

Agenda Item No. 4.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

14 May 2018

Report of the Strategic Director - Economy, Transport and Environment

- 1 ERECTION OF BUILDINGS, THE INSTALLATION OF A BIOMASS BOILER AND FLUE STACK, TOGETHER WITH THE RELOCATION OF SITE PARKING PROVISION AT PEAK WASTE RECYCLING LTD, WOOD LANE, KNIVETON**
APPLICANT: PEAK WASTE RECYCLING LTD
CODE NO: CW3/0717/36

3.56.19

Introductory Summary The application site is located partly within the curtilage of an existing waste facility and partly within the residential curtilage of an adjacent dwelling. The Peak Waste Recycling facility is within open countryside, the Peak District National Park (PDNP) boundary is located approximately 500 metres (m) to the west and the Kniveton Conservation Area approximately 425m to the east.

The proposed development is for the erection of a building to house a biomass boiler that would run on approximately 2,500 tonnes per year of non-hazardous waste wood. This would be sourced from existing deliveries of wood to the waste facility. The development also includes the extension of a building to house a waste drying facility and relocation of site parking.

The heat from the boiler would be fed into the waste drying facility. A steel framed building is proposed to house the boiler and a similar building is proposed to house the drying floor facility. A flue stack is also proposed to be installed to exhaust the boiler fumes.

The applicant proposes to use Grade A (clean waste wood) and Grade C (treated/painted wood, MDF, chipboard, hardboard) as fuel for the biomass boiler.

I am satisfied that the development would not result in any significant environmental or amenity impacts that cannot be controlled through the imposition of planning conditions. The development would not conflict with the development plan policies and is recommended for approval subject to conditions.

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

(2) **Information and Analysis**

Site and Surroundings

The application site is partly situated in an existing waste facility which recycles cardboard, paper, wood and plastic wastes. The facility also produces refuse derived fuel (RDF). The wider waste management site accepts in the region of 25,000 tonnes of waste per annum, of this approximately 5,200 tonnes is made of non-hazardous waste wood.

The application site area is 0.316 hectares (ha) and is located partly within the southern portion of the existing waste site curtilage and partly within domestic curtilage land adjacent to the south of the waste facility (pertaining to a residence known as 'The Alamo', belonging to the site owner). Part of the application site currently provides staff parking for the wider existing waste operation. The site is accessed from Wood Lane, a single carriageway road accessed from the B5035 which is the main road connecting Kniveton to Ashbourne.

The site falls within the administrative boundary of Derbyshire Dales District Council (DDDC). The village of Kniveton is approximately 1 kilometre (km) to the east. The waste facility is approximately 500m from the eastern boundary of the PDNP. The Kniveton Conservation Area is approximately 425m to the east. The nearest Listed Building to the site is the Grade II listed James Lane Farmhouse approximately 610m to the east.

There are no flood zone designations on the existing waste facility or the site of the residence to be demolished. There are 1 in 1,000 year flood occurrence zones (flood Zone 2) to the west and the south. There are two minor watercourses to the west. The site is not underlain by either primary or secondary aquifers.

Public Right of Way Footpath WD62/35/1 runs on an east to west alignment adjacent to the northern boundary of the existing waste facility.

The site is not within Green Belt but is in open countryside as set out in the adopted Derbyshire Dales Local Plan (DDLDP) (2017).

Planning History

Planning Application Code No.	Description of Development	Decision
CW3/396/93	Extension to waste transfer station	Approved 14 August 1996

CW3/997/51	Extension to existing building	Approved 6 January 1997
CW3/199/126	Proposed increase in capacity of existing waste transfer station and retention of screen bund and use of extended yard for Peak Waste Ltd	Approved 16 December 1999
CW3/1298/116	Increase in capacity of existing waste transfer station and yard extensions	Withdrawn 8 January 1999
CW3/998/64	Increase of waste tonnage	Withdrawn 8 January 1999
CW3/501/15	Extension of existing site maintenance and waste recycling buildings and service yard	Approved 13 August 2001
CW3/1001/85	Renewal of temporary planning permission for use of land as waste recycling centre at a capacity of 25,000 tonnes per annum	Approved 24 April 2002
CW3/0404/9	Extension to existing building for waste recycling and storage purposes	Approved 6 July 2004
CW3/0508/16	New building for use as offices	Approved 30 June 2008
CW3/1211/122	Extension to waste storage building	Approved 5 April 2012

Grades of Recycled Wood

Deliveries to the existing waste facility of waste wood are split between two bays, one is for Grade A and the other for Grade C waste wood. Grade A comprises clean, unpainted timber and Grade C comprises painted/treated wood, chipboard, hardboard and MDF. BSI PAS 111:2012 definitions of Grades A and C waste wood are:

Grade A – Clean recycled wood (not painted/ treated), reclaimed pallets, cable drums, secondary manufacture, packaging waste, softwoods and hardwoods, untreated off-cuts.

Comes under the Waste Management Regulations.

Does not require a Waste Incineration Directive (WID) installation.

Can be used as a fuel for renewable energy generation in non-WID installations and for the manufacture of pellets and briquettes.

Grade C – Fencing products, flat pack furniture, board products, chipboard, MDF, plywood, Oriented Strand Board (OSB) and fibreboard.
Sourced from: construction and demolition wood waste, municipal collections, recycling centres, civic amenity sites.
Suitable only for WID installations as the combustion emissions are toxic.

The Proposal

The proposed development is for the erection of a plant room building, installation of a biomass boiler and flue stack and extension of an existing building to house a drying facility. The applicant requires the heat from the proposed boiler to dry waste. The proposed biomass boiler would utilise as fuel a fraction of the wood waste stream presently imported to the waste facility. A fuel throughput of approximately 2,500 tonnes per annum is envisaged. There would be no net increase in the quantity of waste wood imported to this waste facility. The combustion of a proportion of this waste wood would result in fewer HGV movements to transport material off-site.

The applicant also states that the fuel feedstock would be non-hazardous waste wood and refers to Grades A and C type waste wood in Paragraph 7.3.1 of the submitted Planning Statement. The applicant provided an Emissions Modelling Assessment (EMA) with the application, which referred to projected emissions from using Grade A waste wood as fuel for the boiler. A revised EMA has subsequently been submitted to consider other types of waste wood (Grades B and C) following comments received from DDDC's Environmental Health Department.

The proposed boiler building dimensions are stated as 19m long x 10m wide x 8m height to the roof apex (6.6m height to eaves). The building would be a steel frame construction with a double pitched roof, to be finished in Yorkshire board and box profiled steel cladding.

The drying floor building is proposed to be of monopitch design, open fronted, steel frame construction, finished in box profile steel cladding to the upper portion and solid steel lower walls. The proposed dimensions are 13.9m long x 6m wide x 4.5m to the highest point. The lower portion of the monopitch would reach 4.2m in height.

The proposed colour finish for the buildings is Juniper Green (colour code: BS12B29) to match the existing buildings on site.

The flue stack height would be 15m and finished in Goosewing Grey (colour code: BS10A05).

The proposed new boiler building would occupy land which is presently used for staff parking. To offset the need for staff parking it is proposed to demolish

a large residential dwelling known as 'The Alamo', which is owned by the applicant, and to use this vacant site for staff parking.

Proposed Hours of Use

The biomass boiler would be in operation 24 hours/seven days a week. However, the applicant states that fuel would only be accepted and prepared on-site during 0700 hours -1700 hours on weekdays and 0700 hours -1200 hours on Saturdays. Fuel would not be accepted or prepared on-site on Sundays or Bank Holidays.

Proposed Employees

The proposed development would increase the number of employees from the existing 75 to 79 persons.

Consultations

Local Member

Councillors Ratcliffe (Wirksworth) and Spencer (Dovedale) have been notified.

Councillor Ratcliffe made comments on 22 August, 4 September and 25 October 2017. Her comment is summarised as follows:

- Concern at the content of the flue emissions.
- Concern for local health and potential pollution in the area.
- Concern with regard to industrialisation in the countryside.
- Concern at the proposed height of the flue stack.
- The proposal does not appear to impact on the landscape.
- Positive aspects include reduction of vehicles to the site and the production of renewable energy.

Derbyshire Dales District Council (Planning)

DDDC Planning Department responded on 31 August 2017 and stated that it has no objections. The respondent also confirmed that it is not aware of any special drainage requirements for which DDDC would be responsible on behalf of the water company.

Derbyshire Dales District Council (Environmental Health Officer)

The DDDC Environmental Health Officer (EHO) initially responded on 11 October 2017, as follows:

"The modelling undertaken and reported in the assessment appears to be based on the assumption that only Grade A waste wood will be burnt in the appliance. An application form for a Schedule 13 permit for a small waste incineration plant has been requested from myself, which would indicate that they wish to be able to burn other grades of timber. If that is so, more information should be supplied with the application on the nature of the wood

they propose to burn and how this will manifest in the emissions from the plant, and any impact to nearby receptors.

For information the local authority regulate two types of permit for the use of waste wood as a fuel.

For appliances with a throughput rated between 50kg to 3 tonnes per hour, wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings is regulated via a Part B permit under section 5.1, part B (a) of schedule 1, part 2 of the Environmental Permitting Regulations 2016. This is a lower level of permit due to only clean timber being burnt. In situations where the wood waste does not meet this exemption, the Industrial Emissions Directive applies and a permit is required under schedule 13A of the Environmental Permitting Regulations for a small waste incineration plant (SWIP). Where there is less than 3 tonnes an hour throughput the local authority is the regulator. This is a more rigorous permit in terms of the monitoring regime for flue gases due to the more polluting nature of the feed stock.

As an application form has been sought it would be prudent to ask the applicant to update the emission modelling assessment to reflect this, or, condition the use of clean wood only.”

The applicant has subsequently updated the emissions modelling assessment.

The EHO was reconsulted and further responded on 23 November 2017, as follows:

“It would obviously be preferable for a biomass boiler such as this to be installed in a more industrial area, however, from the report submitted the modelled results are documented as not expected to have any “significant adverse impacts on local air quality”. There is always a degree of uncertainty when predicting results, so I would recommend that if planning permission is approved in this location, that on commissioning of the biomass boiler an extractive sampling exercise is undertaken and a further modelling assessment be carried out to hopefully confirm the predictions are correct. This should then be submitted to the Planning Authority for verification. Prior notification of sampling should be provided to the planning authority so that an officer can visit and verify the sampling undertaken, and I would recommend that an MCERTs accredited laboratory be used.

In addition, I would recommend that the biomass boiler specified as part of this application and used for the purposes of the modelling exercise be conditioned to be installed or if an alternative model is desired it should be one

with a specification which will have the same results environmentally. It should be the applicant's responsibility to demonstrate this if an alternative model is chosen. As mentioned in my previous email a permit will be required under schedule 13A of the Environmental Permitting Regulations for a small waste incineration plant (SWIP) and an ongoing monitoring regime for flue gases will be required as part of the permit."

The EHO has also recommended that a condition be applied to any grant of planning permission to require the submission of noise mitigation, prior to the commencement of the development.

Kniveton Parish Council

Kniveton Parish Council responded on 5 October 2017 and stated that it has no objections. The Parish Council met further on 16 January 2018 to consider the revised EMA and has stated that it has no objections but requests that the EHO provides the Parish Council with details of the monitoring reports produced by the system.

Fenny Bentley Parish Council

Fenny Bentley Parish Council has been notified.

Environment Agency

The Environment Agency (EA) responded on 1 September 2017 and 22 November 2017.

The EA has no objections and advises that the operation will require an Environmental Permit.

Peak District National Park Authority

The Peak District National Park Authority (PDNPA) responded on 29 November 2017 and has no objections.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, responded on 13 September 2017. The Highway Authority initially recommended refusal of this planning application as it considered that the proposed development would lead to the significant intensification in use of a substandard vehicular access to Wood Lane.

The applicant subsequently submitted amended plans showing revised access details. The Highway Authority was reconsulted and responded on 10 November 2017 stating that the revised vehicular access details overcame the previous objection. The Highway Authority is now satisfied with the proposed vehicular access details and has recommended conditions to be included in any planning permission.

Publicity

The application was advertised by site notice and by press notice (Ashbourne News Telegraph) with a request for representations by 7 September 2017.

As a result of the publicity, three representations, from two individuals, have been received, one of which is an objection.

The objection is summarised as follows:

- There is extensive livestock farming adjacent to the boundary of the waste facility that could be adversely affected by the proposal.
- The proposed emissions are based on very general data and there are no local monitoring stations.
- Have no objection to the burning of Class A clean waste wood, however, if the applicant wants to burn other classes of materials then a new planning application can be made in the future after some accurate local monitoring results are available.

Other comments received are summarised as follows:

- Local people have been led to believe that only Grade A clean waste wood would be burnt in the proposed boiler.
- Raise no objection to the burning of Grade A waste wood as long as there is no intensification of use of the waste facility.
- Do not wish to see intensification of use of this site.
- This is a sensitive location.
- This is an incongruous use in the countryside, however, one must accept that this use has planning permission.
- There are odour and noise issues occasionally from the site but the owners are generally willing to attempt to alleviate any issues, however, not totally solving them.
- It is important that there are no noxious fumes emanating from the boiler into the surrounding countryside.
- Potential noise problems from the boiler operation should be addressed, including suitable noise insulation.
- If the boiler is permitted then its size should be limited and not intensified in the future.

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 contained in the

Derby and Derbyshire Waste Local Plan (2006) (DDWLP) and the Adopted Derbyshire Dales Local Plan (2017) (DDLPL).

Other material considerations include statements of Government policy in the National Planning Policy Framework (2012) (NPPF), National Planning Practice Guidance (PPG), the National Waste Management Plan for England 2013 and National Planning Policy for Waste (NPPW) (2014).

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 as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and adds that there should be a presumption in favour of sustainable development. The NPPF states in its introduction that it does not contain specific waste policies and states that national waste planning policy will be published as part of the National Waste Management Plan for England.

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 (2014) document.

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. Annex A of this document details the waste hierarchy.

National Planning Policy Framework

Chapter 10: Meeting the challenge of climate change, flooding and coastal change.

Chapter 11: Conserving and enhancing the natural environment.

National Planning Policy for Waste

Sections 4 and 5: Identifying Suitable Sites and Areas.

Section 7: Determining Planning Applications.

Appendix A: The Waste Hierarchy.

Appendix B: Locational Criteria.

Derby and Derbyshire Waste Local Plan Policies

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W7: Landscape and other Visual Impacts.

W9: Protection of Other Interests.

W10: Cumulative Impact.

Derbyshire Dales Local Plan Policies

S4: Development in the Countryside.

PD5: Landscape Character.

PD9: Pollution Control and Unstable Land.

HC19: Accessibility and Transport.

Need for the Development

The NPPW emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the movement of waste up the ‘waste hierarchy’ by promoting the recycling and reuse of waste, rather than sending it to landfill, is essential.

The waste hierarchy aims to:

- Minimise the amount of waste that is produced.
- Where waste is still produced, to reuse as much useful material as possible.
- Where reuse is not possible, to recycle as much useful material as possible.
- Where reuse and recycling are not possible to recover any useful energy that the waste can be used to generate.
- Only when the above options are not possible, to dispose of the waste safely. Landfilling of waste should only be used as a last resort.

DDWLP Policy W1b: Need for the Development states that waste development will be permitted if the development would satisfy a need which could not be realistically be met closer to the source of the waste.

In considering this planning application against the principles of the ‘waste hierarchy’, I am generally satisfied that the boiler heat required for the wood drying process would contribute to the efficiency of the existing RDF pellet production process and, as such, represents a waste recovery activity that would divert waste away from landfill and, therefore, move waste up through the waste hierarchy in accordance with Appendix A of the NPPW.

There is a market demand for RDF and the applicant has a ready market for this increasingly popular fuel. I am therefore satisfied that there is a need for

the development which would cater for a local need and that it would accord with DDWLP Policy W1b and the sustainable waste management objectives of the NPPW. Notwithstanding the acceptability of the need for the proposed development, it is recognised that this waste facility, as a whole, has expanded to a point where further future concentration of development within its curtilage would be considered to be harmful to this open countryside location.

Location of the Development

Section 4: Identifying Suitable Sites and Areas of the NPPW states that waste planning authorities should consider a broad range of locations for waste management facilities, including industrial sites and look for opportunities to co-locate waste management facilities together and with complementary activities.

Section 7: Determining Planning Applications of the NPPW states that when determining waste planning applications, 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.

Appendix B: Locational Criteria of the NPPW sets out factors for waste planning authorities to consider in determining planning applications in terms of location:

- Protection of water quality and resources and flood risk management.
- Land instability.
- Landscape and visual impacts.
- Nature conservation.
- Conserving the historic environment.
- Traffic and access.
- Air emissions including dust.
- Odours.
- Vermin and birds.
- Noise, light and vibration.
- Litter.
- Potential land use conflict.

Paragraph 120 of Chapter 11: Conserving and enhancing the natural environment of the NPPF states that planning decisions should ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and that cumulative effects of pollution on health, general amenity and the natural environment should be taken into account.

Paragraph 122 of Chapter 11 of the NPPF also states that 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 control of processes or emissions themselves where these are subject to pollution control regimes.

Policy W2: Transport Principles of the DDWLP states that waste development, which would be likely to result in an overall significant increase in the number or distance of waste-related journeys, will not be permitted if there is a practicable, environmentally better alternative. Policy HC19: Accessibility and Transport of the DDLP seeks to ensure that development can be accessed safely and that proposals should minimise the need to travel.

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

Policy W9: Protection of Other Interests of the DDWLP states that waste development will be permitted only if the development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community. DDWLP Policy W10: Cumulative Impact seeks to avoid detrimental impact on the environment of local communities from cumulative waste impact.

DDLDP Policy S4: Development in the Countryside seeks to ensure that new development protects, and where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the PDNP. Criterion a) is of particular relevance where there is a presumption in favour of planning permission where a proposal comprises the redevelopment of a previously developed site and or conversion or extension of existing buildings for employment use provided it is appropriate to its location and does not have an adverse impact on the character and appearance of the rural area.

There is not envisaged to be any increase in vehicle movements associated with the proposed operation. The applicant responded positively to initial concerns from the County's Highway Authority in respect of vehicular access. The applicant submitted revised access details to the satisfaction of the County's Highway Authority. As such, it is considered that this accords with the requirements of DDLDP Policy HC19 and Policy W2 of the DDWLP. Environmental control of the boiler and incineration of the wood would require permit authorisation from DDDC Environmental Health Department rather than the EA due to the amounts of feedstock involved and would be controlled and monitored under such. This would accord with guidance contained within Paragraph 122 of the NPPF.

An appropriate location for this type of operation would normally be within an existing waste facility. The waste facility itself, however, is within a sensitive open countryside location in between a Conservation Area and the PDNP. There is little local concern over the prospect of a biomass boiler using clean waste wood fuel on the site being utilised to dry out waste wood for RDF pellet production, however, there is concern over the use of painted/treated wood. The DDLP includes an open countryside policy (S4: Development in the Countryside) and it is considered that the nature of the proposed development within the confines of the existing waste facility would not have adverse impact on the character and appearance of the rural area. As such, it is considered that the proposed development accords with the requirements of criterion a) of Policy S4 of the DDLP. With the proposed development, the waste facility would have increased in size to a point where it could be considered to be at its limit. Future further development, whether further concentration of operations and buildings within the site curtilage or proposed extensions to the site, could potentially have negative impacts in this open countryside location.

The planning statement refers to Grades A and C waste wood being accepted at the site, which would then be sorted and shredded for use as fuel for the boiler. However, the EMA originally submitted with the application based the projected and forecast emissions scenario on the use of Grade A clean waste wood only. The DDDC EHO noted that the applicant had requested the relevant application form for a SWIP. The applicant subsequently provided a revised EMA to also cover the use of Grades B and C waste wood.

Emissions from burning painted/treated wood can contain toxins, halogenated organic compounds, heavy metals that could potentially be released into the atmosphere and I note the concerns of a local resident and the County Elected Member in respect of emissions to air from this proposal.

I have considered the locational criteria provided in Appendix B of the NPPW and consider that landscape and visual impacts, air emissions and noise are relevant in the determination of this application. I have also considered the advice contained within Chapter 11: Conserving and enhancing the natural environment of the NPPF and DDWLP policies W6: Pollution and Other Nuisances, W9: Protection of Other Interests and W10: Cumulative Impact and the effect on the local community and environment. These are addressed more fully in 'Potential Impacts on Amenity and the Local Environment' below.

Potential Impacts on Amenity and on the Environment

Section 4: Identifying Suitable Sites and Areas of the NPPW states that waste planning authorities should assess the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

Paragraph 109 of Chapter 11: Conserving and enhancing the natural environment of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, noise pollution or land instability.

Paragraph 123 of Chapter 11: Conserving and enhancing the natural environment of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. This paragraph also states that there should be recognition that development from businesses will often create some noise.

Policy W7: Landscape and other Visual Impacts of the DDWLP seeks to protect the local landscape/townscape and local character and distinctiveness.

Policy PD5: Landscape Character of the DDLP presumes in favour of development where:

- The location, materials, scale and use are sympathetic and complement the landscape character.
- Natural features, including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.
- Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.

DDLP Policy PD9: Pollution Control and Unstable Land seeks to protect people and the environment from unsafe, unhealthy and polluted environments, including particulate emissions.

Landscape and visual

The buildings are proposed to be finished in the same shade of green as existing buildings on the site. The flue stack has the potential to impact on the landscape and on visual amenity. The applicant has sought to alleviate this by finishing the stack in a matt shade of grey rather than silver as originally proposed. It is also relevant that the existing waste facility has been at this location for over two decades. As such, I am satisfied there would be no material harm from the appearance of the development. The elements of the proposal that in landscape and visual terms, can be viewed from outside the site are considered to be acceptable. I consider that the proposal accords with the requirements of DDWLP Policy W7, DDLP Policy PD5 and the NPPF.

Noise

The boiler operation would inevitably produce some noise, however, I note that the boiler is proposed to be housed within a building and there is existing noise from the permitted waste facility surrounding it. Considering the existing noise environment, I do not consider that the impact of noise from the boiler is likely to be significant. However, I would recommend that conditions are imposed regarding hours of operations. Whilst the boiler would be in operation 24 hours a day, I would recommend that the hours of other related operations are restricted to accord with the general hours of operation on the wider waste site. A condition is also recommended to require the submission of a noise management plan as recommended by the EHO. In respect of noise, I consider that the proposal would accord with the requirements of DDWLP policies W6, W10 and the NPPF.

Air Quality

The most critical criterion to consider is that of the proposed flue emissions. The operation of the biomass boiler does have potential to create airborne emissions and subsequent impacts upon the surrounding environment. An EMA has been undertaken by the applicant to predict the potential air quality impacts at sensitive receptor locations as a result of residual emissions associated with the proposed biomass boiler. The assessment concludes that the proposal would not generate any significant adverse impacts on local air quality. The DDDC EHO and the EA have been consulted and have not raised any objections to the installation and operation of the facility at the site.

The site would require an environmental permit for the operation of the biomass boiler, as indicated by the DDDC EHO. The EHO has confirmed that a condition of such a permit would require monitoring and sampling of emissions from the facility. Monitoring data that is undertaken as extractive sampling, at a frequency to be determined by the permit, would be held by DDDC and would be publicly available information.

The intent of Paragraph 122 of the NPPF is to separate the planning regime from pollution control regimes. The operator would be required to apply for an environmental permit and the permit would need to be granted before the facility could become operational. Whilst I acknowledge the concerns of the local resident and those expressed by the County Elected Member about the potential of burning treated/painted wood and the pollutant by-products, I am satisfied that emissions to air would be appropriately controlled through the sites environmental permit and the planning authority should assume that the pollution control regime will operate effectively and should not seek to duplicate these controls.

However, I do consider it appropriate to include a planning condition to limit the feedstock for the proposed boiler to Grades A and C waste wood as specified in the application. Subject to the recommended conditions, I am

satisfied that the proposal would accord with Section 4: Identifying Suitable Sites and Areas of the NPPW, advice provided in paragraphs 109 and 123 of Chapter 11: Conserving and enhancing the natural environment of the NPPF, policies W6, W9 and W10 of the DDWLP and Policy PD9 of the DDLP.

Conclusion

On balance, it is considered that there is a need for the development and, with the recommended conditions, I am satisfied that the development would not result in any significant environmental or amenity impacts. The development is considered to be acceptable within the context of national and local development plan policies. However, it is recognised that the development would expand the existing facility to a point where it could be considered to be at its limit.

Subject to the recommended conditions, I do not consider that the proposal conflicts with national or local planning policies and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £1,540 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. 3.56.19
Application documents received from Peak Waste Recycling Ltd (agent: Oaktree Environmental Ltd) dated 19 July 2017, Planning Statement Ref. 3740-2231-C dated 27 October 2017 (author: Oaktree Environmental Ltd), Landscape and Visual Impact Assessment dated 18 July 2017 (author: Amalgam Landscape), Site Location Plan Ref. 3541/2231/02 Revision A dated 14 June 2017, Wider Site Layout Plan Ref. 3541/2231/06 Revision A dated 13

October 2017, Existing Elevations Ref. 3541/2231/04 dated 8 June 2017, Proposed Elevations Ref. 3541/2231/05 Revision B dated 14 July 2017, Proposed Layout Ref. 3541/2231/03 Revision A dated 14 July 2017, Car Park Access Proposals Plan Ref. 3541/2231/07 dated 13 October 2017.

Email correspondence from the agent, Oaktree Environmental Ltd, dated 9 January 2018 clarifying the colour finish of the proposed boiler and drying floor buildings and 9 January 2018 clarifying the colour finish of the proposed flue stack.

Letters from the Environment Agency dated 1 September 2017 and 22 November 2017, Derbyshire Dales District Council Planning Department dated 31 August 2017.

Emails from Derbyshire County Council's Highway Authority dated 13 September 2017 and 10 November 2017, Derbyshire Dales District Council Environmental Health Department dated 13 September 2017 and 23 November 2017, Peak District National Park Planning Authority dated 29 November 2017, and Kniveton Parish Council dated 5 October 2017 and 16 January 2017.

Correspondence from Councillor Ratcliffe dated 4 September 2017, 22 August 2017 and 25 October 2017.

Letters of representation –various dates.

(7) **OFFICERS RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially as follows:

Commencement

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

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended.

Form of Development

- 2) The development shall only be carried out in accordance with the following unless otherwise required by the other conditions of this permission:
 - Application for planning permission from Peak Waste Recycling Ltd (agent: Oaktree Environmental Ltd.) dated 19 July 2017.
 - Planning Statement Ref. 3541-2231-B dated 19 July 2017 (author: Oaktree Environmental Ltd).

- Landscape and Visual Impact Assessment dated July 2017 (author: Amalgam Landscape).
- Revised Emissions Modelling Assessment Ref 3740-2231-C dated 27 October 2017 (author: Oaktree Environmental Ltd).
- Drawing no. 3541/2231/02 Revision A entitled 'Site Location Plan' dated 14 June 2017.
- Drawing no. 3541/2231/06 Revision A entitled 'Wider Site Layout Plan' dated 13 October 2017.
- Drawing no. 3541/2231/04 entitled 'Existing Elevations' dated 8 June 2017.
- Drawing no. 3541/2231/05 Revision B entitled 'Proposed Elevations' dated 14 July 2017.
- Drawing no. 3541/2231/03 Revision A entitled 'Proposed Layout' dated 14 July 2017.
- Drawing no. 3541/2231/07 entitled 'Car Park Access Proposals Plan' dated 13 October 2017.
- Email dated 19 September 2017 from Oaktree Environmental Ltd detailing the specification of the biomass boiler.

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

- 3) The proposed biomass boiler and drying buildings shall be colour finished in juniper green (BS12 B 29) and the proposed flue stack in goosewing grey (BS10 A 05).

Reason: In the interests of the visual amenity of the area.

- 4) No alternative biomass boiler to that detailed in the application documents shall be constructed at the site.

Reason: To control the impacts of noise and emissions to air from the development and to provide for the monitoring of these impacts in the interest of local amenity.

Availability of Plans

- 5) A copy of this planning permission, including all documents referred to in them, and any further submissions to, and approvals by the Waste Planning Authority under these conditions, shall be kept available for inspection at the site office during the prescribed working hours.

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

Further Notifications

- 6) Written notification of the following shall be provided to the Waste Planning Authority at least seven days prior to the commencement taking place:
- a) commencement of development;
 - b) the completion of the construction of the biomass boiler;
 - c) the biomass boiler being brought into use; and
 - d) the cessation of the use of the biomass boiler.

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

Restriction on Permitted Development Rights

- 7) Notwithstanding the provisions of Part 7, Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development involving the extension or alteration of a building or the installation of replacement plant or machinery other than those hereby permitted shall be undertaken without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon the landscape and built form in the area.

Vehicular Access

- 8) The biomass boiler shall not be taken into use until the existing access onto Wood Lane has been modified in accordance with Drawing No. 3541/2231/07 entitled 'Car Park Access Proposals Plan' dated 13 October 2017 and Drawing No. 3541/2231/06 Rev A entitled 'Wider Site Layout Plan' dated 13 October 2017. The existing access highlighted on the aforementioned drawings shall be widened to a minimum of 6 metres for the initial 5 metres behind the nearside highway boundary and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 47 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1 metre in height (0.6 metre in the case of vegetation) relative to adjoining nearside carriageway level.

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

- 9) There shall be no gates or other barriers within 5 metres of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Waste Planning Authority.

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

- 10) No oil, grease, mud, dirt or debris shall be carried out from the site on to the public highway.

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

Securing of Loads

- 11) All loads of waste materials delivered to or removed from the site shall be enclosed or covered so as to prevent spillage, dust or loss of material at the site or onto the public highway.

Reason: In the interests of environmental and highway safety and dust minimisation.

Hours of Operation

- 12) The hours of operation at the site shall be:

For the operation of the biomass boiler.

00:00 hours to 24:00 hours Mondays to Sundays including Bank Holidays and other Public Holidays.

For the preparation and delivery of wood fuel:

08:00 hours to 17:00 hours Mondays to Fridays;
08:00 hours to 11:00 hours Saturdays.

No preparation or deliveries of wood shall be carried out on Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of local amenity.

Capacity and Annual Throughput

- 13) The development hereby permitted, in combination with those operations carried out on the wider waste management site, shall receive no more than 25,000 tonnes of waste per annum.

Reason: In the interests of the amenity of the area.

- 14) The facility shall be limited to only receive as feedstock residual waste wood which is within Grades A to C under the Wood Recyclers Association's (WRA) grading system, and there shall be no waste which is received for the development which is not waste wood. The operator shall maintain records of the tonnage and sources of the waste delivered to the site and shall make these records available to the Waste Planning Authority at any time upon request.

Reason: In the interests of sustainable waste management in accordance with the waste hierarchy. A use of any feedstock other than from waste streams which accord with this condition would give rise to different environmental effects which would not have been subject to assessment regarding sustainability during the determination of the application for this permission.

Environmental Protection

- 15) All rubbish, debris, scrap and other waste material generated on the site shall be regularly collected and stored in a suitable container until disposed of off-site in a suitable facility.

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

- 16) There shall be no burning of waste on the site, other than the wood waste permitted as feedstock for the biomass boiler.

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

Noise

- 17) No development shall take place until an assessment on the potential for noise from the development affecting residential properties in the area has been submitted to and been approved in writing by the Waste Planning Authority.

If the assessment indicates that noise from the development is likely to affect neighbouring residential properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of the National Planning Policy Framework, BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

In the event of a justified/substantiated complaint, at the request of the Waste Planning Authority, further assessment and mitigation shall be carried out.

Reason: In the interests of safeguarding the aural amenity of local residents, adjacent properties and land users. It is necessary for this to be a pre-commencement condition in order that noise levels may be agreed prior to the commencement of works on site and to safeguard the amenities of nearby occupiers.

- 18) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times including the use of effective silencers. The operator will fit reversing devices to vehicles which are non-tonal or other such appropriate reversing warning mechanisms.

Reason: To mitigate the noise effects from vehicles to protect nearby residents from intermittent and excessive noise.

External Lighting

- 19) Following construction, no external lighting shall be installed or operated except in accordance with a scheme that has been submitted to and approved in writing by the Waste Planning Authority. The scheme, which has regard to the Guidance Notes for the Reduction of Obtrusive Light GN01: 2011, shall then be implemented as approved.

Reason: In the interests of visual amenity and to avoid any light pollution during the operation of the facility.

Vegetation Clearance

- 20) No tree felling or clearance of vegetation shall be carried out in the period between 1 March and 31 August inclusive unless a nesting bird mitigation strategy in respect of such works (which shall include the undertaking of nesting bird checks immediately prior to the commencement of the works and the provision of any mitigation or compensation measures required thereafter) has been submitted to and approved in writing by the Waste Planning Authority. Such works shall

then only be carried out in accordance with the mitigation strategy as approved.

Reason: To protect nesting birds.

Decommissioning

- 21) Not less than 6 months prior to the final cessation of the operation of the development hereby permitted, a scheme for the final restoration of the site shall be submitted to the Waste Planning Authority for its written approval. The scheme, which shall include the removal of all buildings, stacks, associated plant, machinery, waste and processed materials from the site within a period of 18 months following cessation, shall then be implemented as approved.

Reason: To ensure the successful restoration of the site.

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.

Footnotes

- 1) The Environment Agency advises that the proposed development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010. The applicant is advised to contact the Environment Agency to discuss the requirements (enquiries@environment-agency.gov.uk).
- 2) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway.

Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website:

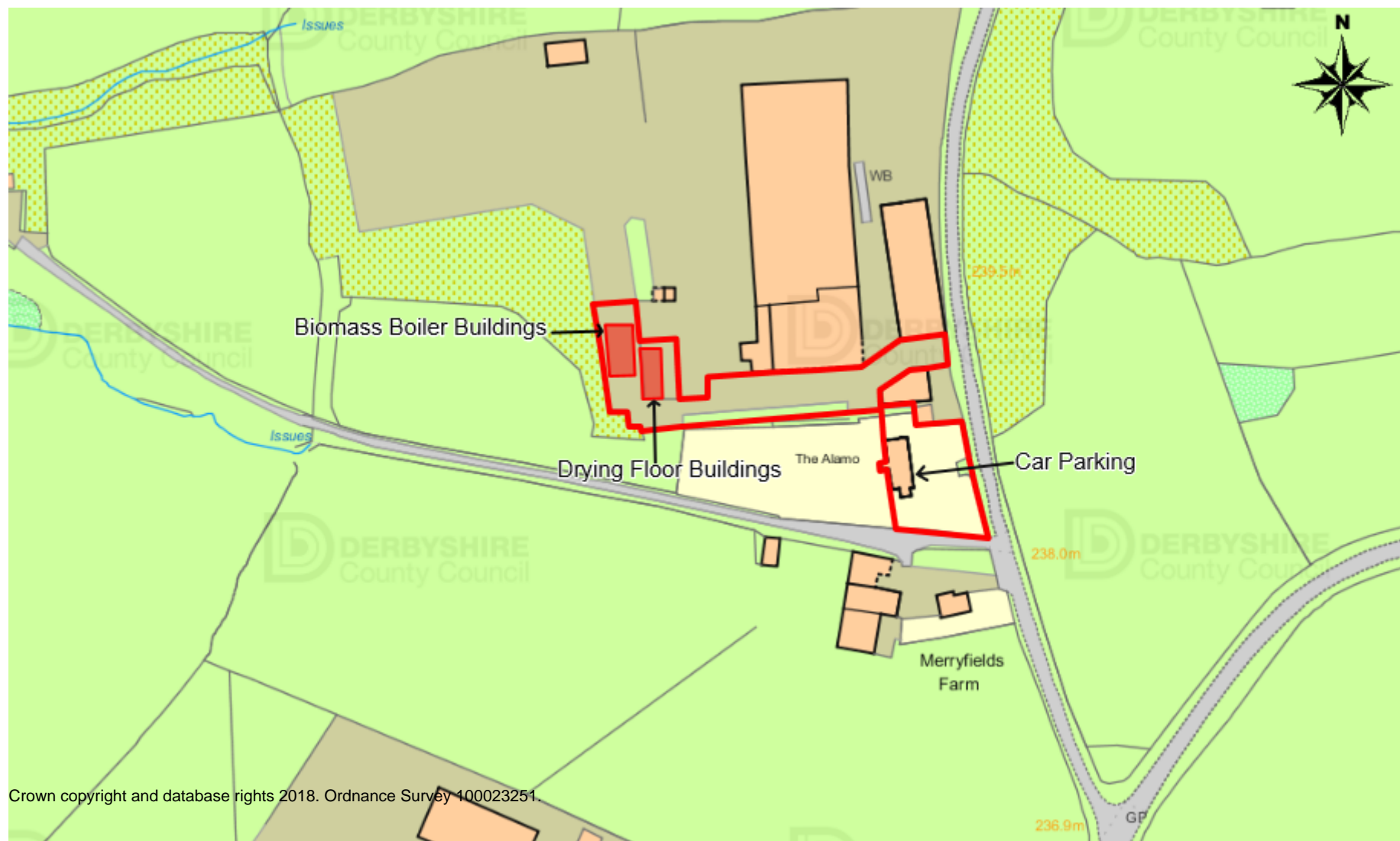
http://Derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

Email: ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

- 3) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

CW3/0717/36 Peak Waste Recycling Ltd, Kniveton



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Scale = 1 : 2000

1-May-2018