment.

## **Consultations**

### **Local Member**

Councillor Frudd has been notified of the application details.

### **Erewash Borough Council**

**Planning:** No objections, Considers that the location is appropriate and the proposed use is acceptable.

**Environmental Health Officer:** Does not raise objections but considers that anaerobic digestion can generate foul odour and the application does not give any detail on how this will be controlled. Also, it may not be appropriate to discharge effluents produced by the proposal into septic tanks without pre-treatment and consideration should be given to possibility of ground contamination.

**Comment:** The application does not involve anaerobic digestion. With regard to drainage and possible ground contamination, should planning permission be granted, these issues could be subject of further investigation by way of pre-commencement schemes required by a condition of the planning permission.

### **Environment Agency**

No objections. It has advised that the proposal will require an Environmental Permit.

### **The Canal River Trust**

No objections.

### **Publicity**

The application has been advertised by site notice and press notice in the Ilkeston Advertiser with a request for observations by 10 October 2013. As a result of this publicity, one representation has been received which raises objections to the proposal which I have summarised as follows:-

- There have been foul smells from the site since it began processing wastes. Complaints have been made to the Environment Agency without success.
- Discharge of fungal spores and toxic aerosols.
- Existing foul smells are likely to increase if the application is approved.
- Increase in noise and traffic affect lives which will affect local amenity.
- Lack of control by the Environmental Authorities.
- Proximity of site to Erewash Canal and Erewash Way which has been promoted to help increase health and well-being.

**Comment:** Where relevant, I refer to all these issues in my 'Planning Considerations' section below.



## **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 saved policies of the adopted EBLP and the emerging ECS. The National Planning Policy Framework (NPPF) has relevant policies that must also be taken into account when considering this proposal and these are listed below. The policy considerations which the proposal gives rise to are therefore addressed by national policy and by local development plan policies set out below.

### **The Derby and Derbyshire Waste Local Plan (DDWLP)**

The relevant policies are:

- W2: Transport Principles.
- W4: Precautionary Principle.
- W6: Pollution and Related Nuisances.
- W7: Landscape and Other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W10: Cumulative Impact.

### **Erewash Borough Local Plan (EBLP)**

The site is identified as being within an area allocated in the Local Plan for employment purposes.

The relevant policies are:

- DC10: Design.
- E4: Stanton Ironworks Regeneration.
- E2: Protection of Industrial Land and Business Uses.
- E6: Mixed Use.

The waste hierarchy 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 only as the last resort for materials that have no other economic value.

The NPPF replaced many of the Planning Policy Statements; however, the Waste Planning Policy Statement (PPS10), which is a material consideration in determining this application, remains in force until the National Waste

Management Plan for England is published. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant.

The relevant references of the NPPF are:

Chapter 17: Core planning principles.

Chapter 69: Promoting healthy communities.

Chapter 186: Decision taking.

### **Planning Policy Statement 10 (PPS10)**

Still relevant is the PPS10: Planning for Sustainable Waste Management, which sets out guidance on how planning can contribute to the delivery of sustainable waste management (including the delivery of the Waste Management Hierarchy). It states that waste planning authorities, when determining applications, should consider:

- the wider environmental and economic benefits of sustainable waste management; and
- the likely impact on the local environment and amenity, including visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and any potential land use conflict.

Paragraph 29 of PPS10 advises that, in considering planning applications for waste management facilities, planning authorities should consider the likely impact on the local environment and amenity. Annex E of PPS10 also sets out more locational criteria as regards impacts on local environment and amenity including, protection of water resources, visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and potential land use conflict.

In addition to the objectives of the above policies, the fundamental aims in general terms are to secure sustainable patterns of development, which are essentially inclusive, environmentally sensitive, and utilise natural resources prudently. One of the key priorities of the County Council, shared both regionally and nationally, is to move waste up the waste hierarchy. This can only be achieved by recycling, recovery and reuse of waste materials. As a consequence there is a continuing need to provide sustainable waste management facilities. This, of course, has to be balanced against the suitability of the proposed site and its potential impacts on this local environment. Bearing this in mind, and the history of this site and the surrounding area, in my opinion, the key issues relevant to this proposal are:

- i. the impact of the proposed works on the amenity of this area, in particular, visual impact, emissions to air, noise and dust;
- ii. the appropriateness of the facility and its compatibility within the industrial estate; and
- iii. hours of operation at the site.

### **Impact of the Proposed Works:**

Relative to these considerations are the respective policies of the DDWLP, in particular, Policy W4 of the DDWLP states that:

*'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.'*

Policy W6 states that:

*'waste development will not be permitted if the development would result in 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 W7 refers in general to the impact of the development on the landscape and the material harm to the local landscape. Policy W9 states that:

*'waste development will only be permitted if the development would not affect other development land uses to the extent that they would materially impede or endanger the social or economic activities or interests of the community'.*

With reference to visual impact, Policy DC10 of the EBLP states that;

*'applications for built development will be permitted subject to .. the development respects or enhances the character or appearance of the building, group of buildings particularly in scale and massing'.*

### **Visual Impact**

In visual terms, the main element of the proposal is the proposed new industrial type unit and the three cylindrical silos that would adjoin it. Although collectively this is a significant mass of building, the site is not close to residential areas and, due to its location within the industrial estate, the chosen location for the new structures is well screened from view by the existing buildings on site and by adjoining units which, in scale and mass terms, are similar (including the existing large concrete batching silos). Views available into the site from the Canal and towpath, looking westward into the site, are severely restricted due to the embankments which have been constructed, together with the landscaping and vegetation established by the

applicant company. I do not consider that there would be any loss of amenity on visual grounds and, hence no conflict with Policy 10 of the EBLP.

### **Emissions to air (noise dust and odour)**

Noise, odour and dust pollution arising from waste proposals are a major concern and each type of waste management facility has to be assessed individually. One of the main elements of this proposal, which could increase emissions to air, is the handling of the waste material. It is inevitable that this could potentially give rise to an increase in noise and dust emissions. However, as all the waste materials would be treated inside the new building, much of the noise and dust would be contained. With regard to odour emissions, however, due to the nature of the wastes already managed on the site and the collection of liquid materials into the large silos, whilst in some respects this will bring improvement to the existing situation, I am concerned that suitable controls (by way of an odour management system) should be put in place to ensure that the potential for odour emissions and hence, impact on adjoining users of the industrial estate, are minimised. I have discussed this issue with the Environment Agency (EA) and the Environmental Health Officer (EHO) at Erewash Borough Council. Following these detailed consultations, subject to conditions as set out in my recommendation, no objections have been raised with regard to emissions to air. Overall therefore, subject to the controls mentioned, I do not feel that the new building and related structures, and the resultant change in site working will give rise to any significant or sustained environmental nuisance. The EA concur with this view based on their experience of this, and other facilities of a similar design/location. I can confirm that the County Council has no records of other complaints in relation to this site. On this basis there is no obvious conflict with Policy W6 of the DDWLP.

### **The appropriateness of the facility and its compatibility within the industrial estate**

Policy E6 of the EBLP states amongst other things that:

*"Applications for mixed use development will be permitted subject to the Council being satisfied that the mixed uses are compatible in terms of noise, hours of working, access and egress, parking, emission of fumes, smell or dust, vibration and any other environmental parameters. A high quality of design is sought with full regard being given to landscaping, construction, scale of buildings and space between the buildings. In particular the interface between uses needs careful attention to detail".*

I am satisfied that the waste could be managed within the new building which would reduce any impact from dust and odours. No significant increase in the quantity of wastes is proposed and I note that the EA specifically has raised no objections to the proposal. I feel the wastes to be dealt with would not be



such to give rise to any element which might otherwise threaten or bring any detrimental impact for the workers on the adjoining parts of the industrial estate. I have given consideration to the objection raised and, whilst the complaint is strongly disputed by the applicant company (and the fact that the County Council has not received complaints regarding the site activities over the years the site has been operational), I am mindful that an odour monitoring programme should be put in place such that this matter can be reviewed on a regular basis and the results shared regularly by both the EA, the EHO and the County Council. Should planning permission be granted, I would recommend that an approved odour monitoring scheme is in place prior to the new building being used.

### **Hours of Operation**

With the above Policy in mind, the application includes a proposed extension in working hours. The existing planning permission allows 0830 hours until 1800 hours weekdays and 0830 hours until 1300 hours Saturdays only. The application proposes increasing the hours of working at the site to 0700 hours until 1900 hours weekdays, Saturdays, Sundays and Bank Holidays.

Whilst I appreciate that this is an industrial estate, I do not feel that any substantive justification has been put forward that would otherwise merit the considerable extension to the normal pattern of working hours. On Sundays and Bank Holidays particularly, there is an expectation by the general public of a degree of quietness that I do not consider would be achieved in this case due to the noise and general disturbance from the workings on site and the movement of heavy goods traffic. In some circumstances, there is justification for this but these are special circumstances which, in this case, have not in my opinion been proven. I consider that the existing working hours on site are appropriate i.e, 0830 hours to 1800 hours weekdays, and 0830 hours to 1300 hours Saturdays.

I consider that subject to the above control, the potential environmental impacts raised by this proposal would not be significant. Any minor impacts could, in my opinion, be controlled and managed in such a manner that the overall environmental harm would be minimal. Detailed consultations have been undertaken with both the EHO and the EA, and both these authorities have concluded that, subject to appropriate controls being imposed, in this location, this proposal is acceptable. The site accords with the County Council's on-going responsibility to provide such waste management facilities and, in general terms, I do not feel there is conflict with development plan policy. Subject to the conditions set out in my recommendation, an objection in planning terms could not be sustained.

**(3) Financial Considerations**      The correct fee of £4,620 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 No. 8.1019.10  
Application details and associated drawings with subsequent amendments. Planning permissions code nos: CW8/0107/164, CW8/0308/259 and CW8/0704/70. Letters/emails from Erewash Borough Council dated 1 October 2013 and 16 October 2013. Letters/e-mails from the EA dated 18 October 2013 and Canal and River Trust dated 19 September 2013. Letter of Representation – dated 2 October 2013.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted** subject to the imposition of the following conditions:

#### **Conditions**

#### **Commencement**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Form of Development**

- 2) The development shall take place in accordance with the details contained in the application dated 02 August 2013, supporting information and plans No: ED01; SL01 and NW801, and supplementary flood risk assessment, unless otherwise modified or amended by conditions of this permission.

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

- 3) Written notification of the date of the commencement of construction works shall be sent to the Waste Planning Authority within seven days of such commencement.

**Reason:** To ensure that the Waste Planning Authority can monitor the development accordingly.

#### **Approved Details**

- 4) At all times during the operation of the site, a copy of this permission including all plans and associated documents hereby approved in accordance with this permission shall be kept available on site for inspection during the prescribed working hours.

**Reason:** For the avoidance of doubt.

#### **Access Road**

- 5) The access road to the site as indicated in the planning application, on plan reference no SL01 from the site entrance, shall be surfaced in a solid bound material and potholes filled/repared within six months of the date of this permission.

**Reason:** In the interests of highway safety and local amenity.

#### **Further schemes to be submitted**

- 6) Within two months of the date of this planning permission, the following further schemes shall be submitted for the approval in writing of the Waste Planning Authority:
  - a) Dust and Odour Management/Action Plan, to include details and procedures for use of all dust and odour suppression equipment to be installed on the site, (including that to be installed with buildings and any other structures) and a daily odour monitoring schedule and recording procedure.
  - b) Details of the new building and silos to include scale drawing/s showing the external and internal layout, materials for its construction, all external finishes including colour.
  - c) Details of external lighting including position and nature of all lights, lux levels, light spread and activation methods.
  - d) Details of all the plant and equipment to be located in or outside the new building, to include biofilters and ventilation stacks.

- e) A land contamination survey to include: site investigation, generic quantitative risk assessment, soil surveys and sampling and any remedial measures recommended.
- f) Timetable for the implementation of the above works.

The scheme/s shall then be implemented in accordance with the details as approved in writing by the Waste Planning Authority.

**Reason:** To ensure that the impact of the development and general loss of amenity is minimised.

### **Environmental Protection**

- 7) The top of any skip shall not be stored at a height greater than 4 metres above adjacent ground levels.

**Reason:** In the interests of the protection of visual amenity.

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

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

- 9) Any windblown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

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

### **Site Drainage**

- 10) Within three months from the date of this permission, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- the utilisation of holding sustainable drainage techniques;
- the limitation of surface water run-off to a betterment of current brownfield rates;
- the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for



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climate change, based upon the submission of drainage calculations; and

- the responsibility for the future maintenance of drainage features.

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures.

### Odours

- 11) Notwithstanding the information required by other conditions of this permission, each working day, the surrounds of 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:** To ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

- 12) Any non-inert wastes brought onto the site shall be stored separately from the inert wastes in a lidded skip or container and removed from the site as soon as reasonably practicable.

**Reason:** For the avoidance of doubt and to ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

### Dust

- 13) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust and in accordance with the Dust Action/Management Plan as required by Condition 4 above. If, in the opinion of the Waste Planning Authority, despite the steps taken in the Dust Action Plan, at any time during the operations hereby approved, the operator becomes aware of, or is informed by the Waste Planning Authority that it believes that dust is leaving the site, then all relevant operations shall be suspended immediately and the works shall not be resumed until the Waste Planning Authority has confirmed in writing that measures are in place to ensure that site operations may be resumed without causing nuisance.

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

- 14) During dry and/or windy weather, dust suppression methods such as water bowsers and hosepipes shall be used to prevent dust being blown off the site. At such times as the prevention of dust nuisance by the above conditions is not possible, the movement of soils or other dusty

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materials shall temporarily cease until such times that the weather conditions improve.

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

- 15) Notwithstanding the requirement of other conditions, areas on the application site and outside the building where vehicular activity takes place must be hard-surfaced with a solid bound material and be well maintained and appropriate dust suppression methods, such as the use of water bowsers and/or hosepipes, applied.

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

## Noise

- 16) At all times, efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturer's instructions on all vehicles, plant and machinery used on the site. There shall be no maintenance or testing of vehicles outside the permitted hours of operation.

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

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

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

## Highway Safety

- 18) All loaded vehicles entering or leaving the site shall be sheeted.

**Reason:** In the interests of highway safety.

- 19) No mud or other debris shall be carried from the site onto the public highway.

**Reason:** In the interests of highway safety.

- 20) Prior to the new building being used, space shall be provided within the application site for the parking and manoeuvring of vehicles, 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.

### **Hours of Operation**

- 21) Excluding the movement of vehicles into or out of the site, the operation of and any plant authorised or required under this permission, including the maintenance of vehicles, plant or equipment shall not be carried out outside the following hours (except in an emergency):

0830 hours to 1800 hours Monday to Fridays;  
0830 hours to 1300 hours Saturdays;

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

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

### **Drainage and Pollution Control**

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

**Reason:** To ensure that the site drains efficiently.

- 23) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution of the water environment and ensure the site is adequately drained.

- 24) Prior to being discharged into any water course, surface water drain, sewer or soakaway system, all surface water drainage from parking areas and hardstandings, shall be passed through an oil interceptor, which shall be designed and constructed to have a capacity (and details) compatible with the site being drained.

**Reason:** To prevent pollution of the water environment and ensure the site is adequately drained.

**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 did not engage in pre-application discussions with the Authority prior to the submission of the application.

**Footnotes**

Consideration of the application involved consultation with a number of Authorities who have requested that information is brought to your attention. The comments are as follows:

- 1) Any surface water discharge from the site will require a permit under the terms of the Environmental Permitting Regulations 2010.
- 2) The Ilkeston Permissive Greenway No 118 abuts the southern boundary of the site. You are advised that this route must remain open and unobstructed, and on its legal alignment at all times. There should be no disturbance to the surface of this route without prior authorisation from Derbyshire County Council. Consideration should be given to the members of the general public using this route at all times. Temporary closure may be granted to facilitate public safety subject to certain conditions and further information can be obtained from Derbyshire County Council. If a structure is erected adjacent to the route of the Greenway it should be installed such that the width of the Greenway route is not encroached upon. A copy of the relevant information is attached for your considerations.
- 3) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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



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

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

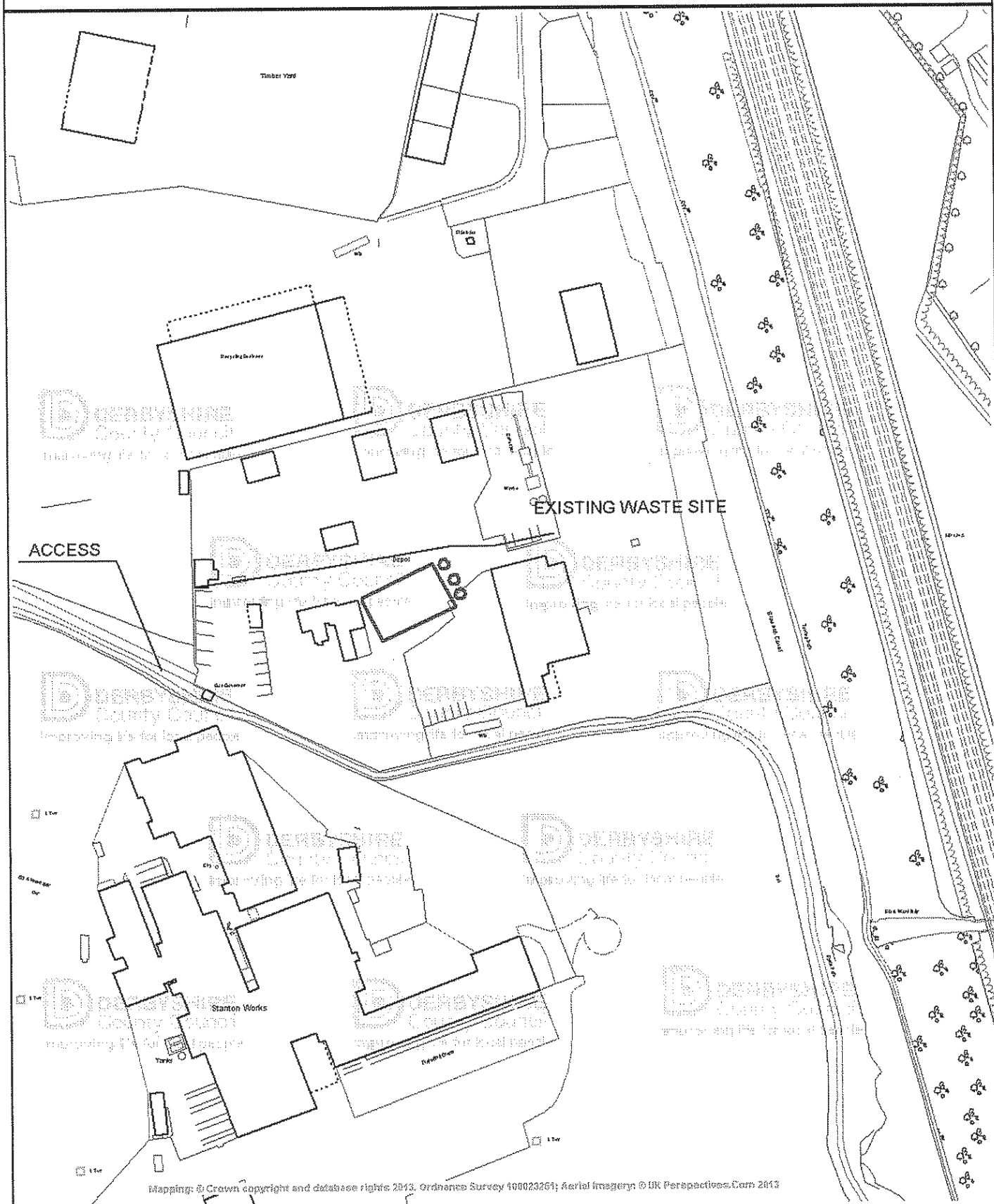
Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

**Mike Ashworth**  
**Acting Strategic Director – Environmental Services**

Title

# PROPOSED DEVELOPMENT: ILKESTON CW8/0813/81



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