

DERBYSHIRE COUNTY COUNCIL

REGULATORY – LICENSING AND APPEALS

9 April 2018

Report of the Strategic Director - Economy, Transport and Environment

- 1 APPLICATION UNDER SECTION 73 TOWN & COUNTRY PLANNING ACT 1990 WITH PROPOSED VARIATION TO REQUIREMENT IN CONDITION 10 OF PLANNING PERMISSION CW4/0614/42, TO ALLOW WASTE COLLECTION AUTHORITIES DELIVERIES OF GREEN WASTE TO THE SITE ON BANK HOLIDAYS EXCEPT CHRISTMAS DAY, BOXING DAY AND NEW YEAR'S DAY, BETWEEN 0800 TO 1600 HOURS, IN-VESSEL COMPOSTING FACILITY, FORMER ARKWRIGHT COLLIERY, ARKWRIGHT
APPLICANT: SUEZ RECYCLING AND RECOVERY UK
CODE NO: CW4/0717/35**

4.690.26

Introductory Summary This application relates to previously granted planning permission for the construction and operation of an in-vessel composting (IVC) facility on land at the former Arkwright Colliery, Arkwright. The variation to the conditions requirements which applicant is proposing would relax the requirement which is currently under Condition 10 of the permission the facility is operating under so as to allow for the receipt of green waste on bank holidays; except for Christmas Day, Boxing Day and New Year's Day. I do not consider that the proposed variation would give rise to any significant environmental or amenity impacts. I am satisfied that the proposal would accord with the provisions of the National Planning Policy Framework (NPPF) and development plan policies. I therefore recommend that the application is approved so as to enable a new permission to be granted subject to the imposition of conditions which reflect the proposed variation and are otherwise similar those to which the current permission is subject.

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

(2) **Information and Analysis**

Site and Surroundings

The application site is located approximately 0.3 kilometres (km) to the south of Arkwright Town, to the east of Deepsick Lane. The site covers 10.3

hectares (ha), although only 2 ha of this site is occupied by the IVC facility building. The site is situated on part of the former Arkwright opencast coal extraction site. The site is surrounded by countryside consisting of restored agricultural land and new woodland planting, with allotments to the north. The nearest residential property is Nursery Farm to the east on Sutton Lane. Other residential properties are situated along Deepsick Lane to the west. Land to the south of the site slopes downwards before rising again up to the village of Sutton Scarsdale, of which part is designated as a Conservation Area. The village is also the location of Sutton Scarsdale Hall which is a listed building.

Background

The permitted operations comprise an IVC facility designed to manage approximately 40,000 tonnes per annum of biodegradable waste from local authority kerbside waste collections.

Planning History

Planning Application Ref. No.	Description of Application/Development	Determination Date/Decision
CW4/0609/77	Proposed construction and operation of an in-vessel composting facility, Arkwright Town	Approved 22 February 2010
NMA/1013/20	Application for a Non-Material Amendment (to add a planning condition to the extant permission code number CW4/0609/77 which lists the approved planning drawings) at the Arkwright Opencast Colliery, Deepsick Lane, Arkwright	Approved 24 October 2013
CW4/0114/141	Section 73 application not to comply with Conditions 3(b) (Approved Drawings), 7(ii) (Landscaping Scheme) and 7(iii) (Relocation of the Sutton Hall Sluice) of Planning Permission Code Number CW4/0609/77 in order to allow minor material amendments to the development originally proposed and to allow for other circumstantial changes at Arkwright Opencast Colliery, Deepsick Lane, Arkwright	Approved 6 March 2014

CW4/0614/42	Section 73 application to vary Condition 10 of planning permission CW4/0114/141 to permit local borough/district authorities that collect green waste to transport it to the IVC facility for processing to be accepted at the site on Saturdays prior to and immediately after bank or other holidays until 1700 hours at Arkwright Opencast Colliery, Deepsick Lane, Arkwright	Approved 10 November 2014
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The Application and Proposal

The IVC facility currently accepts and processes green waste from Chesterfield Borough, North East Derbyshire District and Bolsover District waste collection authorities. As the facility is unable to accept incoming waste on bank holidays or national holidays (generally referred to together in this report simply as “bank holidays”), any waste collected by the waste collection authorities on bank holidays therefore has to be sent to a temporary green waste holding facility near Alfreton and held there until it can be day transferred to the IVC facility site on a normal working day.

The applicant is therefore proposing that a new permission under the application would be subject to a condition that in effect would be a variation to Condition 10 of the existing planning consent that would allow green waste to be received at the IVC facility directly on some bank holidays. The current Condition 10 governs the permitted times of operation including times for delivery of waste to the facility which do not allow for any deliveries on any bank holidays. It is worded as follows:

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

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

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

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

The only bank holiday on which the collection authorities currently undertake normal routine green waste collections is Good Friday. The applicant states that it does not expect this to change, however, the new permission is being

sought to allow waste to be received at the IVC facility on any bank holidays excluding Christmas, Boxing Day and New Year's Day to provide flexibility in case the collection practices change in the future. The application states that there would be a maximum of 12 deliveries between 0800 hours – 1600 hours on a bank holiday. Overall, the amount of waste received at the site would be unchanged.

It is not proposed that any waste from any other source would be received on any bank holiday. These deliveries of waste from other sources and all other operations would continue within the existing permitted hours of operation. The applicant does not propose any processing of the green waste on bank holidays.

The applicant has suggested that Condition 10 of the existing planning permission is amended as follows:

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

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

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

Deliveries of green waste to site on bank holidays, except for Christmas Day, Boxing Day and New Year's Day may take place between 0800 hours and 1600 hours.

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

Consultations

Local Member

Councillor Barker (Sutton) was consulted with comments were requested by 21 August 2017. No response had been received at the time of writing.

North East Derbyshire District Council Planning

North East Derbyshire District Council (NEDDC) (Planning) was consulted with comments requested by 21 August 2017. No response had been received at the time of writing.

Environmental Health Officer

NEDDC (Environmental Health Officer (EHO)) responded on 17 August 2017 and confirmed that there has been complaint history in respect of odour nuisance. The EHO confirms that NEDDC has received some complaints about fly infestation in relation to this site and there have not been any complaints about noise from the site. The EHO states that the Environment Agency (EA) is the lead regulator for this site.

The NEDDC EHO has provided the following summary of odour complaints pertaining to the application site:

Year	Complaints received	EHO Visits	Odour at the receptor	Odour deemed to be excessive
2014	15	3	1	0
2015	2	0	0	0
2016	4	1	1	0
2017	2	1	0	0

Environment Agency

The EA Planning Liaison Team responded on 31 July 2017 and confirmed that the EA did not ask for this condition and has no comments in this respect.

Sutton cum Duckmanton Parish Council

Sutton cum Duckmanton Parish Council responded on 16 August 2017. The Parish Council is aware of recent comments recently about bad odours from the site and requested information on how this is going to be mitigated and whether or not this proposed change to the operating hours will affect this at all.

Calow Parish Council

Calow Parish Council was consulted with comments requested by 21 August 2017. No response had been received at the time of writing.

Internal Consultations

The County Highway Authority responded on 31 July 2017 and has no objections.

Publicity

The application was publicised by a notice in the Derbyshire Times and by site notice (with a request for observations by 1 September 2017).

The application was also notified to neighbouring properties by hand delivered notifications with a request for observations by 1 September 2017. A further two properties were subsequently consulted by letter with a deadline for responses by 8 September 2017.

One representation has been received; from a local resident on 10 August 2017. The resident objects to the proposal and cites problems with the application site with odours and flies on a regular basis. The resident fears that additional waste would be received which would exacerbate the problems.

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 relevant policies of the development plan are the saved policies of the 2006 Derby and Derbyshire Waste Local Plan (DDWLP) and the 2005 North East Derbyshire District Local Plan (NEDDLP). Other material considerations include statements of Government policy in the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), the National Waste Management Plan for England 2013 and National Planning Policy for Waste 2014 (NPPW).

National Planning Policy Framework

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant. The NPPF does not change the statutory status of the development plan for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and adds that there should be a presumption in favour of sustainable development. Paragraph 122 explains that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the effectiveness of other control regimes (e.g. for emissions under pollution control regimes); local planning authorities should assume that these regimes will operate effectively.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal are contained within the NPPW.

National Planning Policy for Waste

This document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Chapter 7: Determining Planning

Applications of the NPPW states that waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B: Locational Criteria of the NPPW which includes impacts, such as noise, traffic, air emissions, odours and vermin.

Derby and Derbyshire Waste Local Plan

The most relevant waste local plan policies for this development are considered to be:

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W7: Landscape and other visual impacts.

W10: Cumulative Impact.

Policy W1b of the DDWLP presumes in favour of waste development where it would cater for the needs of the area as part of an integrated approach to waste management. Policy W2: Transport Principles seeks to avoid granting planning permission where there is likely to be an overall significant increase in the number or distance of waste related journeys for people, materials or waste. DDWLP Policy W6 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 to people or communities, the site of the development, nearby land uses or the wider environment.

North East Derbyshire District Local Plan

The most relevant district local plan policies for this development are considered to be:

Policy GS1: Sustainable Development.

Policy T2: Highway Access and the Impact of New Development.

Policy GS1 seeks that development should have regard to the need to maintain or improve the quality of life of the community, contribute towards achieving a sustainable pattern of development, maintain economic growth and preserve or enhance the environment of North East Derbyshire. Criterion (d) is particularly relevant where development proposals are required to minimise pollution. Policy T2 presumes in favour of development where there is safe and appropriate access for vehicles, pedestrians, cyclists, public transport users and disabled persons, including manoeuvring and circulation space and the wider highway network can accommodate the traffic generated by the proposal. The policy seeks that there is no significant adverse impact on the environment or amenity of local communities.

NEDDC is currently preparing a new local plan for North East Derbyshire to cover the period up to 2033. A publication draft local plan for the district was

published and construction commenced on 20 February 2018 under Regulations 19 and 20 of the Town and Country Planning (Local) England Regulations 2012.

Other considerations

The principle of the need for this IVC facility has been considered and acknowledged in previous planning applications, being assessed against the provisions of relevant local plans and Government guidance in existence at the time.

The NPPW emphasises the need to divert as much waste as possible away from landfill. To achieve this, the movement of waste up the waste hierarchy is essential. Appendix A of the NPPW details the waste hierarchy. The reduction and reuse of wastes sit at the top of the waste hierarchy, however, once wastes are actually discarded, recycling and composting are the preferred management routes, where value is recovered in terms of secondary materials that can be substituted for virgin resources. Wastes that still remain should be diverted from landfill through processes that recover energy, with disposal of residual waste as a last resort.

Policy W1b of the DDWLP states that waste development will be permitted if the development would help cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management.

Green waste is collected and delivered to the site from the surrounding area and this provides a useful and well used local waste management facility for the recovery and recycling of green waste. There is a demand for deliveries of green waste to this site on a bank holiday. The alternative is that the green waste has to be stored off-site until after the bank holiday. This results in double handling of the waste and associated costs.

I am therefore satisfied that there is a need for the proposal to cater for a local need and that the proposal would contribute towards the sustainable waste management objectives of the NPPW and accord with Policy W1b of the DDWLP.

The IVC facility is still needed for managing biodegradable waste arising in the north-east part of Derbyshire. This IVC facility represents a key component of the infrastructure for managing of waste appropriately with respect to the waste hierarchy.

The continuation of the IVC operation under any permission to be granted under this application would not entail any additions to the existing built development on site. Therefore it will not cause any detriment to the local landscape or townscape, local character or distinctiveness, and accords with Policy W7 of the DDWLP.

Amenity and Environmental Impacts

The determination of this application involves not only assessment of the impacts that the proposal for allowing some deliveries on bank holidays might produce; consideration must also be given generally to whether the controls under the planning permission conditions under which the IVC facility now operates are still appropriate. If (in the context of the current circumstances including the current development plan and Government guidance) an existing control is found to be no longer necessary or to need modifying, or an additional control is identified as been needed which could be secured by a condition, the appropriate change should be reflected in the content of the set of conditions attached to a grant of permission under the application.

The potential impacts from bank holiday day deliveries under the proposal, in my view, are noise disturbance from the delivery traffic in the vicinity of the site and the delivering and receiving of the green waste at the site, in a noise sensitive period. I also note the concerns that have been raised regarding issues with odour and flies at the site.

However, the number of deliveries that are proposed on any bank holiday are no more than 12, and there would be no overall increase in the amount of waste received or number of deliveries made to the site. Under a new permission, the site can still be subject to the controls to limit the impact of noise and hours of operation through the conditions recommended below. I do not consider that this proposal for allowing some bank holiday deliveries, provided it is within the controls of an appropriate condition as proposed by draft Condition 9 within the set of conditions in the recommendation below, would give rise to any significant increase in noise. I am satisfied that this would accord with the NPPF, NPPW and Policy W6 of the DDWLP and that it would accord with DDWLP Policy W8 and NEDDLP Policy T2 in terms of vehicle movements and highways access.

It is also important to note that under existing arrangements for green waste collections on Good Fridays, the waste is transported to and stored at a temporary facility at Alfreton until after the bank holiday when it is then transported across Chesterfield to the application site. This results in double handling and extra vehicle movements. The County Highway Authority has not objected to the proposed variation of condition.

Concerns have been raised regarding odours and fly infestation at the IVC facility site, and I note that there is a history of complaints to the EHO and the EA regarding these issues. I also note the concerns of the local resident in their letter of representation regarding odour and flies. However this information from the EHO referred to above does not indicate that there has been a breach of either of the planning conditions on the existing permission

in respect of odour, since the odour was not deemed to have been excessive in relation to any of the complaints which were investigated

It is recognised that whenever waste is received at the site, the doors of the IVC facility need to be opened, and that there would therefore be potential, whenever this might occur on a bank holiday, for any odours and flies, then present in the facility to escape whilst the doors remained open.

However, it is understood that in respect of the Environment Permit, and recommendations by the EA for improvements to odour and pest control at the site the applicant is currently working with the EA regarding odour management improvements at the site and will be specifying mitigation measures in this respect. On the back of the last audit, the operator is putting.

The proposal for allowing limited bank holiday deliveries would not result in any overall increase in the amount of waste received at the site, and it would not introduce any processing of waste at the facility on any bank holiday.

I am satisfied that a general continuation of the controls under the planning conditions presently in place would still provide the necessary means for the authority to deal with any circumstances in which there was an unacceptable odour impact on local amenity from the IVC operation that could not be dealt with effectively by other regulatory action (e.g. through the environmental permitting regime; the EA is the lead regulatory body in this respect).

I do not consider that enabling up to twelve deliveries of waste to the site on some bank holidays would be likely to significantly exacerbate any existing odour or fly issue at the site.

Conclusion

I find that the proposed amendment to allow deliveries of green waste to the site on bank holidays (excluding Christmas Day, Boxing Day and New Year's day) to be acceptable provided it is controlled under the parameters of the draft Condition 9 within the draft conditions in the recommendation below. I am satisfied that this would not give rise to any significant environmental or amenity impacts and I am satisfied that it would accord with Government guidance and development plan policies. With regard to the control of the development in other respects, including odour control more generally, I consider that the controls provided by the planning permission conditions under which the IVC facility now operates are still generally appropriate and satisfactory, and the other conditions set out in the recommendation below for granting a new conditional permission therefore carry over those controls..

(3) Financial Considerations The correct fee of £195 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

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

Other Consideration

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 4.690.26
Application documents received from Suez Recycling and Recovery UK dated 17 July 2017. Email correspondence from the County Highway Authority dated 1 August 2017, NEDDC's EHO dated 17 August 2017, Sutton cum Duckmanton Parish Council dated 16 August 2017 and the EA dated 31 July 2017. Representation dated 10 August 2017.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions based on the following draft conditions:

Form of Development

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

10 November 2014 and planning application (Code No. CW4/0717/35, except as amended by the requirements of the conditions below.

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

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

- 1 App Form - Application for Planning Permission dated 29 May 2009.
- Drawing No. 668-01-01 – Statutory Plan dated March 2009.
- Design and Access Statement 668-01 Rev A dated May 2009.
- Planning Application Document 668-01 Rev A dated May 2009.
- Environmental Statement Main Report Volume 1 668-01 Rev A dated May 2009 and accompanying drawings and appendices.
- Environmental Statement Non- Technical Summary Volume 2 668-01 Rev A dated May 2009.
- Foul Disposal Assessment TerraConsult dated 17 August 2009.
- Email Correspondence from AXIS dated 9 February 2010.
- Email Correspondence from AXIS dated 11 February 2010.
- Email Correspondence from AXIS dated 19 February 2010.

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

- 1 App Form- Application for Removal or Variation of a Condition Following the Grant of Planning Permission dated 20 December 2013.
- Planning Application Document dated December 2013.
- Drawing No. 1249-01-01 – Statutory Plan dated November 2013.
- Drawing no. Figure 1 - Landscape Design dated December 2013.
- Drawing no. 4875.DES1.02 Rev D - Proposed Landscaping Scheme dated 29 May 2013.
- Drawing No. 4875.DES1.03 Rev D – Proposed Earthworks and Schematic Surface Water Drawings dated 29 May 2013.
- Drawing No. 4875.ELEV.01 Rev F – Sections and Elevations dated 31 May 2013.
- Drawing No. 4875.GA.01 Rev D – General Arrangement dated 29 May 2013.
- Drawing no. Fig 2.2 - Site Wide Landscaping Scheme Revised Proposals dated December 2013.
- Landscape and Visual Effects: Supplementary Report dated December 2013.

- Updated Air Quality Assessment Report no. R1954-R01-v1 prepared by Smith Grant LLP dated December 2013.
- Ecological Assessment of Proposed Minor Material Amendments to Scheme, Version 2.0, dated 13 December 2013 prepared by Argus Ecology and the appended GCN Reasonable Avoidance Measures document dated 3 June 2013.
- Addendum to Noise Impact Assessment Report No. R13.1204/DRK prepared by NVC dated 11 December 2013.
- Plant Schedule and Implementation and Maintenance Specification dated December 2013.

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

- 1App Form- Application for Removal or Variation of a Condition Following the Grant of Planning Permission dated 24 June 2014.
- Documents submitted with planning application code no. CW4/0614/42.

- 1App Form- Application for Removal or Variation of a Condition Following the Grant of Planning Permission dated 17 July 2017.
- Letter from Suez Recycling and Recovery UK dated 17 July 2017.

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

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

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

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

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

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

Reason: To prevent the disturbance of nesting birds.

Landscaping

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

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

Access and Highway Requirements

- 6) The access to Deepsick Lane (86425) shall be maintained with visibility sightlines in accordance with the 4.5 metres x 90 metres (north) and 4.5 metres x 215 metres (south) sightlines as detailed on Figure 3, Site Access Junction Lateral Visibility Splays, in Appendix 6.1 of the Environmental Statement, Volume 1, Main Report, May 2009 submitted with the planning application. The area in advance of the sightlines shall be maintained clear of any object greater than 1 metre in height (less than 600mm in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

Hours of Operation

- 9) With the exception of the composting process, the hours of operation for all activities, including the transport of material to and from the site shall be limited to:

0800 to 1700 hours on weekdays (i.e. Monday to Friday) other than bank holidays and national holidays, and

0800 to 1300 hours on Saturdays,

subject to the following allowances only for deliveries of green waste being received on behalf of Chesterfield Borough Council North East Derbyshire District Council and/or Bolsover District Council as waste collection authorities to the site outside normal hours;

(a) on any Saturdays which is the Saturday immediately prior to and after a bank holiday or other national holiday vehicle deliveries of this green waste may also take place between 1300 hours and 1700 hours.

(b) any bank holiday or other national holiday other than Christmas Day, Boxing Day or New Year's Day up to 12 vehicle deliveries in total of such green waste may take place between 0800 hours and 1600 hours.

There shall be no operations undertaken, other than routine maintenance, on Sundays, Christmas Day, Boxing Day and New Year's Day, or other bank or national holidays.

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

Water Environment Controls

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

Reason: To prevent pollution of the aquatic environment.

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

Reason: To prevent pollution of the aquatic environment.

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

Reason: To prevent pollution of the aquatic environment.

Noise Control

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

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

- 14) From the date when waste material is first brought to the site, the noise generated by the development (corrected for acoustic feature) shall not exceed the noise criteria values stated in Table 12.7 of the Environmental Statement for any of the identified receptor locations during the night-time hours of 2300 hours to 0700 hours on Monday to Friday, the daytime hours of 0700 hours to 2300 hours on Monday to Friday and the Saturday operating hours from 0800 hours to 1300 hours.

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

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

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

- 15) In the event of a noise complaint or at the request of the Waste Planning Authority, noise monitoring shall be carried out in accordance with the noise monitoring scheme set out in letter from AXIS dated 2 May 2014 and accompanying 'Noise Monitoring Scheme' dated 4 April 2014, as approved by the Waste Planning Authority on 19 June 2014. Results of the monitoring shall be provided in writing to the Waste Planning Authority within six weeks of the date of the monitoring.

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

Dust, Odour and Bioaerosols

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

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

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

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

External Lighting

- 18) External lighting at the site shall be installed and maintained in accordance with the lighting scheme set out in the letter from AXIS dated 2 May 2014 and accompanying 'Lighting Details' dated 4 April 2014; and supplementary details provided within letters from Abacus dated 19 June 2014 and 17 July 2014, as approved by the Waste Planning Authority 31 July 2014. No other external lighting shall be installed at the site without the prior approval of the Waste Planning Authority.

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

Other Environmental Controls

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

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

Ecology

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

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

Cessation

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

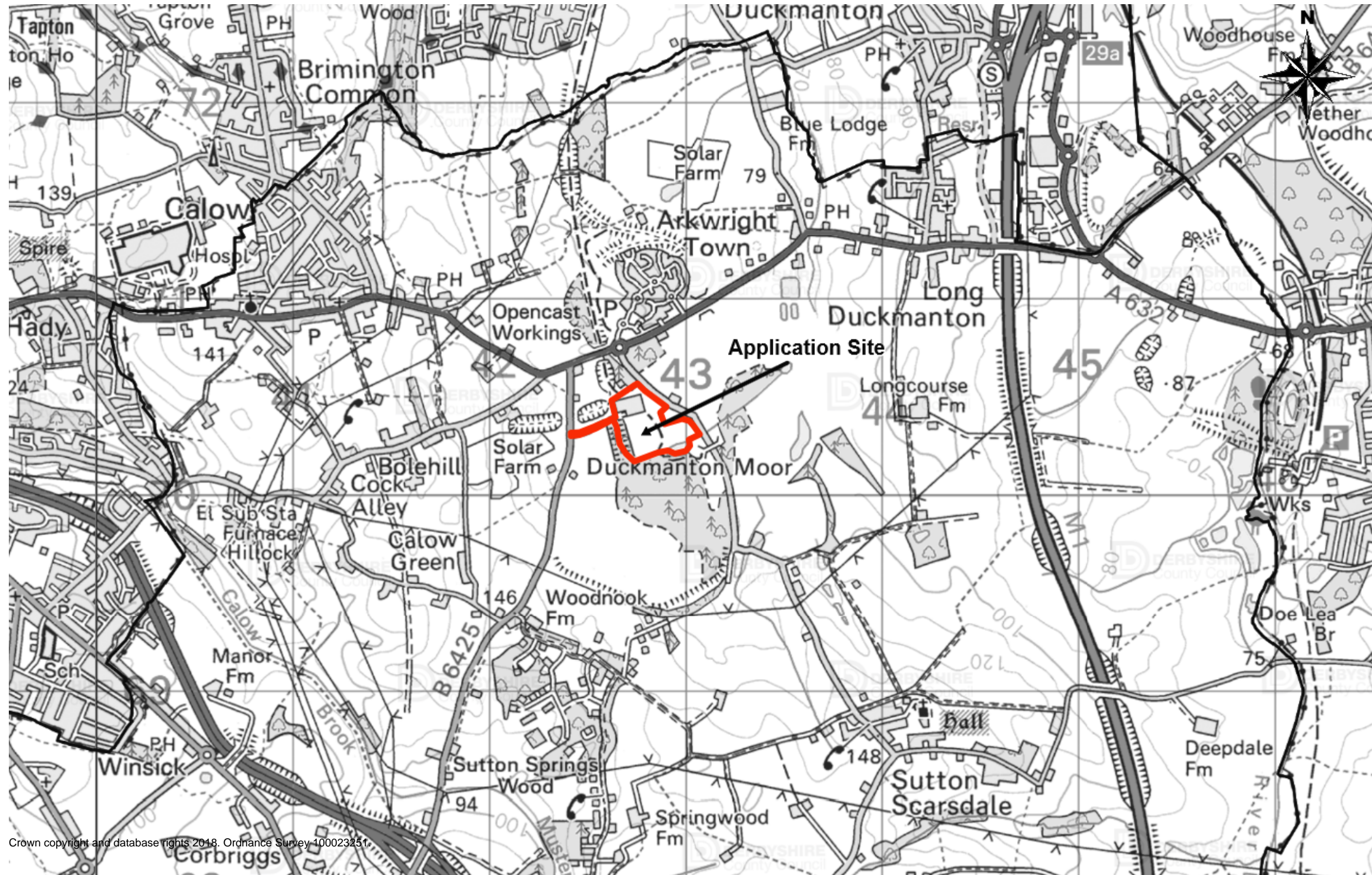
Reason: In the interest of the amenity of the area and the environment.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) 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 had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

Signed.....Dated.....

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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500 m

Scale = 1 : 20000

15-Mar-2018