

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

11 August 2014

Report of the Strategic Director – Economy, Transport and Environment

- 1 PROPOSED SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITIONS 4 (CONSTRUCTION OF SCREENING BUND) AND 22 (MOVEMENTS OF HEAVY GOODS VEHICLES) OF PLANNING PERMISSION CODE NO. CW1/0612/22 AT VICTORY QUARRY, FIELD FARM, BATHAM GATE ROAD, BUXTON
APPLICANT: BARRY WOOD PLANT HIRE
CODE NO: CW1/1213/140**

1.1308.9

Introductory Summary This is a Section 73 application that seeks permission to not to comply with conditions 4 (construction of screening bund) and 22 (movements of heavy goods vehicles) of planning permission code no. CW1/0612/22 at Victory Quarry, Field Farm, Batham Gate Road, Buxton. The amendment is sought to allow the development to be carried out in line with local weather conditions to avoid recycling material in adverse weather. There are concerns about the impact of amendments on residential amenity. However, subject to conditions to control the impacts of noise, dust and traffic to acceptable levels, I am satisfied that the proposal would accord with the National Planning Policy Framework and with development plan policies.

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

(2) **Information and Analysis**

The Site and Surroundings

The application site is located in an elevated, open location at Batham Gate, on the south-eastern outskirts of Dove Holes village, near Buxton, and comprises of a 2.5 hectares part infilled, steep sided, but relatively shallow limestone quarry (6 to 7 metres deep).

The quarry is located within an agricultural landscape 300 metres to the east of the A6 and 2.7km north of Buxton. There is a larger disused water filled

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quarry void located approximately 200 metres to the north (Local Wildlife Site HP068), to the south and east are isolated farms, small industrial/commercial buildings and residential properties.

The nearest residential properties are located off Longridge Lane, Dove Holes, 150 metres to the south-east, and the applicant's farmhouse 200 metres to the south of the site. Access to the site is from Batham Gate Road to the south, via a long driveway to the farm and then via a hard surfaced track to the site.

Planning History

The first of a series of short term temporary planning permissions for the restoration of the quarry area by infilling with inert waste materials was granted in 1999; the permission was renewed in 2004, and again in 2010, to allow recycling operations to continue and further time to restore the quarry void. The current planning permission (Code No. CW1/0612/22) for the continued use of the site for the recycling of inert construction materials (soils, excavated materials and hardcore), for a period of 5 years, in order to facilitate its restoration, with the construction of an amenity screen bund was issued on 13 March 2013 following the completion of a legal agreement containing planning obligations relating to the restoration of the site. The operator was then advised that it should instigate investigations into relocating recycling activities to an alternative site prior to the expiry of this 5 year extension period.

The Proposal

This application is made under the provisions of Section 73 of the Town and Country Planning Act 1990 for permission to carry on the current development without complying with conditions 4 (construction of screening bund) and 22 (movements of heavy goods vehicles) subject to which the current planning permission (code no. CW1/0612/22) was granted. The application seeks to extend the time period allowed for the construction of the screening bund and to amend the restriction on movements of heavy goods vehicle movement into and out of the site.

Condition 4 of the planning permission requires the construction of the screening bund to be completed within 12 months of the date of the permission (by 13 March 2014). The applicant wishes to amend this requirement to allow 18 months from the date of the planning permission for completing construction of the screening bund, to give further time for it to be constructed in and enable the works to be carried out in better weather.

Condition 22 of the planning permission restricts the number of Heavy Goods Vehicle (HGV) movements into and out of the site to 7 in and 7 out (14 Movements per day) Monday to Friday, and 4 in and 4 out (8 movements per day) on Saturdays. The applicant wishes to amend this condition to a monthly

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average amount of 338 movements but not exceeding 40 vehicle movements in any one day. The applicant states that the amendment is sought to ensure Victory Quarry is worked in line with local weather conditions to avoid recycling material in adverse weather.

The table below sets out the current maximum permitted number of HGV movements and the proposed maximum HGV movements per day for comparison purposes, together with the maximum possible monthly figures.

HGV Movements	Maximum per Day	Maximum per Month	Maximum Permitted in any Year
Currently permitted	14 Movements (7 in and 7 out Monday to Friday and 4 in and 4 out on Saturdays)		4,056 movements
Proposed	40 movements (20 in and 20 out)	338 Movements (each Calendar month)	4,056 movements

Background Information

The proposals were first submitted in December 2013, but did not initially contain sufficient information to be considered a valid planning application. The applicant submitted additional information and also removed an initial request to also vary Condition 7 (liaison meeting details) from the proposals. The application was considered to be valid on 7 April 2014.

Consultations

Local Member

Councillor Bisknell (Buxton North and East) commented with regard to the change to vehicle movements that the proposed new upper limit of 40 movements per day seems excessive and a huge increase to the current permitted amount of 14 movements per week day and 8 movements on a Saturday.

High Peak Borough Council Planning

The Borough Council does not wish to raise any objection to the additional time request for the construction of the screening bund. With regards to the variation of Condition 22, the Borough Council is concerned that the increase in potential traffic movements may cause harm to the amenity of neighbouring properties. Provided that the County Council is satisfied that the increase would not cause undue harm to the amenity of neighbours or affect highway

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safety, the Borough Council does not wish to raise an objection to the proposal.

Environmental Health Officer (EHO)

The EHO has been consulted with a request for comments by 12 May 2014. At the time of writing this report no comments have been received.

Wormhill Parish Council

The Parish Council is concerned about traffic movements in and out of the site which are proposed to substantially increase. The Parish Council considers that local residents would be very concerned to learn that traffic movements are likely to double to over and above what has already been granted and wish these matters to be taken into consideration.

Environment Agency

Raised no objections to the proposal.

The Highway Authority

The Highway Authority commented that whilst the proposed variation would allow a potential increase in daily vehicular movements associated with deposition and removal of material in excess of three times the current permission, when taking into consideration the current nature and volume of traffic using the fronting highway, considered it unlikely that any objection on highway grounds could be sustained.

Publicity

The application has been advertised by press notice, site notice and by neighbour notification with a request for observations by 23 May 2014. Representation from one resident, objecting to the proposal, has been received in response to this publicity. The resident has raised issues regarding dust, the usage of the site and the number of vehicle movements and persistent breaches of planning conditions by the operator. The main points of objection raised to the proposal are summarised below:

- Lack of compliance with existing planning conditions and a history of repeated breaches at this site.
- The current planning conditions are insignificant.
- The previous application was approved on the understanding that vehicle movements would not increase above previous levels and, on that basis, would be unlikely to cause additional traffic impact.
- Constant breach over the last 18 months of Condition 22.
- The applicant has provided false information in order to gain planning approval.
- The applicant's log cannot be relied on for keeping an accurate record of vehicles movements and Condition 6 of the planning permission is also being breached.

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- The proposed increase would encourage users of this site to continue exceeding numbers.
- The proposed maximum of 40 movements per day could result in figures exceeding 200 movements in one week.
- No mention or consideration of other regular movements of tipping from transit pick-up vehicles, plant machinery, vans, cars, JCB's and Tankers all frequently using the site.
- Residents would be subjected to constant wagon movements for the entire day/days, in some cases every few minutes, in addition to wagons queuing to enter the site.
- The proposed activities mainly take place during the dry Spring, Summer and Autumn months and will be an invasion of amenity.
- The application site is not appropriate for the increased activity.
- The applicant has grown too big for the site and it will become overdeveloped for the rural area it sits within.
- Working on site during bank holidays in breach of Condition 8.
- Concerns about the wording of the publicity for the application.
- Not receiving notification of the application like neighbouring properties.
- Concerns about the liaison meetings and lack of notification.
- Construction of the screening bund – the applicant has been provided with reasonable timescales to complete this task and the reasons for not completing the task 'due to inclement weather conditions' is a less than convincing argument.
- On-going dust issues at the site.
- Concerns about the effectiveness of the dust suppression system that is used on the haul road.
- The automatic damper system referred to in the Strategic Director's report in 2012 was only installed to a small area of road and the remainder of the road relied on a length of hose with holes in and this has proved to be non-effective.
- Concern that dust issues will continue and be worsened if any increase of HGV's were to be approved.
- Breaches of Condition 16 relating to vehicles reversing alarms.
- Any previous efforts by planners to stop problems or regular breaches of conditions have failed.

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 the Derby and Derbyshire Waste Local Plan (2005) (DDWLP) and the saved policies of the High Peak Local Plan (2005) (HPLP). Other material considerations include such statements of Government policy in the National

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Planning Policy Framework (NPPF), the National Waste Management Plan for England 2013 and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10).

This application relates to a previously granted planning permission for the continuation of waste recycling operations for a period of five years in order to facilitate the restoration of the quarry and the construction of a screening bund at Victory Quarry. The principle of the development was assessed against the provisions of the development plan and Government guidance during the determination and consideration of the previous application in 2012. It was considered that the development, in the form proposed, did not conflict with the relevant policies of the East Midlands Regional Plan (EMRP), DDWLP, HPLP and with relevant Government guidance contained in the NPPF and PPS10.

It was concluded that the proposed facility would move waste up through the waste management hierarchy; it would help cater for a local need and would contribute towards sustainable waste management objectives. It was acknowledged that the site was located in open countryside and that there were potential impacts on local amenity. However, it was concluded that there was a need to complete a suitable restoration of this quarry and a need to facilitate sustainable economic development in rural areas. A further five years was considered to be an acceptable period of time to allow for the completion of an appropriate restoration of the quarry and then for the operator to relocate its recycling operation to an alternative site. Subject to conditions to control the impacts of noise, dust and traffic to acceptable levels, and to require the restoration of the site at the end of the five years, the development was considered to be acceptable.

Since the determination of the original application in 2012, there have been changes in development plan policy; the EMRP no longer remains in effect. The new National Waste Management Plan for England was published at the end of 2013, although the most relevant statement of Government Waste Policy on the issues raised by this proposal is contained in PPS10.

National Planning Policy Framework (NPPF)

The NPPF came into force in March 2012 and sets out the Government's key economic, social and environmental objectives, and the planning policies designed to deliver them. The NPPF (including additional guidance in Technical Guidance to the NPPF) is a material consideration in planning decisions. 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; applications for planning permission must still be determined in accordance with the development plan unless

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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 term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening lives of future generations. It states that sustainability has economic, social and environmental aspects.

PPS10

The NPPF replaced many of the Planning Policy Statements. However, the Waste Planning Policy Statement (PPS10) remains in force and should be read alongside the guidance contained in the recently published National Waste Management Plan for England (2013). PPS10 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 environment and economic benefits of sustainable waste management; and
- the likely impact on the environment and amenity, including visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and potential land use conflict.

DDWLP and HPLP

The NPPF transitional arrangements (12 months from 27 March 2012) have expired and this downplays the role of the DDWLP and the HPLP as part of the statutory development plan. However, they continue to have weight as material planning considerations. I consider that the most relevant development plan policies against which to assess this proposal are:

DDWLP Policies:

W1b: Need for Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.

HPLP Policies:

GD5: Amenity.

TR4: Traffic Management.

The Proposal

This application is seeking permission to extend the time period allowed for the construction of the screening bund and to amend the permitted number of HGV movements into and out of the site to an average monthly amount with a raised daily limit. The applicant states that the extension of time to construct

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the screening bund is required so that the works can be carried out in dry weather and the variation in daily HGV movements to allow the quarry to be worked in line with local weather conditions and avoid recycling material in adverse weather.

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous application. 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, additional or unacceptable impacts to what were not previously considered. The main considerations for this proposal are, in my view, the impact on the highway network and on local amenity.

Traffic and Highway Impact

The application is seeking to amend Condition 22 of the existing planning conditions to an average monthly limit as opposed to the existing daily limit, to allow a greater flexibility on the number of HGV's that could visit the site in any one day. The current restriction on HGV movements allows for 14 movements per Monday to Friday and 8 movements on a Saturday, which equates to 338 movements per month. The proposal is to change Condition 22 to a monthly average figure of 338 movements but with a daily maximum of 40 movements. Overall, on a monthly basis, there would be no net increase in the number HGV's that could visit the site. However, the maximum amount of HGV's that could visit the site in any one day would increase but this would not occur every day throughout any calendar month.

The Authority has received on-going complaints about the number of HGV's to and from the site since the previous application was determined. The alleged breaches relating to vehicle movements have been investigated by Council officers and it has been found that, on occasions, the operator has not complied with Condition 22 of the planning permission and HGV numbers have exceeded the permitted levels on some days. The use of this site does currently vary on a daily/weekly basis according to demand and weather conditions. The operator is therefore seeking planning permission to vary Condition 22 as described above, to take account of the fluctuations in supply and demand, and to avoid further breaches of Condition 22.

Paragraph 32 of the NPPF states that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"

Whilst development of this type is a source of traffic, taking into account the existing use of fronting highway, in my view, the traffic generated by this particular development does not have a significant impact on other traffic. The Highway Authority has not objected and, subject to the recommended

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conditions, I am satisfied that the impact of traffic on the Highway Network would not raise conflict with policies W2 and W8 of the DDWLP and Policy TR4 of the HPLP. The amenity impact of HGV traffic is considered below.

Amenity Impacts

I note the concerns raised by residents about the use of the site haul road by other vehicles, such as vans, tractors and water bowzers. The existing Condition 22 imposes a limit on the number of loaded HGVs either depositing waste at the site or taking recycled materials out of the site. It does not restrict the use of the haul road with tractors to reach adjacent land or journeys by the operator to and from the quarry by car or pick-up truck for day to day operational purposes (nor was it intended to). I would not also wish to discourage the use of water bowzers on the haul road for dust suppression purposes.

However, I acknowledge that some of the vehicles transporting waste to and recycled materials from the site can be light vehicles, such as those referred to in the letters of representation, and that such journeys can also have some impact on amenity. I therefore recommend that any replacement for Condition 22 with a new monthly limit and a higher daily limit on vehicle movements should apply to all goods vehicles carrying loads to and or from the site in connection with the approved operation, not only HGVs.

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. Policy W6 of the DDWLP states that waste management sites will be permitted only where the impacts on communities and neighbouring land uses, including cumulative impacts, are acceptable and that the development should 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.

Development of this type can cause impacts such as noise, dust and vibration from vehicle movements into and out of the site, day to day operations and the use of equipment and machinery. Whilst no overall net increase in maximum vehicle movements is proposed, the potential maximum amount of movements in any one day would, however, increase which could cause additional dust and noise disturbance and impact on local amenity on the day.

The Authority has received complaints regarding dust generation from vehicles (and the number of vehicles) using the site haul road, noise from vehicle reversing alarms and disturbance from out of hours working, since the last planning permission was granted. The impact of dust, in particular, continues to be a concern for some residents.

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The complaints have been investigated by Council officers and the main source of dust has been found to be from the internal access road to the quarry. The site does utilise dust suppression equipment that includes a dampener system along the access road and the use of water bowzers. The applicant has responded to concerns about the effectiveness of water spray system by installing an additional water pump, a second water pipe in order to increase the volume of water being sprayed on the access road.

There are conditions attached to the existing planning permission to control the impact of noise and dust from the development that could continue to apply to a permission granted under this application; the site would also continue to receive monitoring inspections from Council officers to check compliance. I acknowledge that the proposed increase in the daily maximum number of vehicle movements is a cause for concern for some residents and that this could impact on their amenity. Under this proposal, on some weeks at the maximum upper limit of 40 movements per day, it would be possible for up to 200 vehicle movements (Monday to Friday) to visit the site, but this would not be possible for more than one week per calendar month as the operator would be restricted by the maximum monthly figure of 338 movements. Likewise, the maximum 40 movements per day could not take place on more than 8 days in any calendar month.

On some days, residents may therefore experience an increase disturbance from vehicle movements, but there would be fewer movements on others. The operator has recently upgraded the dust suppression system at the site and also installed an electronic tracker to log vehicle movements into and out of the site so that better records can be kept and vehicle numbers monitored more effectively. The application is seeking more flexibility in the number of vehicle movements on a daily basis, however, there would be no net increase in the amount of vehicles annually. Furthermore, the amount of waste permitted to be brought to the site is restricted on a monthly and annual basis by conditions which would continue to apply. Overall, the development in this respect would not change and, in my view, would not be considered to be an over-development of the site.

On balance, subject to the recommended conditions, I do not consider that the impact on amenity, as a result of the proposed amendments to this development, is likely to be so significant such as to warrant refusal of the application and I am satisfied that it would not contravene the objectives of PPS10, Policy W6 of the DDWLP and Policy G4 of the HPLP.

Construction of the Screening Bund

The application is also seeking permission for an extension in the time limit for construction of the screening bund. Whilst it is disappointing that the bund has not yet been completed, I note the applicant's comments for not completing this within the stipulated time frame and the need for dry weather. Subject to

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the imposition of conditions to require checks of the site for grass snake and breeding birds, as are imposed on the existing permission, I find the request for an extension of time to be acceptable. I am therefore also recommending that the equivalent condition a permission under this application requires completion of the construction of the bund by 13 September 2014 and subsequent grass seeding by 13 October 2014.

Other matters

I note the comments in the letter of representation regarding the publicity that has been undertaken for this application. The application has been advertised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2010, as amended, and included notices being placed on and around the application site and a notice in the local newspaper. In addition, notices were sent by post to nearby residents and our records indicate that this included the address of the resident who has made the representation.

With regard to the requirement for a Community Liaison meeting, this application is not seeking relief from this requirement and a requirement for an annual liaison meeting would continue to apply. The last meeting was held on 15 January 2014, to which members of the local community were invited.

There have been continued complaints about the question of the site in relation to issues raised under the 'Publicity Section' of this report.

The site has been monitored by officers for compliance with the planning permission. Any identified breaches have been addressed, or are in the process of being addressed by the operator. This application, if granted planning permission, seeks to amend two planning conditions of the original consent so that identified breaches of planning control can be regularised. Monitoring continues at the site.

Conclusion

This application is seeking a modest extension of time to complete the construction of the screening bund and a degree of flexibility in the distribution of vehicle deliveries to and from the site over any one month. I acknowledge the applicant's need for this flexibility in vehicle movements but I am mindful of the concern of residents about the impact of this proposed amendment on their amenity. However, this would not occur every day of the calendar month and I do not consider that the impact on amenity or on highway safety is likely to be so significant such as to warrant refusal of the application. Subject to the recommended conditions to control the impacts of noise, dust and traffic, and corresponding amendment to the planning obligations to those that were entered into by agreement with the grant of planning permission code no. CW1/0612/22, to ensure that they apply in respect of development under the

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permission being sought by this application, I find the application to be acceptable and it is therefore 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 1.1308.9
Application documents dated 13 March 2014 from Barry Wood Plant Hire. Correspondence from the Highways Area Management Division dated 7 May 2014. Memoranda from the Rights of Way Officer dated 17 April 2014. Letters and email correspondence from High Peak Borough Council dated 15 May 2014, the Environment Agency dated 23 April 2014 and Wormhill Parish Council dated 15 May 2014. Letters of representation dated 22 May and 5 June 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **authorise** the grant of planning permission in respect of the application under code no. CW1/1213/140 subject to:

7.1 The prior completion of an agreement under Section 106A of the Town and County Planning Act 1990 to the planning obligations entered into by agreement which relate to the existing planning permission under code no. CW1/0612/22 also apply in respect of the permission to be granted, and

7.2 The imposition of the following conditions:

Duration of Development

1) The screening bund shall be removed by 29 August 2017 and the use of the site under this permission shall cease on or before that date. All

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plant and machinery shall be removed from the site no later than one month from that date.

Reason: The condition is imposed to prevent further use of the site as described under the application.

Form of Development

- 2) The development shall take place in accordance with the details set out in the planning application and supporting information, and plans from Geoplan dated 26 June 2012, as amended by planning application dated 14 March 2014, unless otherwise modified or amended by conditions of this permission.

For the avoidance of doubt, the approved plans and documents are:

- 1App form dated 26 June 2012.
- Drawing number V2/3b – Application Boundary.
- Drawing number V2/4b – Screen bund layout.
- Drawing number V2/5b – Sections.
- Drawing number V2/6 – Alternative Sites Plan.
- Drawing number V2/8 – Location Plan.
- Supporting Statement, Victory Quarry – Field Farm.
- Design and Access Statement – June 2012.
- Assessment of Environmental Dust from Operations at Victory Quarry, Buxton dated 20 June 2012.
- Noise Impact Assessment Doc no. P2004731(REP)U001 Rev. A dated September 2011 (June 2012 revision).
- Visual Appraisal dated 11 June 2012.
- 1App form dated 13 March 2014 and accompanying planning supporting statement.

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

- 3) A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any condition of the permission, shall be kept available for inspection at the site office during the prescribed working hours until the completion of the development.

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

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- 4) Construction of the screening bund shall be completed by 13 September 2014, provided that in the event of a suspension of construction operations being required by conditions 29 or 30 of this permission the date for completion shall be extended for a period equal to the duration of the suspension.

Following completion of the bund, and by no later than 13 October 2014 (or in event of the bund not being completed by then due to any suspension of construction operations required by conditions 29 or 30 of this permission, during the first available growing season), grass seeding of the bund shall be carried out with British Seed Houses Mix RE1- Traditional Hay Meadow Flora as specified in scheme details received on 28 September and 14 October 2014 from Barry Wood Plant Hire and as approved by the Waste Planning Authority on 24 October 2013.

Reason: In the interest of residential amenity and local biodiversity.

- 5) There shall be no storage of skips, parking of lorries or the erection of any fixed plant, machinery or other structures, other than those referred to in the planning application, without the prior written approval of the Waste Planning Authority.

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

- 6) No more than 25,000 tonnes of waste annually and 500 tonnes per week shall be imported to the site. The applicant shall keep accurate records of the amount of waste arriving at the site and this record shall be submitted to the Waste Planning Authority every 4 months from the date of this permission.

Reason: The use of the site at a higher rate of input could raise issues of impacts not considered in the determination of this proposal and could be detrimental to the amenity of the area.

- 7) The development shall be carried out in accordance with the scheme dated 25 March 2013 and accompanying drawing numbers V2/1, V2/4 and V2/7 and further information received 13 July and 12 September 2013 from Barry Wood Plant Hire Limited and as approved by the Waste Planning Authority on 26 September 2013. For the avoidance of doubt, the scheme details the following requirements:

- Procedures to notify the County Council and other bodies of the intention to crush and screen wastes on the site.
- The establishment of a Local Liaison meeting.

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- The siting within the site of all mobile plant, stockpiles of waste and of the product to be removed for reuse or recycling.
- Measures to restrict the speed of all traffic on the access road to the site; to include a location plan of the signage (both within the site and at the site entrance), warning all vehicle drivers to not exceed the specified speed limits.

The development shall be implemented in accordance with the scheme details as approved for the duration of the development.

Hours of Operation

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

0800 hours to 1730 hours Mondays to Fridays.

0800 hours to 1300 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.

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

Environmental Protection

- 9) There shall be no burning of waste 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.

- 10) Inert waste material only shall be brought to and processed at the site.

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

- 11) The facility shall only be available to persons by prior arrangement with the operator.

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

- 12) Any windblown wastes or litter arising from the operations on the site shall be collected on a daily basis and removed from the site.

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

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- 13) No stockpile of waste or recycled material shall exceed 3.5 metres in height when measured from the base of the stockpile.

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

- 14) 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: To safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

Dust

- 15) Within three months of the date of this permission, a revised/updated dust management scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme, which shall be implemented as approved, shall include measures to minimise the spread of dust, provision for the daily monitoring of dust at the site boundary to be undertaken and provision for written records to be maintained specifying weather conditions and results of monitoring, any remedial action taken and trigger levels at which remedial procedures shall be introduced, including temporary cessation of operations until the dust nuisance has been eliminated. The approved scheme shall be permanently retained as such thereafter, unless otherwise agreed in writing by the Waste Planning Authority.

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

- 16) At all times 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 to minimise the emissions of 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.

- 17) Notwithstanding the requirement of other conditions, the access road and other areas on the application site where vehicular activity takes place must be appropriately surfaced, well maintained and appropriate dust suppression methods applied.

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

Noise

- 18) During the hours of operation at the site, noise arising from any operations hereby approved on the site shall not exceed 48dB (LaEq 1 Hour) when measured at the boundary of the nearest noise sensitive property. The measurements and assessments shall be made in accordance with British Standard 4142:1997.

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

- 19) At the request of the Waste Planning Authority, the site operator shall measure and assess the level of noise emissions from the site in accordance with a methodology approved in writing by the Waste Planning Authority.

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

- 20) 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 normally 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.

- 21) Reversing alarms used on plant and vehicles on the site shall either be non-audible, 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.

Access, Traffic and Protection of the Public Highway

- 22) For each calendar month during the carrying on of the development under this permission, the total number during that month of movements of goods vehicles into the application site in connection with carriage of waste and/or other materials and out of the application site in connection with carriage of waste and/or other materials, shall not exceed 338 (corresponding to 169 into the site, 169 out of the site). On any day from Monday to Friday inclusive during the carrying on of the development, the total daily number of such goods vehicle movements shall not exceed 40 (corresponding to 20 into the site, 20 out of the site). On any Saturday during the carrying on of the development, the

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total number of such goods vehicle movements shall not exceed 20 (corresponding to 10 into the site, 10 out of the site). No such vehicle movements shall take place outside the hours and days for carrying out the approved operations which are specified in condition 8 of this permission.

For the avoidance of doubt in this condition the term “goods vehicle” and its plural encompasses all types of light goods vehicle including car derived vans (up to 3.5 tonnes maximum permissible gross vehicle weight), and heavy goods vehicle (over 3.5 tonnes maximum permissible gross vehicle weight).

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

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

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

- 24) No mud or other debris shall be carried 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.

Drainage and Pollution Control

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

Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

- 26) 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.

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Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

- 27) The tipping and restoration works shall be carried out in such a manner so as not to cause contamination of any watercourse, ditch or drainage system. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters whether direct or via soakaways.

Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

- 28) 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 to protect groundwater quality in the area.

Ecology

- 29) Immediately prior to the construction of the screening bund, a check of the area for grass snake shall be carried out. The date that the check was carried out shall be reported to the Waste Planning Authority in writing within seven days of it being carried out. Should any grass snake be found, the operator shall suspend operations on the construction of the bund until the approval of the Waste Planning Authority to resume operations has been received.

Reason: To ensure that the development does not disturb grass snake or, if this is likely to happen, appropriate mitigation measures are in place in the interests of nature conservation.

- 30) The construction of the bund should be carried out to avoid the bird nesting season (March to August inclusive). In the event that this is not possible, a check for active nests should be carried out immediately prior to any works taking place by a suitably experienced ecologist. In the event that nests are found, they should be left undisturbed until all young have fledged.

Reason: To ensure that the development does not disturb breeding birds.

Policies

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

The National Planning Policy Framework

Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management.

The Derby and Derbyshire Waste Local Plan

W1b: Need for Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.

High Peak Local Plan

GD5: Amenity.

TR4: Traffic Management.

Statement in 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 conditions of the planning permission. 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.

Footnote

- 1) There is an agreement under Section 106 of The Town and Country Planning Act 1900 (as amended).

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

Mike Ashworth
Strategic Director – Economy, Transport and Environment

