

Agenda Item No. 4.2

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

**13 July 2015**

Report of the Strategic Director – Economy, Transport and Environment

**2 LAND AT STANTON RECYCLING, OFF CROMPTON ROAD,  
ILKESTON**

**A) PROPOSED AMENDMENTS TO THE WORKING HOURS OF  
OPERATION AT STANTON RECYCLING WITHOUT COMPLYING  
WITH CONDITION NUMBER 13 OF PLANNING PERMISSION CODE  
NUMBER CW8/0704/70**

**B) PROPOSED AMENDMENTS TO STOCKPILE HEIGHTS WITHOUT  
COMPLYING WITH CONDITION NUMBER 22 OF PLANNING  
PERMISSION CODE NUMBER CW8/0315/149**

**APPLICANT: STANTON RECYCLING**

**CODE NO: CW8/0315/148 AND CW8/0315/149**

**8.1019.14 and 15**

**Introduction Summary** These two planning applications relate to the same waste management facility in Ilkeston and seek permission, in each case, to remove the need for compliance with a single condition of an existing planning permission. The first application (A) has been made to allow existing site working hours (application code CW8/0315/148), and the second application (B) is to allow the height of the external stockpiles of green waste to increase (application code CW8/0315/149). The application sites are within an established waste recycling business which currently caters for locally derived wastes, and which is situated within a large industrial estate. The site is not a prominent feature in the landscape and is not close to residential areas. The existing access into the site is via the industrial estate. I consider therefore that the proposed changes would not give rise to any significant environmental impact and, in planning terms, are acceptable. I am therefore recommending that the applications are approved, subject to the conditions set out in my report.

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

## (2) Information and Analysis

### Background Information

The applicant company is an established waste management business who has been recycling locally derived green wastes and other assorted waste materials from the waste management site for about 11 years. Situated at the eastern end of the former Stanton Ironworks complex, the site is part of the established but expanding Quarry Hill Business Park, located on the southern outskirts of Ilkeston. The site, which in total extends to approximately 2 hectares, is dominated by the centrally located, former Stanton Ironworks high sided, two-storey brick building. Flanking the building to the east and west are open yards. To the east (and rear) of the building, within a few metres, is a flat, rectangular-shaped concreted pad extending to about 0.6 hectare where inert and green wastes are currently recycled (planning permission granted by the County Council in July 2007), by external shredding and then by composting in open-air windrows. Attached to the rear of the building on the eastern facing elevation is a large, modern, portal framed building used by the applicant company for waste transfer and recycling. The extensive open yard area at the front of the building is used for staff car parking and some equipment storage. Directly to the north and south, within a few metres, are other industrial operations and beyond the eastern boundary on lower ground, is the Erewash Canal. The site is enclosed with security fencing, high sided bunds and, skirting part of the eastern boundary of the site, there is a 2 metres high landscaped mound, now grassed and planted with trees and shrubs. The applicant company currently deals with kerbside collected wastes (plastic, cardboard, paper, etc), for Derbyshire County Council and Erewash Borough Council, and green wastes (grass cuttings, hedge trimmings, etc) from Erewash Borough Council. It also collects for Derbyshire County Council the mixed waste arising from the household waste recycling centres which are pre-shredded and prepared for further recovery and recycling. The only access to the site would continue to be from Merlin Way and the industrial estate, then via a newly refurbished stretch of private road. This part of the access is shared by a number of other businesses, including a large waste management facility.

### Planning History

The site was used, along with adjoining land, by the Stanton Ironworks Company for pipe manufacture from the early 1900s until the mid-1970s, when it was then occupied by a builders yard. The recent planning history relating to waste management (and as granted by the County Council), is as follows:

- Planning permission code no CW8/0704/70, granted by the County Council in October 2004, for "Change of use of a builders merchants/warehouse and yard to a waste transfer station.

- Planning permission code no CW8/0107/164, granted in July 2007, for “Proposed construction and use of an inert waste material screening and green waste composting plant”.
- Planning permission code no CW8/0308/259, granted by the County Council in May 2008, for “Proposed alteration and extension to an existing building housing a waste transfer station”.
- Planning permission code no CW8/0813/81, granted by the County Council in November 2013, for “Proposed construction of an additional building to house a waste recycling facility”.

The 2004 planning permission code no CW8/0704/70 change of use to waste transfer station was granted subject to 19 conditions. Condition 13 restricts the hours of working within the building to:

- *“8am to 6pm weekdays and*
- *8am to 1pm Saturdays with no working Sundays, Bank Holidays or other Public Holidays.”*

In 2007, planning permission code no CW8/0107/164 (external green waste recycling) was granted subject to 25 conditions and Condition 22 imposed the following:

- *“Stock-piles of waste, recycled materials and the windrows shall not be constructed to a height greater than 3 metres....”*

## **Planning Applications:**

### **Application CW8/0315/148: Extension of Working Hours**

This application seeks permission to not comply with Condition 13 of planning permission CW8/0704/70. It is wished to extend the working hours (inside the building). Condition 13 provides restriction of work times to:

- 0800 hours until 1800 hours weekdays; and
- 0800 hours until 1300 hours on Saturdays, with no working at any other time.

Although the original proposal sought the removal of any control over working hours inside the building, the applicant has subsequently proposed the following times for working in the building to:

- 0400 hours until 2300 hours weekdays; and
- 0400 hours until 1900 hours on Saturdays, Sundays and Bank Holidays.

The applicant has indicated that the current contracts with Derbyshire County Council and Erewash Borough Council require collection of waste early mornings and on Bank Holidays. In addition, the Borough Council delivers

kerbside collected wastes to the site. It is considered that the extra working hours are to accommodate local trade waste removal which is now required outside normal office hours, for practical and Health and Safety reasons. The applicant has indicated that:

- outside daylight hours, vehicle movements would be kept to a minimum;
- any heavy goods vehicles journeys to and from the application site would be via the industrial estate;
- the site access and internal site roads would be swept regularly; and
- the mixed waste deliveries to the site would operate within the building only, thus reducing noise and potential for disturbance.

The application is accompanied by a noise impact assessment which states that the site operations are not noisy and the extended hours of working will not bring any detriment to the residents of this area.

### **Application CW8/0315/149: To Increase Waste Stockpile Heights**

This application seeks permission to not comply with Condition 22 of planning permission CW8/0107/164, to increase the height of the external stockpiles of green waste to a maximum of 5 metres high. No increase in volumes of waste being imported or processed is proposed. The applicant considers that the higher stockpiles will improve the access around the windrows and this will help improve management of the facility.

## **Consultations**

### **Local Member**

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

### **Erewash Borough Council**

**Planning:** No objections.

**Environmental Health Officer:** Application CW8/0315/149: No objections but comments that site works do give rise to odour and fly nuisance occasionally and it would be prudent to limit the amount of material that is stored on the site.

**Comment:** The applications do not propose any increase in the quantity of waste imported or to be recycled at the site.

Application CW8/0315/148: No objections subject to the following:

- that traffic is routed through Merlin Way and the industrial estate in preference to residential roads;

- vehicle movements outside daylight hours are kept to a minimum; and
- reversing alarms are either of a type that will not carry significantly beyond the site boundary or are switched off in favour of an alternative safe system of work that does not involve an audible alert.

### **Stanton by Dale Parish Council**

Application CW8/0315/149: No objections

Application CW8/0315/148: Raised an objection because of the time and noise element that this will cause.

**Comment:** I refer to these concerns in the 'Planning Considerations' section below.

### **Environment Agency**

Application CW8/0315/148: No objections but would expect the site operator(s) to be able to demonstrate that any changes to their operations, as defined by their environmental management system, including the potential impact on amenity, have been properly assessed.

Application CW8/0315/149: No objections but retain the right to require additional controls if it is found, during site audits/inspections, that the management procedures in place do not properly manage the increased risk of emissions from the site.

### **Publicity**

The application has been advertised in the Ilkeston Advertiser and by site notices. Six letters of representation have been received which raise objections to these proposals. The concerns raised relate to both applications and I have summarised these as follows:

- Concerns regarding additional traffic.
- Concern that fungal spores and aerosols would cause health problems.
- Lack of control by enforcing authorities.
- Site causes obnoxious smells.
- Pollution of Erewash Canal should a fire arise on the site.

**Comment:** I refer to these concerns in the '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, a material consideration is that the principle of the development for both these applications has been established. The planning permissions

granted by this Authority have been implemented and the development is regulated by an Environmental Permit. I do not propose, therefore, to set out the merits of the nature of the recycling works against the development plan. For this site, the facility is now well established and the existing permissions on this site must be taken as material factors in the determination of these Section 73 applications. The permissions were granted with similar planning controls to manage the site operations. The question now is whether the proposed changes to the planning permission satisfies planning policy.

Regard must be given therefore to the Derby and Derbyshire Waste Local Plan (2006) (DDWLP), in particular, W6: Pollution and Related Nuisances.

Policy W6: Pollution and Related Nuisances of the DDWLP states that waste development *“will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects on people or communities, the site of the development, nearby land uses or the wider environment”*.

The key issues to consider here are:

- the extent (if any) which working hours could be increased whilst remaining acceptable in environmental terms; and
- the extent to which (if at all) the heights of the stocks of green waste would have a significant adverse impact on the amenity of this area; and
- the impact on Stanton Regeneration Project.

The waste management site which encloses these applications is situated within an enclosed yard area, on a large industrial estate with the adjoining land occupied by other (larger), waste recycling facilities and industrial uses. The applicant company is an established local waste operator which currently collects and receives green wastes, kerbside collections and other inert wastes, predominantly from the Erewash area. The site is not close to the residential areas of Ilkeston, it is not prominent in the landscape, and the site is not overlooked and has an acceptable access.

With regard to the extension in working hours, I was concerned that waste management facilities do not, in general, require 24 hours working. The applicant company is now proposing working hours from 0400 hours until 2300 hours weekdays and 0400 hours until 1900 hours on all other days, including Sundays and Bank Holidays. Although these times are longer than a normal working day, I can accept that the type and nature of the waste collected, in particular, the kerbside collections, warrant an earlier and later working pattern. These extended hours would be restricted to working inside the building and, given that the site is set within an industrial environment, I do not consider the proposed indoor working times to be unacceptable. In

addition, this waste management facility is not dealing with large quantities of waste and, hence, the volumes of traffic to and from the site, in particular, during the early morning and late evening, would not be significant. In view of the concerns raised, however, I feel that a temporary term for the working hours is appropriate, so that after periods of three years, if there have been justified complaints, this issue can be addressed and revisited accordingly.

With respect to the height of external stockpiles, a conditional requirement from the permission granted in 2007 was the construction of a landscaped bund. The eastern boundary of the site now has a substantial screen mound and, in visual terms therefore, pedestrians and other users of the canal towpath and other canal users would not be affected unduly. The increased heights of the stockpiles may give rise to dust (through wind whip) but to address this issue and that of the concerns raised regarding odours, I am recommending that a full dust and odour management plan is required.

Turning to the objections raised:

- **Additional traffic:** I am satisfied that there will be no additional traffic to and from the site, and there are no proposals to increase the quantity of wastes being imported.
- **Concern that fungal spores and aerosols would cause health problems:** The Environmental Health Officer and the Environment Agency were consulted originally on this issue and did not raise any objection in this regard. The issues are controlled by the Environmental Permit and I understand that the site operations are classed as low risk.
- **Lack of control by enforcing authorities:** The site is monitored regularly by staff from the Environment Agency and monitored by the County Council. If there are any breaches of the permit or planning permission these are addressed accordingly. The site will continue to be monitored regularly by both authorities and this would be predominantly by unannounced visits.
- **Site causes obnoxious smells:** This issue has been raised with the Environment Agency and the Environmental Health Officer, and although individual complaints have been investigated by the Environment Agency, it was not found that this site was responsible in every instance. There are a number of waste management sites in this locality; there is a sewage works close by, a farm and, adjacent to this site, a chemical waste recycling plant. It is accepted, however, that external composting of green waste will, at times, give rise to some odours. This should, however, be minimal and not unpleasant and infrequently, as and when the windrows are aerated and disturbed. To give further reassurance on this issue, I am recommending that the

applicant company submits for consideration, a full odour assessment and mediation strategy, which I will share with the Environment Agency and Environmental Health Officer.

- **Pollution of Erewash Canal should a fire arise on the site:** This issue was considered by the Environment Agency when planning permission was first sought and no objections were raised. The risk of fire is considered low and the company has suitable facilities on site should a fire break out on, or close to the site. The Environment Agency gives separate consideration to this and this issue is reviewed regularly by the Agency following each site visit.

Overall, therefore, I do not consider that the permitted proposed extension in indoors working hours or the proposed increase in maximum height of the waste stacks at the site would result in any visually intrusion, environmental harm or detriment. I am therefore recommending that the applications are approved, subject to the conditions set out in my recommendation. In the case of application (a), Code No. CW8/0315/148, the new condition for working hours which is proposed under the recommendation would allow the indoors working hours to extend to cover the times proposed by the applicant for a three year period.

I consider this three year limit to be appropriate since it will prevent the extended hours from continuing for longer unless a permission is granted in a further application to the Authority.

I am also recommending that new planning permissions are issued which will update the existing conditions on the previous permissions.

The site is close to the area allocated in the Erewash Core Strategy for the Stanton Regeneration Project. Bearing in mind the controls that will be imposed on this site, I do not consider that these applications will be detrimental to the future of this development. Members will also note the objections have been raised by Erewash Borough Council in this regard.

(3) **Financial Considerations** The correct fee of £390 has been received.

(4) **Legal Considerations** These applications are submitted under Section 73 of the Town and Country Planning Act 1990 which allows applications to be made for permission to develop, without complying with a condition(s) previously imposed on a planning permission. The Waste Planning Authority can grant such permission unconditionally, or subject to different conditions, or can refuse the application if the Authority considers that the original condition(s) should remain. The applications also fall under Part III



of the Town and Country Planning Act 1990 for this Authority to determine as the Waste Planning Authority.

A grant of permission under Section 73 provides an alternative planning permission for the development, without automatically taking away the extant permission.

The other conditions are transferred from the existing permissions except as required to update them to the current circumstances and reflect the reserved matters which have been previously approved under the existing permission.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of these permissions being granted subject to the conditions similar to those referred to below.

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

### **Other Considerations**

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 Nos. 8.1019.14 and 15  
Planning application details and amended information, two letters from the Environment Agency dated 17 March 2015, letters/emails from Stanton by Dale Parish Council dated 3 April 2015, and planning permission code nos CW8/0704/70 and CW8/0107/164.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves:

1. to authorise the **grant** of planning permission in respect of Application Code No. CW8/0315/148 subject to conditions substantially similar to the draft conditions set out under Schedule A below;
2. to authorise the **grant** of planning permission in respect of Application Code No. CW8/0315/149 subject to conditions substantially similar to the draft conditions set out under Schedule B below

**Schedule A Application Code No. CW8/0135/148 proposed amendments to hours of operation Stanton Recycling without complying with condition number 13 of planning permission code number CW8/0315/148**

### **Form of Development**

- 1) The development shall be in accordance with the details submitted in respect of planning application CW8/0704/70 dated 12 July 2004, subject to the amendments provided by the application for this permission CW8/0315/148.  
[Details carried from existing permission CW8/0315/148]

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

### **Further Schemes to be Submitted**

- 2) Within one month from the date of this permission, the following schemes shall be submitted for the approval in writing of the Waste Planning Authority:
  - i) Detailed traffic routeing plan to ensure that all traffic is routed via Merlin Way and avoiding residual roads in the vicinity of the industrial estate, and HGV movements are kept to a minimum outside of daylight working hours.
  - ii) Scheme of drainage works to ensure no unauthorised discharge into the Erewash Canal.

The scheme(s) shall then be implemented in accordance with the details as approved in writing or as may be subsequently amended by the Waste Planning Authority.

**Reason:** To ensure that the proposed development does not have an adverse impact on neighbouring amenity and adjoining land uses.

### **Volumes of Waste Processed**

- 3) The site operator shall keep accurate records of the total amount of wastes arriving at the site and these records shall be made available for inspection by the Waste Planning Authority.

**Reason:** To safeguard the amenity of users of nearby land and to ensure that continuation of the waste management facility does not give rise to environmental impact.

### **Environmental Protection**

- 4) Unless otherwise approved by separate permission(s), there shall be no tipping, sorting or processing of waste materials outside the building.

**Reason:** To clarify the details approved and to ensure the development does not have an adverse effect on neighbouring commercial interests and local amenity.

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

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

- 6) The site shall not be available to the general public.

**Reason:** To ensure the development does not have an adverse effect on neighbouring amenity.

### **Dust**

- 7) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

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

- 8) 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:** In the interest of protection of local amenity.

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

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

- 10) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until weather and site conditions improve and the operations can be resumed without causing nuisance.

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

- 11) 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 any dusty

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

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

- 12) Areas on the application site where vehicular activity takes place must be hard-surfaced and well-maintained, and appropriate dust suppression methods, such as the use of water bowsers and/or hosepipes, applied.

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

### Noise

- 13) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purpose of maintenance, none of the above shall be operated with covers open or removed.

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

- 14) The use of powered tools, including pneumatic hammers to break up or reduce the size of any material, is prohibited until such times that a satisfactory noise management scheme which makes an assessment of this equipment has been submitted and approved by the Waste Planning Authority.

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

- 15) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours, except in an emergency.

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

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

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

### Lighting

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

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

## Hours of Operation

18) For the period of three years from the date of this permission:

no activities under the operation of this permission shall take place in the building except during these periods:

0400 hours to 2300 hours Monday to Friday

0400 hours to 1900 hours Saturdays;

and no other activities under the operation of this permission take place outside the building except during these periods:

0800 hours to 1800 hours Monday to Friday

0800 hours to 1300 hours Saturdays,

and no activities under the operation of this permission shall take place at any time on a day which is a Sunday or bank holiday or other national holiday.

From the end of the period of three years from the date of this permission:

no activities under the operation of this permission shall be carried out except during these periods:

0800 hours to 1800 hours Monday to Friday;

0800 hours to 1300 hours Saturdays, or at any time on a day which is a Sunday, bank holiday or other national holiday;

and no activities under the operation of this permission shall take place at any time on a day which is a Sunday or bank holiday or other national holiday.

**Reason:** In the interests of protection of local amenity, and on the basis that provision for the more extensive hours only for activities in the building is appropriate only as a temporary provision for three years, to ensure that such provision does not become indefinite unless such more extensive hours are found to be acceptable having regard to protection of local amenity on an indefinite basis, though the determination of any further application for permission to the Waste Planning Authority relating to the site.

## Drainage and Pollution Control

19) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks. All facilities for the storage of oils, fuels or chemicals

shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

**Reason:** To prevent contamination of underground water.

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

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

**Schedule B draft conditions for permission on Application Code No. CW8/0135/149 proposed amendments to stockpile heights without complying with condition number 22 of planning permission code number CW8/0315/149**

**Form of Development**

- 1) The development shall be in accordance with the details submitted in respect of planning application CW8/0107/164 dated 14 July 2007, subject to the amendments provided by the application for this permission CW8/0315/149 dated 5 March 2015.  
[Details carried over from existing planning permission CW8/0315/149]

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

**Further Schemes to be Submitted**

- 2) Within three months from the date of this permission, the following schemes shall be submitted for the approval in writing of the Waste Planning Authority:
- i) An Odour Mitigation and Management Plan.

- ii) Procedures for monitoring odour from the operation of the composting facility, identification of the frequency of odour monitoring, provision of the submission of the results of the monitoring to the Waste Planning Authority, and setting out the procedures to be adopted in the event that a complaint is made about odour.
- iii) A Dust Management Plan including dust mitigation and management. To include the measures to be taken to suppress and control dust.

The requirements of the approved schemes shall then be implemented accordingly.

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

- 3) The Dust Management Plan shall be implemented as approved in writing by the Waste Planning Authority. The operator shall give prior notification to the Waste Planning Authority of any proposed changes to the Dust Management Plan and shall, if requested by the Waste Planning Authority, only implement such changes with the prior written approval of the Waste Planning Authority.

The scheme(s) shall then be implemented in accordance with the details as approved in writing or as may be subsequently amended by the Waste Planning Authority.

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

### **Environmental Protection**

- 4) The types of waste received and processed at the site shall be limited to those volumes identified in the planning permission code no CW8/0107/164.

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

- 5) The importation, deposit and processing of the green and inert wastes shall be restricted to the application site area only.

**Reason:** To assist the Waste Planning Authority in monitoring the site.

- 6) The site shall not be available to the general public.

**Reason:** To ensure the development does not have as adverse effect on neighbouring amenity.

## Dust

- 7) Notwithstanding the requirements of other conditions of this permission, any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

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

- 8) 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 any dusty materials shall temporarily cease until such times that the weather conditions improve.

**Reason:** To prevent dust arisings and in the interests of the protection of local amenity.

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

**Reason:** To prevent dust arisings and in the interests of the protection of local amenity.

- 10) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until weather and site conditions improve and the operations can be resumed without causing nuisance.

**Reason:** To prevent dust arisings and in the interests of the protection of local amenity.

- 11) Areas on the application site where vehicular activity takes place must be hard-surfaced and well-maintained, and appropriate dust suppression methods, such as the use of water bowsers and/or hosepipes, applied.

**Reason:** To prevent dust arisings and in the interests of the protection of local amenity.

## Odours

- 12) 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:** In the interests of the protection of local amenity.

### Noise

- 13) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purpose of maintenance, none of the above shall be operated with covers open or removed.

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

- 14) The use of powered tools, including pneumatic hammers, to break up or reduce the size of any material, is prohibited until such times that a satisfactory noise management scheme which makes an assessment at this equipment has been submitted and approved by the Waste Planning Authority.

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

- 15) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours.

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

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

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

### Lighting

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

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

### Hours of Operation

- 18) No operations shall be carried out outside the following hours:

0800 hours to 1800 hours Monday to Friday;  
0800 hours to 1300 hours Saturdays.

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

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

### **Waste Stockpiles**

- 19) All external stockpiles of waste, recycled materials and windrows shall not be constructed to a height greater than 5 metres when measured from ground levels at the side of each stockpile.

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

### **Site Drainage and Contamination**

- 20) 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.

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

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

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

**Reason:** To prevent 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 the planning applications in full accordance with this Article. The applicant had not engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application. The planning applications have been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework (NPPF) (2012) and the National Planning Policy for Waste (NPPW) (2014) published by the Department of Communities and Local Government. There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

**Footnotes**

- 1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

- 2) Attention is drawn to the requirements identified by the Environment Agency in its attached letter dated 17 March 2015.

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

# PLANNING APPLICATIONS AT STANTON RECYCLING

