

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**5 March 2018**

Report of the Strategic Director - Economy, Transport and Environment

- 1 PROPOSED EXTENSION OF STORAGE FACILITIES AT JOHNSON AGGREGATES AND RECYCLING, AT THE FORMER SAINT-GOBAIN SMALL VALVES BUILDING AND YARD, QUARRY HILL INDUSTRIAL ESTATE, OFF MERLIN WAY, ILKESTON  
APPLICANT: JOHNSON AGGREGATES AND RECYCLING LIMITED  
CODE NO: CW8/0817/37**

**8.1087.11**

**Introduction Summary** This application, which is in part retrospective, seeks permission to extend in area an established waste management facility to provide a yard for storage facilities on land within the Quarry Hill Industrial Estate at Ilkeston. The application proposes to utilise approximately 1 hectare (ha) of part derelict industrial land to provide storage facilities for waste ash derived from, the applicant company's adjoining approved and established Incineration Bottom Ash (IBA) recycling facility. The application site lies within an area allocated in the Erewash Core Strategy (ECS) for the Stanton Ironworks Redevelopment site.

In view of this, a key consideration in the determination of this application is whether the proposed use is appropriate, in the context of the proximity of the proposed (and now designated), Stanton Regeneration Project (SRP), together with the potential impacts that the proposed storage of the IBA would have on this area. The SRP is at an early stage of its development but is to be welcomed. It is a project of some magnitude and would bring significant and long lasting benefits to this area in the form of new housing, industry, leisure, educational and health care facilities. The proposal is for a small extension to an existing site in order to provide materials storage only. Visually and operationally the site would be a natural extension to the established IBA recycling facility; the land is not prominent in this landscape; is not close to residential areas of the town; is served by a good access and, other than boundary walls, no permanent structures are proposed to be erected. I have given due consideration to this and, on balance, I am satisfied that the proposed development would not bring detrimental impacts to, or prejudice the future development of the SRP and I consider that the potential environmental impacts can be controlled by condition. I am therefore recommending that this application be approved. Members will note my recommendation of an initial period of 10 years for the duration of the

permission. This would allow this Authority (and Erewash Borough Council (EBC)) opportunity to review the development at a time when the SRP may be more advanced.

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

(2) **Information and Analysis**

### **The Site and its Surroundings**

The application site is located on the industrial edge of Ilkeston, at the southern end of the Quarry Hill Industrial Estate (formerly the Stanton Ironworks complex and accessed off the junction of Compton Road and Merlin Way) approximately 2.5 kilometres (km) south of the town centre. The land use surrounding the application site is mixed. To the north, the Industrial Estate largely surrounds a sports ground, which in turn is also flanked by housing at Hallam Fields. The landscape immediately to the south is also an industrialised one, separated by rough grassland, numerous ponds and sections of the former Nutbrook Canal.

The rectangular shaped application site, the surface of which consists of a mix of slag, shale and clinker, extends to about 1.2ha, was last owned and occupied by the French owned manufacturing company Saint-Gobain. Prior to 2004, it was in industrial use and, until recently, was occupied by a single storey, flat roof building, with associated roadways, drainage gullies, tanks and yards. To the north and east, the site is bounded by a large civil engineering and industrial concern (Trust Utilities Limited), with buildings/offices and yard areas. To the south, on higher ground, is a former branch railway line which is now covered with semi-mature, self-set trees and shrubs. Directly to the east is the applicant company's established and extensive IBA waste management facility. Beyond the application site, to the south, are the extensive open areas of the former Stanton Works where numerous buildings and associated structures have now been removed. The Nutbrook Trail, a Permissive Greenway No.118 and a National Cycle Route, follows the line of the disused railway and approaches the application site from the north and north-east. Immediately to the north-west of the site, on the opposite side of the cycle route, there are a number of flood prevention lagoons. The site, which is not a topographically prominent feature, lies in a relative area of low elevation, situated in a section of the River Erewash corridor where the floodplain widens out at its point of convergence with the Nutbrook valley.

The application site is proposed to be accessed from its north-west boundary via the IBA yard. From there, vehicles would use the main traffic route through the Industrial Estate (Merlin Way/Crompton Road), via the internal road network within the Quarry Hill Industrial Estate. Within a few metres to the north of the application site, Crompton Road forms a three road roundabout

with Merlin Way. The site lies within six miles of Junction 25 of the M1 Motorway and the A52 Dual Carriageway. To the north of the site, Merlin Way forms the main access road through the Quarry Hill Industrial Estate. The road has pedestrian footways along both sides of the carriageway, is subject to a 30mph speed limit and is lit. Merlin Way forms a priority controlled ghost island T-junction with Quarry Hill Road.

The nearest residential properties lie to the north of the site by approximately 350 metres (m) - 400m and the village of Stanton-by-Dale is just over 1.5km to the south-west. The settlements of Trowell, Stapleford and Sandiacre lie to the west and south albeit separated from the site by the M1 motorway, the River Erewash, the Erewash Canal and the Nottingham-Loughborough main railway line.

The applicant has indicated that the site has historically been subject to regular unauthorised access, theft and vandal attack primarily as a result of the derelict and open nature of the site. The majority of the self-set trees on the site were fire damaged in 2016 and the building had been broken into and was being used for drug/solvent abuse. Following an incident on the land, the Police drew attention to the open drains on the site, as the large inspection covers had been stolen, leaving open chambers which were considered to be dangerous. To resolve this, the applicant subsequently demolished the small building and associated foundations, infilled the defunct drainage chambers and graded off the steeply sloping areas of the site (to deter trespassing motor cycle scramblers), resulting in a relatively flat graded area.

### **Applicant Company**

The application is submitted by Johnsons Aggregates and Recycling Limited who are a local family run business, currently employing 125 local people. The company, which specialises in the recycling of IBA, has been established since 1999, currently operates from an existing materials recycling facility (MRF), at Bunny, Nottinghamshire and the now the large established IBA facility on land adjoining the application site .

### **Relevant Planning and Site Background**

The site is part of the former Stanton Ironworks which, during the 1960/70s, was Ilkeston's largest manufacturing concern and the town's biggest employer of local labour in the area. The Stanton Company was latterly part of the British Steel Corporation which, at its height, employed around 12,500 people of which 7,000 worked at the Stanton Works. The Quarry Hill Industrial Estate has emerged over the last 60 or so years from the heavy industry associated with the former iron foundry works and associated rail sidings. Most of the buildings on the old Stanton Ironworks site have now been either demolished or are derelict.

Planning permission (code no CW8/0413/17) was granted by this Authority in May 2014 for the establishment of the IBA facility on approximately 2.8ha of

land adjoining the application site. The applicant has indicated that approximately £15 million has subsequently been invested in the application site and the IBA site.

The Stanton Regeneration Site which bounds the application site to the south-west, extends to approximately 90ha and is now the largest derelict brownfield site considered to be in need of regeneration within Erewash Borough. The site has previously been allocated for regeneration in two previous Erewash Borough Local Plans (1994 and 2005), wholly for employment purposes. Because the redevelopment of the site has not commenced, much of the site has become run down and derelict. In addition, due to the previous heavy industrial uses on the site, major land reclamation and remediation are required, together with substantial infrastructure improvements. In view of this, the Stanton Regeneration Project Site is a long term development proposal.

The application site, together with land immediately to the south and west, is also now included in the Stanton Ironworks Regeneration as set out in the ECS. The ECS includes specific policies to preserve and protect the use of land for future development including the regeneration of the former Stanton Ironworks. A Supplementary Planning Document (SPD) for the Stanton Regeneration Site has now been adopted and provides a Masterplan to enable the comprehensive redevelopment of the Stanton Regeneration Site. The SPD is intended to reduce uncertainty for developers, and so help to bring the redevelopment of this complex site forward. The SPD's content remains in full conformity with the adopted ECS and relevant remaining Local Plan Saved Policies of the Erewash Borough Local Plan (EBLP). The SPD supports and expands upon these policies, which have already been subject to extensive statutory consultation and public examination ahead of their adoption.

A previous planning application for the redevelopment of the former Stanton Ironworks land was submitted to EBC (Application Code No ERE/0213/0001). This application, which was withdrawn, sought permission for the redevelopment of approximately 90ha of the former Stanton Ironworks land, part of the northern boundary of which adjoins this application.

The scheme proposed a major mixed use development to include:

- Comprehensive remediation and redevelopment.
- Around 2,000 homes.
- A business park of around 10ha.
- At least 10ha of land for general industry.
- Additional replacement employment land.
- Utilisation or safeguarding of the rail spur.
- A centre of neighbourhood importance.
- Wildlife corridor between the Nutbrook and Erewash Valleys.

- At least 20ha destination wild space and informal recreation area.
- Enhanced multi-user link between the Nutbrook and Erewash Valley Trails.
- Other areas of open space.
- Restoring the landscape character of the Dale.
- Improved pedestrian and cycle access to adjoining areas.
- Improved public transport, especially to Ilkeston and Nottingham.

Within the Masterplan, an area of 18ha of industrial land is indicated at the eastern end of the SRP site. This would be close to the application site and other industrial uses on the Quarry Hill Industrial Estate. This is considered suitable to provide for both general industrial needs and the relocation requirements generated by redevelopment of areas of existing employment elsewhere on the site. The proposed uses are compatible with the location under the noise influence of the M1 and Erewash Valley rail corridor, and are suitably separated from the area of proposed housing to prevent harm to business operations and residential amenity alike. It is important to note that in the Masterplan, the application site and some land adjoining to the east is identified as an existing industrial area with planning permissions.

### **The Application Details**

The IBA originates from the Municipal Waste Incinerators at Nottingham and Derby. The IBA is classed by the Environment Agency (EA) as non-hazardous, and is composed of various levels of metallic materials which have a residual value. Once the material has been crushed and screened, and any metals removed, it is classed as a product (secondary aggregate), which can be used for a number of applications, primarily as a constituent material for block making.

The application proposes to use the application site area for an extension to the applicant's existing IBA facility. A sloping, evenly graded area has been produced, the land sloping generally in a north-south direction. The boundaries of the rectangular site would be fenced using 2.2m high palisade fencing. An inner skin of 5m high block walls is proposed, which would be used to support the storage of materials. Sliding security gates would be provided on the north-western boundary to allow access from the IBA yard. The surface would then be concreted to provide gradients of approximately 1 in 40 and 1 in 50, and an area in the southern corner of the site would be lowered to create a 'wedge pit', exclusively for the collection of surface water for use on the site.

The remainder of the site would be allocated for temporary storage of the unprocessed IBA with stockpiles estimated to reach a maximum height of 5m. Once complete, the yard area (save for the surface water catch pit) would all be used for temporary storage of IBA. Along the southern site boundary, a 2m wide strip of land would be grassed and planted with trees. No processing of

the IBA would take place on the application site and the applicant has indicated there would be no increase in HGV movements as a result of the proposed development.

The proposed hours of operation would mirror those of the existing IBA site and would be 0600 hours -1800 hours Mondays to Saturdays, with no working proposed on Sundays or Bank Holidays. All vehicles would access the site from the IBA yard.

The application was accompanied by a Flood Risk Assessment (FRA), a Contaminated Land Assessment (CLA), a Noise Assessment (NA), a Dust Management Plan (DMP), a Coal Mining Report (CMR) and a Preliminary Ecological Appraisal (EcA).

**FRA:** This indicates that the proposed level of flood risk is acceptable and, if approved, the proposed development would not increase flood risk to the site or to the wider catchment area.

**CLA:** This is a comprehensive study which indicates that following a chemical contamination assessment, there would be no risk to controlled waters and that no further remediation works are necessary based on the proposals to surface the site with concrete.

**NA:** The NA has been carried out with considerations regarding the Stanton Regeneration Scheme. It considers that the predicted noise impact arising for the proposed works would be slight.

**DMP:** The detailed DMP describes the actions and procedures to be undertaken to control dust emissions which would include measures such as:

- Use of hard surfaced site roads where vehicles have access.
- Installation and enforced use of wheel washing facilities.
- Enforcement of a site speed limit.
- Use of a road sweeping device as and when required.
- Use of water suppression to maintain surface moisture on haul roads and stockpiles.
- Use of screening enclosures, including bunds and storage bay walls.
- Minimisation of drop heights where practicable.
- Avoidance of double handling of materials.
- An on-going visual risk assessment by all site staff of the potential for site activities to generate fugitive dust emissions with appropriate action being taken to limit such emissions.
- Dust complaints response system.
- Cessation of operations likely to cause fugitive dust emissions during adverse weather conditions such as high winds.

**CMR:** This report investigated the potential for presence of coal mines and adits on the site. Historic records indicate that within or within 20m of the site boundary there were two mine entries and, following intrusive site works, the suspect mines were not located. The previous owners of the site have no records of mining history at this site. Following consultation carried out with the Coal Authority, a more detailed “Risk Assessment” report has been provided.

**EcA:** This includes a study of ecological information relating to the site and includes a full survey of the present habitat of the site (bare disturbed ground) and the potential for any protected species to be present. The EcA indicates that the site conditions prior to any remedial works would not provide a suitable habitat for any species and the proposed development would not impact on any site designated for its nature conservation interest, or any protected species so long as: any site lighting scheme ensures there would be no light spillage onto the woodland corridor close to the western boundary, and any clearance of remaining scrub vegetation is done during September to February (outside the bird nesting season). The EcA also suggests that the development would give an opportunity to create some new habitat via a tree and shrub planting scheme on the earth bund.

### **Employment**

The applicant has indicated that, should planning permission be granted, it is estimated a minimum of a further six local jobs would be created.

### **Stanton Regeneration Project**

The applicant considers that the proposed development of the former Stanton Ironworks land would not affect the long term proposals for development of the proposed SRP. It is considered that any proposed housing in the SRP is to be sited well away from this application site. The applicant refers to land adjoining the application site to the north-east and the adjoining site (Trust Utilities Limited); this is also allocated in the ECS as being preserved for the SRP and is currently used as a large inert waste recycling facility with a more recent planning permission (granted by EBC), for numerous industrial units.

### **Consultations**

#### **Local Members**

Councillors J Frudd (Ward Member) and W Major (adjoining Ward Member), have been notified of the application details.

#### **Erewash Borough Council**

##### **Planning:**

Object to the proposal on the following grounds:

The site lies within the Stanton Regeneration Scheme and the application area would abut an area designated for strategic landscaping and local wildlife

park. The proposal for 8m high walls close to this feature is an aspect which the Borough Council considers would be visually intrusive. A proposed 2m wide planting strip proposed at the site is not considered sufficient to mitigate the visual impact and it is considered that the proposal would be harmful to the amenity value of future open space and therefore reduce the enjoyment of these spaces by future users.

Comment: I refer to the above in the 'Planning Considerations' section below.

**Environmental Health Officer:**

No objection subject to conditions being imposed to ensure that any contamination found on site is dealt with in an appropriate manner.

**Environment Agency**

Originally raised objection to the proposal on the grounds that an unsatisfactory FRA had been submitted. This has since been rectified by the applicant company and the objection withdrawn. The EA recommends conditions to reduce the risk of flooding.

**Coal Authority**

Initially objected to the proposal on account of the site being in a Development High Risk Area, and two mining shaft entries being recorded as within the site or 20m of its boundary, and insufficient evidence having been presented by the applicant's consultant to discount potential risks to the development from both these entries and shallow mine workings.

Having considered the Risk Assessment report by the consultant dated 20 December 2017, the Authority has withdrawn its objection, subject to mitigatory measures as outlined in the report being incorporated in the development.

**Stanton by Dale Parish Council, Derbyshire Wildlife Trust and the Coal Authority**

No comments received.

**East Midlands Airport and Derbyshire Wildlife Trust**

No objection.

**Publicity**

The application has been advertised by site notice, press advert (Derbyshire Times) and neighbour notification with a request for observations by 31 August 2017. No representations have been received as a result of this publicity.



## **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 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 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 as the last resort.

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

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 Impacts.

### **Erewash Borough Local Plan**

The site is identified as being within an area allocated in the Local Plan for employment purposes. The relevant saved policies are:

DC10: Design.

E4: Stanton Ironworks Regeneration.

E2: Protection of Industrial Land and Business Uses.

E6: Mixed Use.

EV14: Protection of Trees and Hedgerows.

EN16: Landscape Character.

### **Erewash Core Strategy**

The ECS, which has been prepared to broadly align with the core strategies of Broxtowe Borough Council, Gedling Borough Council and Nottingham City Council, sets out the vision and strategy for growth and development in

Erewash up to 2028 and includes strategic policies for housing, business, retail, transport and heritage.

Policy 20 of the ECS states amongst other things that:

*“The Stanton Regeneration site, located to the south of Ilkeston, is allocated as a strategic site for the development of a sustainable new neighbourhood, in accordance with the spatial strategy set out in Policy 2.”*

ECS Policy 2 states:

*“The comprehensive remediation and redevelopment of the Stanton Regeneration Site as a high quality mixed use sustainable new neighbourhood linked to Ilkeston will be permitted, subject to compliance with the development principles set out in this and other relevant policies. The site as identified on the Erewash Borough Policies Map will include provision for the following:*

- a) around 2000 homes to include a mix of housing types, sizes and tenures to create a mixed and balanced new neighbourhood;*
- b) land for a range of new employment uses, including:*
  - i) a high quality business park of at least 10 hectares within a feature/setting, utilising existing buildings of townscape value and features of landscape value where possible;*
  - ii) at least 10 hectares of land for general industry, to go towards meeting the strategic employment needs of the Borough as set out at Policy 4;*
  - iii) additional replacement employment land for losses incurred throughout the redevelopment; and*
  - iv) utilising or safeguarding of the rail spur and associated land for rail-freight use*
- c) a centre of neighbourhood importance, comprising a new primary school and appropriate levels of retail, service, commercial and community uses to meet the needs of the new neighbourhood, whilst consolidating and strengthening the network and hierarchy of centres*
- d) a strategic area of green infrastructure to include:*
  - i) a wildlife corridor linking the Nutbrook Valley with the Erewash Valley;*
  - ii) an area of at least 20ha to provide a destination wildspace and informal recreation area to serve the needs of both the new sustainable neighbourhood and the wider community; and*
  - iii) enhancement to the multi-user link between the Nutbrook Trail to the west of the site and the Erewash Valley Trail to the east.*

## National Planning Policy Framework

The NPPF sets out the Government's economic, environmental and social planning policy and in combination these policies establish the Government's vision for sustainable development. The NPPF emphasises the need for good design, promoting healthy communities and conserving and enhancing the natural environment.

*"Planning policies and decisions should aim to ensure that developments:*

- *Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments);*
- *Are visually attractive as a result of good architecture and appropriate landscaping....securing high quality and inclusive design goes beyond aesthetic considerations.*

*Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

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

With regard to the relevant policies in relation to this application, a main theme of the NPPF is that the purpose of the planning system is to 'contribute to the achievement of sustainable development'. For decision-taking, this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles: an economic role, a social role and an environmental role. *"These roles should not be undertaken in isolation, because they are mutually dependent."*

The relevant references of the NPPF are:

Chapter 17: Core planning principles.  
Chapter 69: Promoting healthy communities.  
Chapter 186: Decision taking.

In my opinion, the key planning issues to consider relevant to this proposal are:

- i) The environmental impact of the proposed works on the amenity of this area, i.e. visual impact, emissions to air, noise, odours and dust; and
- ii) The impact of the proposal on the SRP.

### **Impact of the Proposed Works on the Amenity of the Area**

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.’*

With regard to the DDWLP, 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.’*

Policy W7 of the DDWLP 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’.*

Also, 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’.*

### **Visual Impact**

The site is located in the ‘coalfield village farmlands’ landscape character area as identified in the Derbyshire Landscape Character Assessment (2007) (DLCA). In visual terms, the site lies within an industrial setting, is not prominent and is well screened. There are no proposed new buildings and the main visual element externally would be the external walls and the proposed external stockpiles of raw materials in the yard area. The site does not currently impact on any landscape designations, Registered Historic Parks and Gardens, Scheduled Monuments or Conservation Areas. In visual terms, only a very small number of locations are predicted to experience any adverse impacts on completion of the development. These are predominantly elevated footpaths and residential properties on higher ground which may achieve distant glimpses into the site. It is accepted that the cycle route users might experience minor to moderate adverse effects to views immediately after completion of the infrastructure within the site, although it is not considered that these effects would be so significant as to warrant a refusal on landscape and visual amenity grounds.

Views into the site itself, due to a combination of the topography of the land and existing vegetation, are limited with the exception of the point where the Nutbrook Trail crosses the Industrial Estate area. Views from the canal and towpath, looking westward into the site, are restricted due to the landscaping and vegetation already established, as well as other industrial buildings in the area. I consider that, with the retention of the majority of structural planting to the site’s southern perimeter for softening and screening of views into the site, and the addition of further tree planting along the eastern boundary to complement the existing planting, the development would not result in significant impacts to the visual amenity of receptors. In the wider landscape, any visual harm would be negligible. In visual terms the impact has been assessed by the applicant company as being low and insignificant, and I would concur with this view. Overall, therefore, I do not feel that the objection on loss of amenity on visual grounds raised by EBC could be sustained. I do propose to limit the stockpile heaps, however, to a maximum height of 5m as measured from ground levels, as well as additional raised level planting to provide appropriate screening for the future use of the SRP land.

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

Noise, odour, steam and dust pollution arising from waste proposals are a major concern and each type of waste management facility has to be assessed individually.

### **Noise**

A detailed noise survey has been carried out and the survey includes predicted noise levels from the proposed site works including the visiting and

leaving traffic. Based on BS:4142, assessments of predicted noise impact from the IBA Processing Plant and other adjoining industrial works, the likelihood of noise complaints is no higher than 'marginal significance'. Accordingly, and based on the above assessment, it is considered that the potential noise impacts would be acceptable and minimal.

### **Dust**

All the operational development proposed in the application would take place externally, but would specifically exclude the screening and processing of materials. The external storage of the granular material has, however, the potential to produce dust.

Policy W6 of the DDWLP identifies that dust emissions can be managed and reduced by the implementation of appropriate dust mitigation practices. In relation to the working at the adjoining IBA site in Nottinghamshire, it is clear from discussion with officers at Nottinghamshire County Council that the few complaints that have been received from local residents are not regular or sustained, and that subject to the appropriate suppression measures being in place, the impact from dust emission can be effectively controlled. I have consulted with the Environmental Health Officer (EHO) and the EA and neither have raised an objection. I have therefore concluded that dust emissions would not give rise to regular problems but, to further reduce the potential for this, a number of conditions should be imposed.

### **Odours**

Based on the applicant company's existing operations at its site at Bunny and on the land adjoining the application site, where none of the materials appear to be odorous, I am not aware that odour emissions are likely to be significant. Under certain barometric conditions, I accept that this situation may change (in relation to the IBA). However, mitigation can include the sheeting of materials, enclosure of wastes, odour masking and removal of any odorous waste from the site. With this in mind, I consider that an odour management programme would be necessary and that the associated details be approved (and be in place), prior to the development commencing on the site. Neither the EA nor the EHO raised any concerns in this respect.

### **Impact on the Proposed Stanton Regeneration Project**

The application site is located within an established industrial estate and there is a general expectation that within such areas there are likely to be (on occasion) loud noises and general disturbance from people working. I consider that, in view of the above, the potential environmental impacts raised by this proposal (based on the current land use), both singularly and cumulatively would not be significant and any associated impacts including dust, noise and odours could, in my opinion, be controlled and managed by conditions of a planning permission (and an Environmental Permit) in such a manner that the overall environmental harm would be minimal.

Whilst I acknowledge the concerns raised by the EBC regarding the potential detrimental visual impact that the site would bring to the SRP, in this instance, I do not consider them to be warranted. The site and the land adjoining has a long industrial heritage and the application site is allocated in the SRP Masterplan as being 'industrial with planning permission/s'. In addition, I further note that, other than walls and fences, no permanent structures are proposed at the site and the site is not prominent within this landscape. The applicant has agreed that additional landscaping and tree planting, as well as and the preservation of the existing trees outside the site boundary, are necessary. This latter issue can be controlled by the imposition of suitable conditions.

The applicant company operates a thriving business in this area, which contributes to the local economy, and it is considered that the current proposals would assist in bringing what has until recently been derelict land back into beneficial use. Whilst it is acknowledged that EBC has certain aspirations for the nature of the industrial uses in this sector of the wider SRP, by its own admission, the delivery of that plan is a long term one. It is not considered that the grant of planning permission for the proposed yard extension would materially compromise the delivery of that plan and, in the meantime, the continued presence of the applicant in the area would continue to provide a much needed contribution to the local economy. In the interests of ensuring that there is a mechanism for review of the appropriateness of the proposed land use in the context of the SRP, whilst I am satisfied that there would be no significant environmental impacts associated with the proposals, I would recommend that any planning permission be restricted to a 10 year period. This would ensure some continuity of the existing IBA operation, whilst at the same time enabling such a long term review to take place.

Detailed consultations have been undertaken with EBC's EHO and the EA. The EHO and the EA 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 therefore that there is significant conflict with development plan policy. Subject to the conditions set out in my recommendation, then in my opinion, an objection on the grounds that the proposal would be detrimental to the long term aims of the Stanton Ironworks Project could not be sustained.

## **Conclusion**

This proposal to extend the IBA facility to provide additional storage facilities would, in normal circumstances, be a simple transition between the use of a small, derelict and abandoned area and the opportunity to reclaim the site and to provide a positive employment use to assist as a storage facility in association with the approved waste management works. Concern has been raised regarding the proposed long term use of the land and the SRP and this is a relevant and material consideration. However, I consider that this is not,

on its own, of such significance to merit refusal of this application. I am satisfied that with the use of conditions (including one limiting the development to 10 years) as set out below, the integrity of the long and short term aspirations of the SRP would not be unduly compromised, prejudiced or threatened significantly by the use of the land in the manner proposed. Conversely, approval of the application would, I feel, bring a small area of derelict land back into productive use and in so doing improve the efficiency of the adjoining site and help secure additional employment for the existing IBA facility. I consider therefore that the identified tension with the Development Plan is minor and a full objection in planning terms would be unwarranted.

(3) **Financial Considerations** The correct fee of £1,690 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.

### **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, social value and transport considerations.

(6) **Background Papers** File No. 8.1087.11  
Planning permission code no code no CW8/0413/17 dated May 2014:  
Application details dated March 2017, together with associated drawings with subsequent amendments. Letters/e-mails from East Midlands Airport dated 27 September 2017, and the Environment Agency dated 18 October 2017, 19 December 2017, 11 January 2018 and 12 February 2018. Letters from the Coal Authority dated 23 November 2017 and 29 January 2018, Erewash Borough Council dated 1 November 2017 and 21 November 2017, DCC's Flood Section dated 28 December 2017, DCC's Highways dated 17 October 2017 and Derbyshire Wildlife Trust dated 2 November 2017.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission for the development under the above application be



**approved** subject to a set of conditions substantially in the form of the draft conditions below:

### **Form of Development**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the permission. The Waste Planning Authority shall be given at least 14 days prior written notice of the date the development is begun. The date the development is begun shall be confirmed in writing to the Waste Planning Authority not later than seven days after the event.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended. To establish the precise date of commencement for any notifications required by the terms of the other conditions below.

### **Availability of Plans**

- 2) From the date on which the first operations under this permission taken of their coming into effect, a copy of these conditions, including all documents referred to in them, and any further submissions to, and approvals by the Waste Planning Authority under these conditions, shall be available for inspection at the site office during working hours, and the terms and conditions of the permission shall be made know to any person(s) given responsibility for the management and control of operations.

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

### **Approved Development**

- 3) No development hereby permitted shall be carried out in accordance with the details set out in the application for planning permission, supporting information and plans, unless otherwise modified or amended by conditions of this permission. The approved documents shall comprise of the following:
  - Plan No: CS2487-500 dated December 2016.
  - Plan No: C2487-500 Revision A.
  - Plan No: CS2487-503 dated December 2016.
  - Plan No: SJ1/11/2017 dated November 2017.
  - Land Registry Plan.
  - Ecological Appraisal dated July 2017.
  - Contaminated Land Assessment dated June 2017.
  - Flood Risk Assessment dated March 2017 and addendum dated 15 February 2018.

- Noise Assessment reference dated June 2017.
- Coal report dated May 2017.
- Dust Management Plan dated June 2017.
- Supporting Statement dated June 2017.

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

### **Duration of Permission**

- 4) Use of the land under this permission shall cease no later than ten years from this planning permission. On or before that date, all plant and equipment shall be removed from the land and the land shall be reinstated in accordance with a scheme that shall be submitted to and approved in writing by the Waste Planning Authority.

**Reason:** To enable the Waste Planning Authority to consider the development in light of the Stanton Regeneration Proposal.

- 5) No development shall commence until a scheme providing precise details of all boundary walls, gates and fencing to be erected and maintained on the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme, which shall include the height, location, nature and colour of materials to be used, shall be implemented as approved thereafter for the duration of the development.

**Reason:** To control the appearance of the site enclosures in the interests of visual amenity.

### **Hours of Operation**

- 6) No operations authorised or required by this permission shall be carried out on the site except between the following times:
- 0600 hours to 1800 hours Monday to Fridays;
  - 0600 hours to 1800 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.

### **Environmental Protection**

- 7) The facility shall only be available to persons by prior arrangement with the operator and shall not be available to the general public.

**Reason:** To ensure that additional traffic to and from the site is minimised.

- 8) No development shall commence until a scheme for the recording and investigation of all reports and complaints of noise, dust and odour and any other nuisance associated with the development has been submitted to and approved by the Waste Planning Authority. The approved scheme shall then be implemented in full accordance with the details as approved and maintained for the duration of the development.

**Reason:** To ensure that the amenities of the residents of the area are protected.

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such, prior to the commencement of the development.

- 9) No development shall commence until a scheme providing the details of all external site lighting to be used on the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include information relating to the types of light, lamination and lux levels, and shall be implemented as approved for the duration of the development.

**Reason:** To minimise the impacts of the development on the local environment and to protect the amenity of the area.

- 10) Notwithstanding the above condition, all external site lights will be directed away from the tree areas on the site boundaries and the established tree areas on the former railway land.

**Reason:** To minimise the impacts of the development on the local environment and to protect the amenity of the area.

### **Mitigation of Coal Mine-Related Settlement Risk**

- 11) No development shall commence until a scheme for monitoring the surface in the engineered surface over the site for indications of settlement and management of any settlement detected from it and for mesh reinforcement of the two former mine shaft entries within the site, in accordance with the outline of measures provided by the Coal Mining Risk Assessment for Johnson Aggregates and Recycling Ltd by GeoDyne Limited dated 20 December 2017, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved.

**Reason:** In the interests of local amenity and site safety, and to accord with the advice of the Coal Authority.

### **Site Access and Highway Safety**

- 12) The sole vehicular access to be used in conjunction with this development shall be as shown on Drawing No. SJ/1/11/2017 dated November 2017.

**Reason:** To control access into the site in the interests of local amenity, highway safety and the environment.

- 13) No mud, debris or other dirt shall be taken from the site and deposited on to the private road outside the site boundary or on any public highway.

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

### **Noise**

#### **14) Noise Suppression Measures**

- a) All work on the site shall be carried out as appropriate in accordance with Section 5 'Control of Noise of Part 1 of BS 5228 (2014) 'Noise and Vibration Control on Construction and Open Sites' or its equivalent replacement.
- b) At all times during the carrying out of the approved operations, all practicable noise suppression measures shall be applied to the operation of all plant machinery and vehicles. All vehicles, plant and machinery shall operate on the site only during the permitted hours, except in emergency, and shall be maintained in accordance with manufacturers' specifications at all times, and shall be fitted with and use effective silencers or other acoustic mitigation devices/shrouds as appropriate. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.
- c) There shall be no alterations in working practices or changes in equipment used which would be likely to materially increase the noise levels at the boundary of the site.

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

- 15) Reversing warning devices on all plant and vehicles used on this site shall be either non-audible, ambient-related or low-tone devices.

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

### **Dust Emissions to Air**

- 16) No development shall commence until a scheme has been submitted to and approved in writing by the Waste Planning Authority for:

- a) the control of dust with specified emission levels; and

- b) the remedial steps to be taken in respect of any exceedance of the specified emission levels.

The scheme shall also specify:

- a) the qualifications and experience of the personnel to be engaged in undertaking the monitoring and recording;
- b) the measures to be taken to prevent the recording of data in unsuitable weather conditions;
- c) the equipment to be used and arrangements for calibration; and
- d) the frequency of monitoring and reporting to the Waste Planning Authority.

The results of the monitoring and records of any complaints received by the developer due to noise shall be maintained and made available for inspection by the Waste Planning Authority between reporting intervals at the site office during normal site opening hours.

The development shall take place in accordance with the approved scheme at all times.

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

- 17) 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.

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

- 18) There shall be no open fires on the site.

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

- 19) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and stored in an appropriate container until it is removed from the site to an appropriate licenced facility.

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

- 20) The height of the raw material stockpiles, waste materials awaiting processing and any incinerator bottom ash material on the site shall not at any time exceed 5 metres in height (as measured from adjacent ground levels).

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

- 21) Notwithstanding the requirement of other conditions, areas on the application site and outside the building, where vehicular activity takes place, shall be surfaced with a solid bound material and appropriate dust suppression implemented.

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

- 22) If the Waste Planning Authority notifies the operator in writing that it believes that dust is leaving the site and thereby causing unacceptable detriment to local amenity, then all relevant operations shall be suspended immediately and shall not be resumed until the Waste Planning Authority has confirmed in writing that measures are in place to ensure that they may be resumed without causing such detriment.

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

- 23) All rubbish, debris, scrap and other waste material generated on the site shall be regularly collected and stored in a tidy manner in a contained and inconspicuous location within the site until disposed of in a suitable facility. No refuse or waste material shall be imported to the site for disposal or any other purpose.

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

### **Ground Contamination**

- 24) Prior to any ground works being undertaken at the site (as the intrusive investigation revealed the presence of chrysotile asbestos- insulation/ lagging), a health and safety Risk Assessment / method statement (H&SRA) should be produced in accordance with the Control of Asbestos Regulations 2012, and submitted and approved in writing by the Waste Planning Authority.

**Reason:** To ensure that any risk to human health and property is minimal.

- 25) If, during the development as approved, any contamination is identified that has not been considered previously, then other than to make the area safe or prevent environmental harm, no further work shall be carried out in the contaminated area until additional remediation proposals for this material have been submitted to and approved in writing by the Waste Planning Authority. Any approved works/proposals

shall thereafter form part of the Remediation Method Statement and shall be implemented accordingly.

**Reason:** To ensure that if any contaminants are found they are treated and removed safely.

### Site Drainage

26) Prior to the commencement of the development, 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, shall be 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 brown-field 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 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.

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such, prior to the commencement of the development.

27) There shall be no discharge of foul or contaminated drainage from the site into the ground, ground water or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system or underground strata.

**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.

28) 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 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.

- 29) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by BWB dated March 2017 and subsequent amendments and the following mitigation measures detailed within the Flood Risk Assessment.

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

- 30) 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.

### **Odours**

- 31) 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.



- 32) Any non-inert odorous 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.

### Landscaping

- 33) Within two months of the date of this permission, a detailed scheme for the landscaping of all the site boundaries and screening bunds including additional habitat creation, maintenance and aftercare of the development of the site shall be submitted to the Waste Planning Authority.

The scheme/s shall include details of:

- Plant species, size of plants, means of protection and density of planting.
- Ground preparation.
- Seed mixes and rates of application.
- The arrangements for maintenance and aftercare (including cutting, trimming, watering, protection from pest damage and weed control, maintenance of tree planting and replacement), keeping of records for a period of five years.
- A programme of implementation.

The scheme shall then be implemented as approved.

**Reason:** To enhance the character and local distinctiveness of the surrounding natural and built environment.

- 34) For the first five years following implementation, the planting and grassland shall be maintained in accordance with the principles of good forestry and land husbandry. Any hedgerow plants, trees or shrubs which die or become seriously damaged, diseased or removed shall be replaced with plants of the same species or such alternatives as may be approved by the Waste Planning Authority. For the avoidance of doubt 100% replacement is required and any sward which has not established shall be remediated and reseeded.

**Reason:** To enhance the character and local distinctiveness of the surrounding natural and built environment.

- 35) No existing trees on the site boundaries shall be topped, lopped or felled or otherwise disturbed by the approved works.

**Reason:** To enhance the character and local distinctiveness of the surrounding natural and built environment.

- 36) No trees, hedgerows or shrubs shall be removed during the bird nesting season unless the trees, hedgerows or shrubs that are to be removed have been surveyed to confirm the absence of active bird nesting and a report setting out the methodology employed and the results of the survey have been submitted to an approved in writing by the Waste Planning Authority.

**Reason:** To ensure that all existing vegetation is preserved.

### **Flood Risk**

- 37) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the principles outlined within the following:
- a) Johnsons Aggregates Extension Crompton Road Ilkeston, Flood Risk Assessment (Issued 28/03/2017 by BWB Consulting).
  - b) Technical Memorandum (referenced C2487/DS and dated 5 December 2017 by HSP Consulting).
  - c) The Department for Environment, Food and Rural Affairs (DEFRA) Non-statutory technical standards for sustainable drainage systems (March 2015).
  - e) A detailed model of the surface water drainage system demonstrating that the proposed system does surcharge during the 1 in 1 year event, flood in the 1 in 30 year event or Flood building or leave the site in the 100 year + climate change event. (The system should be designed to 20% climate change as per the FRA).
  - f) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
  - g) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
  - h) Production of a management/mitigation plan detailing mitigation measures should the 1 in 100 flood event be exceeded. The Lead Local Flood Authority requires evidence from the applicant demonstrating the ability of the site to manage surface water in exceedance of the 1 in 100 event, and demonstrating the mitigation measures in place should this be exceeded.
  - i) Demonstration that sufficient storage on site to attenuate the 1086m<sup>3</sup> of surface water on site, as determined by the Microdrainage Source Control Calculations, referenced within document C2487/DS (dated 05/12/2017).

- j) A plan detailing the finished floor levels within the development demonstrating compliance with the principles within the FRA and any additional mitigation measures required as a result of the Groundwater assessment.

**Reason:** To ensure that the proposed development does not increase flood risk; that principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Waste Planning Authority in advance of full planning consent being granted.

- 38) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment reference JAE-BWB-EWE-XX-RP-EN-0001\_FRA dated 28 March 2017, Flood Risk Addendum reference JAE-BWB-EWE-XX-RP-EN-0001\_TN1 dated 15 February 2018, both compiled by BWB Consultancy and the following mitigation measures detailed within the Flood Risk Assessment:

- Confirmation that flood flows would not be impeded by a retaining wall as detailed in Section 2.2 of the Flood Risk Addendum referenced above.

**Reason:** To prevent flooding elsewhere by ensuring that storage of flood water is provided.

### **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant 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:

- i) Any surface water discharge from the site will require a permit under the terms of the Environmental Permitting Regulations 2010.
- ii) If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on telephone no 0345 762 6848. Further information is also available on The Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority).

- iii) Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact:  
[Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

The applicant should be mindful to obtain all the relevant information pertaining to the proposed discharge in land that is not within the control of the applicant, which is fundamental to allow the drainage of the proposed development site.

- iv) The comments of the East Midlands Airport are attached for your information with regard to effective bird management on the site.
- v) This permission is for the temporary storage of the specified waste materials relating to the adjacent incinerator bottom ash operation (granted by virtue of planning permission CW8/0714/54) only. There shall be no processing, crushing or screening of any waste materials on the site

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

