

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

3 September 2018

Report of the Strategic Director – Economy, Transport and Environment

- 1 APPLICATION FOR THE RETROSPECTIVE REGULARISATION OF THE PLANNING STATUS FOR CONTINUATION OF WASTE RECYCLING AND WASTE PROCESSING FACILITY (INCLUDING CONSTRUCTION OF A BUILDING AND ASSOCIATED INSTALLATION AND USE OF WASTE RECYCLING EQUIPMENT AND THE RECYCLING OF WASTE) AT WARD RECYCLING, OFF NEWBRIDGE LANE, OLD WHITTINGTON, CHESTERFIELD
APPLICANT: DONALD WARD LIMITED
CODE NO: CW2/0218/90**

2.656.9

Introductory Summary This is an application seeking retrospective permission to continue a waste recycling and processing facility, involving a range of waste materials and to regularise the unauthorised construction of a plant including a picking station, and for permission to construct a new open-sided industrial style building. The application site forms part of a 2.8 hectares area of land, owned by the applicant and occupied for waste management purposes.

The site is considered an appropriate location for a waste management facility of this type. I consider that the management being undertaken there is capable of representing the implementation of the development plan and support the objectives of national planning policy, particularly national waste planning policy. Accordingly, I consider that planning permission should be granted, subject to the recommended conditions, and the prior completion of a planning obligation to require the contribution by the operator to the Council, as Highway Authority, of a sum of money for improving the highway which connects with the access way to the site through the applicant's adjoining land (Newbridge Lane).

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

(2) Information and Analysis

The Site and Surroundings

The application site extends to approximately 0.65 hectare of roughly level, hard-surfaced land which forms the western part of the applicant company's

2.8 hectares total land ownership at Whittington Moor Industrial Estate, on the north-eastern outskirts of Chesterfield. The site is bounded to the north on higher ground by a separate waste recycling facility, to the south by an open area of land. To the west is the industrial estate and to the east is the remainder of the applicant's wider 2.8 hectares (which is in use for waste management related activities). Close to, but outside of, the eastern boundary of the application site there is an original, rectangular brick building with a permitted use for vehicle dismantling/depolluting, and adjacent to the southern boundary is an industrial style building which is used for a waste picking station (which forms part of the retrospective element of this application). Adjacent to the western boundary are a series of storage bays which are used for storage of sorted waste in respect of the development proposed in this application.

The site, which is enclosed by steel retaining panels and security fencing, is not visually prominent, due in part to the low lying nature of the ground and the collection of existing buildings on the wider industrial estate, together with existing vegetation. All access to the site is to the north-east, via the way through the applicant's adjoining land, then via Newbridge Lane (adopted highway), then via the Whittington Moor Industrial Estate. The nearest residential properties lie approximately 150 metres to the south-east beyond the Derby-Sheffield rail line, 200 metres to the north-west off Newbridge Lane and 400 metres directly east.

Planning History

The application site, as well as the remainder of the 2.8 hectares, has an extensive and complicated planning history, involving coal mining, industrial use, railway installations and, latterly, waste management activities. Chesterfield Borough Council issued a Certificate of Lawful Use and Development (CLUD) in 1994 for the use of land as a scrap yard, auto-dismantlers and retail sales of salvaged parts over a large part of the 2.8 hectares, including part of the application site. That strip of the land to the south of the CLUD area was granted planning permission by this Authority in 2004 for an extension of the existing scrap yard, construction of a vehicle depollution unit, vehicle storage area and installation of a hydraulic scrap shear. Other planning permissions, granted by this Authority between 2002 and 2005 related to part of the application site and provided for the construction and operation of a facility to dismantle redundant refrigerators for recycling. While this development was implemented, it ceased within a few years of commencement.

The applicant acquired the whole 2.8 hectares in 2015 and, as stated in the supporting documents, has undertaken several developments there to improve the functioning of its metal waste recycling business. These include the installation of new metal waste processing equipment in 2016 (in the current application site) and the erection of a replacement building in 2017

that was intended to help provide noise attenuation (not in the current application site, but which was part of development described in the application for planning permission of another part of the 2.8 hectares), towards the eastern side, which was approved by the Committee subject to conditions and prior completion of a legal agreement in 2017 (Minute No. 12/17 refers).

In accordance with the completed legal agreement of 2017, the applicant company has established a Local Community Working Group (LCWG) which involves representatives from the local residents, the applicant company, the Environment Agency, Chesterfield Borough Council (Planning and Environmental Health) and the County Council. This meets regularly and is chaired by the Local Member.

Current Proposal

The application is partly retrospective and partly for new development. The proposal involves the construction of a new building over the waste acceptance (tipping) area which would be used to store incoming mixed waste. The retrospective element is seeking to regularise the use of the application site for the continuation of waste recycling and processing, and the range of materials currently being processed on it, and to authorise the waste processing plant, including a covered picking station structure, already installed at the site.

Proposed New Building

The proposed building would be located close to the southern boundary of the site. It would measure approximately 24 metres by 24 metres with a ridge height of 12 metres at the rear and 13 metres at the open-ended north elevation. It would have a steel-framed construction with concrete side wall panels up to 6 metres high and 40mm composite steel sheets to roof level. Approximately 15% of the steel sheeted roof area would be translucent roof lights. The concrete panels and the steel sheeting proposed would be coloured grey with side walls/horizontal composite panels coloured grey (all to RAL 7011). No roller shutter doors are proposed but it would include an emergency personnel door towards the rear of the building for health and safety considerations.

Waste Types

The applicant acknowledges that the site now receives and processes a much wider range of waste streams than when they took control of the facility in 2015. Before that time, the waste management at the site was based on waste metal materials. The application now seeks approval for a wide range of waste types which includes the following (using the application description):

- Domestic waste – such as general skip waste i.e. waste from house clearance projects.

- Commercial and Industrial waste – waste from various industries with wheelie bins, roll on/offers, skips carrying mixed waste for recycling.
- Construction and Demolition waste – large and small-scale demolition projects from the local area.
- Hazardous waste – low level material types, such as batteries, oily rags and empty paint tins.

The application indicates that all the wastes received and processed at the site fall within those listed in the Environmental Permit which covers the site.

Proposed Working Hours

Different parts of the overall 2.8 hectares are subject to different working and delivery hours, by the terms of the respective existing planning permissions. The applicant proposes the following working hours for the development subject to this application:

- 0700 hours until 1900 hours Monday to Friday.
- 0700 hours until 1700 hours Saturdays.
- No working Sundays.

Supporting Documents

The application is accompanied by a Noise Assessment (NA), a Noise Monitoring Assessment (NMA), a Coal Mining Risk Assessment (CMRA), a Geo-Environmental Site Assessment (GESA) Phase 1 and Phase 2 full contamination report, an Ecological Appraisal and a Flood Risk Assessment (FRA). The NA, dated December 2017, sets out mitigation measures to help reduce noise emissions and concludes that the new building would have a beneficial effect assisting with reducing noise from the site. The NMA considers commencement of working hours at 0700 hours instead of 0800 hours. The CMRA, which is dated June 2015 and covered the whole 2.8 hectares premises, indicates that historic shallow mining activities could pose a potential risk to development and recommends that a ground investigation is undertaken to ensure that the structural integrity of proposed development is not compromised. The GESA was in 2 phases, dated December 2015 and May 2016, and outlines the overall state of the ground and details the ground investigation works that had been carried out, for the whole 2.8 hectares premises. A series of bore holes were undertaken and an analysis carried out on the sub-strata. The report also considers land contamination issues and includes recommendations, but particularly in relation to the development then being proposed, which included a new waste processing building to the south-west of the site.

The submitted FRA is dated August 2016; it covered the whole 2.8 hectares premises but was specifically taking into account the development which was then proposed on an area of the premises outside the current application, as was subsequently approved by the Committee in March 2017 (Minute No.

12/17 refers). This FRA indicates that most of the application site lies within an area designated as Flood Zone 2 having a medium to high probability of flooding and within the extent of the 2007 flood event. The FRA recommended that finished floor level of the then proposed re-development be set at a minimum of 600mm above the highest level on the site (i.e. at 66.07mAOD) This was based on the 2007 flood event which inundated the site. Other flood risks were considered, including surface water and overland flow, the existing drainage, groundwater and reservoirs.

Traffic

All HGV traffic would continue to use the existing access way off Newbridge Lane, via the Whittington Moor Industrial Estate Road. The application states that it is not proposed to increase the number of vehicular movements at the site.

Ecology

The preliminary ecological appraisal, which accompanied the application, is dated January 2016 and covers the whole 2.8 hectares premises (indicating that no protected ecological species were present on there). It assumed that the whole premises were the subject of a full application for a change in use which included a new waste processing building in the south-west of the site. It concludes that what was proposed would not threaten any existing wildlife adjacent to the land.

Consultations

Local Member

Councillor Brittan (Ward Member) and Councillor Bingham (adjoining Ward Member) have been notified.

Chesterfield Borough Council

Planning: No objection but recommends that working hours on Saturdays be restricted to:

- 0800 hours until 1300 hours.

Environmental Health Officer: No objection but recommends that the hours of working at the site should be:

- 0700 hours until 1800 hours weekdays;
- 0700 hours until 1300 hours Saturdays; and
- No working Sundays and bank Holidays.

Environment Agency

No objection: The applicant company holds an Environmental Permit to operate a household, commercial and industrial waste transfer facility and the Environment Agency states that the proposed activities on the site will continue to be controlled by the terms of that permit. The Environment Agency recommends that the applicant company:

- Follows the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refers to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Considers using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Ensures that any facilities for the containment of oil should be provided with secondary containment.

DCC Internal Flood Team

No objections but provided detailed advice about the management of surface water within the site and parameters for the design of any Sustainable Drainage Systems (SuDS) that could be incorporated into the development.

The Highway Authority

The Council, as Highway Authority, referred to Newbridge Lane as being a route popular with pedestrians passing to/from the residential areas and recreational facilities in the vicinity of the canal. It considered that there had been a significant increase in size and number of HGV trips generated by operations on the development site since it had been acquired by the current owners. It perceived that the level of traffic was continuing to have an adverse impact on both structural integrity of the highway and pedestrian safety. It advised that consideration could therefore be given to the inclusion through a legal agreement of a Highways Mitigation Contribution of £40,000, to improve the construction standard of Newbridge Lane to cater for the increase in number and size of HGVs and provide features to benefit pedestrian safety (for example carriageway markings and signage).

Coal Authority

The Coal Authority considers that the content and conclusions of the Geo-Environmental Ground Investigation Report (May 2016, prepared by Caulmert Ltd) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the development. The Coal Authority therefore has no objection to the proposed development.

Brimmington Parish Council

No comments received.

Network Rail

No objection.

Publicity

The application has been advertised in the Derbyshire Times, by site notices and by neighbour notifications. As a result of this publicity, one representation has been received supporting the proposal.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the development plan comprises the saved policies of the adopted Derby and Derbyshire Waste Local Plan (DDWLP), the saved policies of the Replacement Chesterfield Borough Local Plan (CBLP) and the Chesterfield Local Plan Core Strategy (CLPCS). Other material considerations for the determination of this application include such statements of Government policy in the National Planning Policy Framework (NPPF) (March 2018), as well as National Planning Policy for Waste (NPPW) 2014. The National Planning Practice Guidance is also relevant and contains guidance that is appropriate for this proposal.

At the heart of sustainable waste management is the waste hierarchy which encourages the efficient management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. It is not applied as a strict hierarchy as many complex factors influence the optimal management for any given waste material. However, as a guide, it encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting with landfilling of waste as the last resort.

The Derby and Derbyshire Waste Local Plan

The relevant policies are:

- W1: Need for the Development. This policy supports waste development in principle where it would help cater for the needs of the local area.
- W2: Transport Principles.
- W4: Precautionary Principle. This policy states *“if there is reasonable cause for concern that a proposed waste development would give rise to a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will not be permitted unless conditions can be imposed or legal agreements made to ensure that precautionary*

measures are taken to minimise and seek to prevent such damage; and that the risk of such damage is outweighed by the potential benefits of the development”.

- W6: Pollution and Related Nuisances. This policy states ‘*waste development will not be permitted if the development would result in harm caused by contamination, pollution or other adverse environmental or health effects.*’
- W7: Landscape and Other Visual Impacts;
- W8: Impact of the Transport of Waste; and
- W10: Cumulative Impacts.

Chesterfield Local Plan Core Strategy

The majority of policies in the CBLP 2006, have been replaced by the CLPCS (Adopted July 2013), which sets out the strategy for development across the Borough until 2031.

The relevant policies of the CLPCS are:

- CS8: Environmental Quality, which states amongst other things that: *“Where appropriate, development proposals will include an assessment of impact on air quality and incorporate measures to avoid or mitigate increases in air pollution and minimise the exposure of people to poor air quality”.*
- CS18: Design, which states amongst other things that *“Development will be expected to have an acceptable impact on the amenity of users and neighbours; l) be designed to be safe and secure and to create environments which reduce the potential for crime; m) minimise the impact of light pollution”.*

National Planning Policy Framework

The most relevant chapters of the NPPF are:

- Chapter 2: Achieving sustainable development.
- Chapter 4: Decision making.
- Chapter 6: Building a strong, competitive economy.
- Chapter 15: Conserving and enhancing the natural environment.

The NPPF states at Paragraph 170 that planning decisions should contribute to and enhance the natural and local environment by:

“Preventing new and existing development from contributing to, being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land stability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.”

It further states at Paragraph 180 that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

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. Appendix A of the NPPW details the waste hierarchy.

Paragraph 7 states that when determining planning applications, waste planning authorities should ensure that waste management facilities are well designed, so that they contribute positively to the character and quality of the area in which they are located.

Annex B of NPPW sets out locational criteria for waste planning authorities to consider in determining planning applications. Of these, the potential for noise and dust are considered to be the most relevant.

Planning Assessment

Notwithstanding that several elements of the development have already been implemented (without the benefit of planning permission) and are current practice at the site, the facility is one which seeks to recycle waste, encouraging its movement up the waste hierarchy and reducing the volume of waste that goes to landfill. The development includes an increase to the range of wastes that are processed at the site and the installation of facilities, buildings and equipment that are intended to improve the efficiency of the recycling operation and reduce the potential for adverse environmental impacts arising from those operations. The proposal is therefore welcomed in principle as a contributor to delivering a sustainable and efficient waste management system catering for the waste management needs of the area. It complies with the overall objectives of the policies of the DDWLP and national planning policy, including national waste planning policy.

The main issues for consideration in the determination of this proposal are therefore those relating to the potential impacts of implementing it on this site in the form set out in the application documents and how these proposals combine with the other waste operations currently undertaken on the rest of the site operated by the applicant.

The key issues to consider therefore are:

- Any impacts arising from the additional waste materials now being managed at the site.
- Impact on amenity from the new processing equipment.
- General impact on amenity.
- Visual impact, including the impact of the proposed building.
- Impacts on the highway network.
- Hours of operation.

Waste Streams to be Managed at the Site

The wastes which have been managed at the site have largely been metal based, including scrap metals and products manufactured from metals, such as vehicles. The waste types identified in the application documents are not inherently problematic wastes and are typical of those received and processed at many other sites in Derbyshire. In addition, they are included in the list of waste types authorised by the terms of the existing Environmental Permit. The operational controls imposed by the Environmental Permit apply to the processing of these materials which the Environment Agency considered acceptable for this site.

Waste Recycling and Waste Processing Activities

The use being undertaken on the current application site, and for which permission is sought, is less restricted in terms of the range of waste processing than those previously undertaken there. However, the development under consideration for this application should be viewed in context of the industrial surroundings of the site, including the remainder of the 2.8 hectares. The objective of the sustainable waste management is to move more waste up through the waste hierarchy, obtaining maximum use, reuse and benefit from waste that is generated. The proposed elements of this application should result in a more modern waste management site and a more effective and efficient operation, covering a wide range of waste types. This should therefore assist in the delivery of sustainable waste management. The types of equipment (crane, trommel and picking/separating belt) in use at the site are in common usage at waste management sites.

The provision of a new building to receive the incoming waste should help reduce noise and dust emissions. It would also reduce the amount of waste stored in the open. In conclusion, I consider that the proposal would not result in any increase in adverse environmental and amenity issues and that, on the contrary, it has the potential to help reduce the overall impact of the site.

Visual Impact

The application site is not visually intrusive in its wider industrial setting. The trommel screen and picking belt building are located close to the boundary of the site where trees minimise any views of these installations. The proposed

new building would also be in a similar location. The plant and proposed building are industrial in nature but are appropriate features in this context.

Highway Issues

The assessment of potential impacts on the highway are made complicated by the application relating to only part of the overall premises occupied by the company at Newbridge Lane. However, if permission is granted for the development which is the subject of this application, the operations and activities which form part of this continuing development will surely continue to generate significant HGV traffic which will use the existing access onto Newbridge Lane and Whitting Valley Road to the highway network beyond.

The application states that implementation of the current proposal would not result in any increase in vehicle movements to and from the site. However, this application is, in part, for retrospective permission for the current use of the site. There are no exact figures available for current numbers of vehicle movements to and from the site, but the Council, as Local Highway Authority, has commented that there has been a significant increase in the HGV transport generated by activities at the premises since it was taken over by the current operator (applicant), and that this has resulted in an adverse impact on both the structural integrity of the highway, as well as the safety of the more vulnerable pedestrian highway users. I am satisfied that some continuing additional adverse impact on the condition of Newbridge Lane and other highway users of Newbridge Lane is associated with the development described under this application, and that this could be mitigated through a legal agreement whereby the applicant would make a financial contribution to the Council for measures to improve the construction standard of Newbridge Lane and improve pedestrian safety.

Newbridge Lane provides the only route to the application site. It is unlit, narrow and with restricted passing places. It is an old road that has not been constructed to modern industrial estate standards. It is understood that the applicant is able to commit to making such a contribution of up to £7,500 under an appropriate legal agreement. The £40,000 referred to by the Highway Authority is understood to reflect the total that could be needed for a complete programme of reconstruction of Newbridge Lane. However, Newbridge Lane is a highway maintainable at the public expense that can be expected in any event to continue to bear some HGV traffic, apart from that associated with the development described in this application. It is also relevant that funding of £2,500 was received under a planning obligation of 2017 which remains available for remedial maintenance of Newbridge Lane. The obligation was provided in accordance with a committee approval of a previous application for planning permission relating to a development on another area within the 2.8 hectare site (Minute No.12/17 refers). I consider that the provision through a new planning obligation on the applicant's land, of a contribution of £7,500 for highway mitigation, together with a condition to

provide an annual limit of 40,000 tonnes for the total tonnage of waste materials to be imported to the application site to be appropriate. The tonnage limitation would serve to avoid the risk of HGV traffic with this development increasing in future to the extent that Newbridge Lane would not be at all suitable to bear it (even following reconstruction). The £7,500 would enhance the existing £2,500, and could be put towards a full reconstruction scheme and/or be used in part to fund a more limited shorter term remedial measures. The essential requirement for a planning obligation for this is set out within the Officer's Recommendation below.

Proposed Hours of Operation

The applicant proposes the working hours at the site would be:

- 0700 hours until 1900 hours weekdays; and
- 0700 hours until 1700 hours Saturdays.

For this type of operation, this represents an early start and a later finish (particularly on Saturdays). Whilst the site is within an industrial estate, the nature of the proposed works have the potential to generate noise. To protect the amenities of the residents of the area, and having regard to both the suggestion for the working hours by the Planning Officer at the Borough Council, and the suggestion for the working hours by the Environmental Health Officer, it is considered that an acceptable working pattern would be:

- 0700 hours until 1800 hours weekdays; and
- 0700 hours to 1300 Saturdays hours and no working Sundays.

The applicant company has indicated that, in accordance with pre-existing service contracts for collecting wastes (with Police and other service authorities), it has used the site during the hours from 0400 hours and up to 2300 hours, and that it is proposed to maintain these contractual arrangements. Whilst the service may benefit the wider community, if these working hours were approved, this would see very early morning and late night traffic movements and potential for general disturbance. To allow the applicant company to continue to fulfil these contracts, I would recommend that, if planning permission is granted, a condition should be imposed restricting any deliveries outside working hours to the application site to the following:

Emergency Deliveries

There shall be no deliveries of materials to the site outside the working hours of operation except for necessary emergency deliveries only between:

0400 hours to 2300 hours Mondays to Sundays inclusive.

In the event that an emergency delivery is necessary, the Waste Planning Authority shall be notified prior to any deliveries to the site being undertaken.

This would help the applicant company to maintain what is a necessary service, avoid any further doubt regarding these deliveries and ensure that they can be monitored accordingly.

Ground Conditions

An additional consideration highlighted by the application documents is the condition of the ground in the site, particularly in the area of the proposed building. The ground investigation reports accompanying the application indicate some potential contamination, pollution and construction issues resulting from the historic uses of the site and relevant recommendations were made. In terms of ground conditions, I am satisfied that there are no overriding barriers to the development in this application.

Conclusion

In conclusion, I consider that all aspects of the proposal are acceptable, subject to the conditions and planning obligation provided for in the recommendation below. I consider that the new equipment and building would help improve the efficiency of the operation and reduce its environmental impact. The increase in the range of waste streams managed at the site will contribute to the delivery of a sustainable waste management system for the area and accordingly, it conforms to the provisions of the development plan and national planning and waste planning policy.

Accordingly, I recommend that planning permission be granted subject to the conditions below and the prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £7,500 to the Council, as Local Highway Authority, for improvement of Newbridge Lane, Whittington Moor, Chesterfield.

(3) **Financial Considerations** The correct fee of £3,696 has been received.

(4) **Legal Considerations** This application falls under Part III of the Town and Country Planning Act 1990 for 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 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 Nos 2.656.8 and .9

Planning application details supporting statements supplementary information and associated information, Phase 1 and Phase 2 Contamination Reports, Noise survey and supplementary Information regarding noise. Letters/e-mails from Chesterfield Borough Council (Planning and Environmental Health Officer) dated 9 May 2018, Network Rail dated 1 May 2018, and the Environment Agency dated 18 May 2018. Letter of support dated 21 March 2018. Letter from the Coal Authority dated 10 May 2018. Certificate of Lawful Use dated 28 February 1994, Planning Permission Code Nos: CM2/497/1, CM2/1298/110, CW2/0104/181, CW2/0503/22 and CW2/0502/29 various dates.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **grant** planning permission subject to a planning obligation first being entered into under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution to the Council, as Highway Authority of £7,500, for measures to improve the construction standard of Newbridge Lane, Old Whittington, Chesterfield and/or to benefit pedestrian use of Newbridge Lane, and conditions based on the following:

Commencement of Development

- 1) Insofar as development, which is granted permission by this planning permission has not already commenced, it shall be begun before the expiration of three years from the date of this permission. The Waste Planning Authority shall be given at least 14 days prior written notice of the date the development comprising the construction of the new building set out on drawing number 3299/10A 'Plan & Elevation 24 x 24 Building', as permitted by this planning permission, is commenced. The date this development is commenced shall be confirmed in writing to the Waste Planning Authority not later than seven days after the event.

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

Form of Development

- 2) The development hereby permitted shall be carried out in full compliance with the details set out in the application for planning permission, supporting information and plans, unless otherwise modified or amended by conditions of this permission. The application

for planning permission, supporting information and plans comprise the following documents:

- Planning Application Form dated 14 February 2018.
- Supporting Statement, reference SS01, dated February 2018.
- Geo-Environmental Site Assessment, Document Ref: 2291.1.DWR.DE0.SV.A0, Issue Date December 2015.
- Interpretative Geo-environmental Ground Investigation Report, Doc Ref 2291.12.DWR.DE0.APJ.A0, Issue Date May 2016.
- Coal Mining Risk Assessment, Ref: 2291.03.WR.CN.JC.A0, dated June 2015.
- Flood Risk Assessment, Document Ref: 2290.01.WR.AGS.FAZ.A0, dated August 2016.
- Noise Assessment, Report Number R17.1227-4-AG, dated 5 December 2017.
- Noise Monitoring Assessment, Report Ref: SCL7000.171220.NIA, Prepared 20 December 2017.
- Preliminary Ecological Appraisal, Report Ref BG16.103, dated January 2016.
- Site Location Plan, Ref Number TQRQM18044173656087, dated 13 February 2018.
- Plan titled – Site Location Plan – Ward Recycling – Chesterfield Depot - (A4 @ 1:1250).
- Drawing No 3299/10A – Plans & Elevation 24 x 24 Building - dated 10 November 2016.
- Drawing No No 3299-11 – Ward Recycling site Chesterfield Site Planning - dated 10 March 2017.
- Drawing No 3299/02A – Site planning – dated 2 September 2015.
- Plan titled - Bradgate - showing equipment layout (Undated and no drawing number).
- Plan titled - Ward Recycling – Chesterfield, showing building details (sizes are for costing purposes only, not for construction). (Undated and no drawing number).

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

Availability of Plans

- 3) From the date of this decision notice, a copy of these conditions, including all documents referred to in them, and any further submissions to, and approvals by the Waste Planning Authority under these conditions, shall be available for inspection at the site office during working hours, and the terms and conditions of the permission shall be made known to any person(s) given responsibility for the management and control of operations.

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

Volumes of Waste

- 4) The maximum limit of waste imported to the application site annually, shall not exceed 40,000 tonnes. Records of the annual tonnages shall be made available (on request) to the Waste Planning Authority.

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

Dust and Odours

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

Reason: In the interest of protection of local amenity.

- 6) Each working day, the surrounds of the site shall be monitored for any odours arising from the development. If any materials result in noticeable odours they shall be contained, or removed from the site as soon as practicable.

Reason: In the interest of protection of local amenity.

- 7) All vehicle movements and movements of waste and materials and other activities, which would be capable of generating visible concentrations of airborne dust to be within areas having solid bound and clean surfaces, and to be accompanied by applications of water to the land and to relevant materials and waste on the land so far as required to avoid visible concentrations of airborne dust escaping from land.

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

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

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

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

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

- 10) During dry and/or windy weather, dust suppression methods, such as water bowsers and hosepipes, shall be used to prevent dust being blown off the site. At such times as the prevention of dust nuisance by the above conditions is not possible, the movement of any dusty materials shall temporarily cease until such times that the weather conditions improve.

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

Noise

- 11) All work on the site (during the construction of the proposed building), shall be carried out as appropriate in accordance with Section 5 'Control of Noise' of Part 1 of BS5228-1:2009 A1 2014 or its equivalent replacement.

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

Lighting

- 15) Within one month of the date of this permission, details of the type and location of all existing external lighting on the site shall be provided to the Waste Planning Authority. No additional external lighting shall be installed unless details have been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interest of protection of local amenity.

Hours of Operation

- 16) No waste operations shall be carried out other than during the following hours:

0700 hours to 1800 hours Mondays to Fridays inclusive.

0700 hours to 1300 hours Saturdays only.

Deliveries:

There shall be no deliveries of any kind to the site outside the working hours of operation as specified in Condition 16 above, except for any necessary emergency deliveries of materials for emergency service contracts between 0400 hours to 2300 hours Mondays to Sundays inclusive.

In the event that an emergency delivery is necessary, the Waste Planning Authority shall be notified prior to any deliveries to the site being undertaken.

Reason: In the interest of protection of local amenity.

Drainage and Pollution Control

- 17) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. There

shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: To prevent contamination of underground water.

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

Reason: To ensure that the site drains efficiently.

- 19) Within one month of the date of this planning permission, a plan showing details and location of the existing site drainage system shall be provided to the Waste Planning Authority. The site operator will ensure that all surface water drainage continues to operate in an efficient manner.

Reason: To ensure that the site drains efficiently.

Further Scheme/s to be Submitted

- 20) Within three months from the date of this permission, the following schemes shall be submitted for the approval in writing of the Waste Planning Authority:
- i) A scheme of landscaping and tree-planting on the boundaries of the site: the scheme shall include details of all proposed tree and shrub planting, location and species, provision for regular inspection of the trees by representatives from the company and Waste Planning Authority, proposals for a five year management and maintenance of trees and shrubs (including a watering regime) and a programme of implementation of these works.
 - ii) A scheme of actions and mitigation measures to be taken, including operational management measures, which shall mitigate so far as reasonably practicable potentially adverse impacts of noise and dust emissions from the operations hereby approved within the application site under this permission, including cumulative impacts from such emissions in combination with noise and/or dust emissions in the locality from other sources.

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

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

- 21) Before commencement of the construction of the building set out on drawing number 3299/10A 'Plan & Elevation 24 x 24 Building', a detailed scheme for the colours to be used for the final finish of this building and the future appearance of the picking station and associated plant and other structures on the site shall be submitted for the approval in writing of the Waste Planning Authority:

The scheme shall be implemented as approved and the appearance of all the buildings and structures on the site shall be maintained in accordance with the scheme at all times thereafter.

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

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of the planning applications in full accordance with this Article. The applicant had not engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

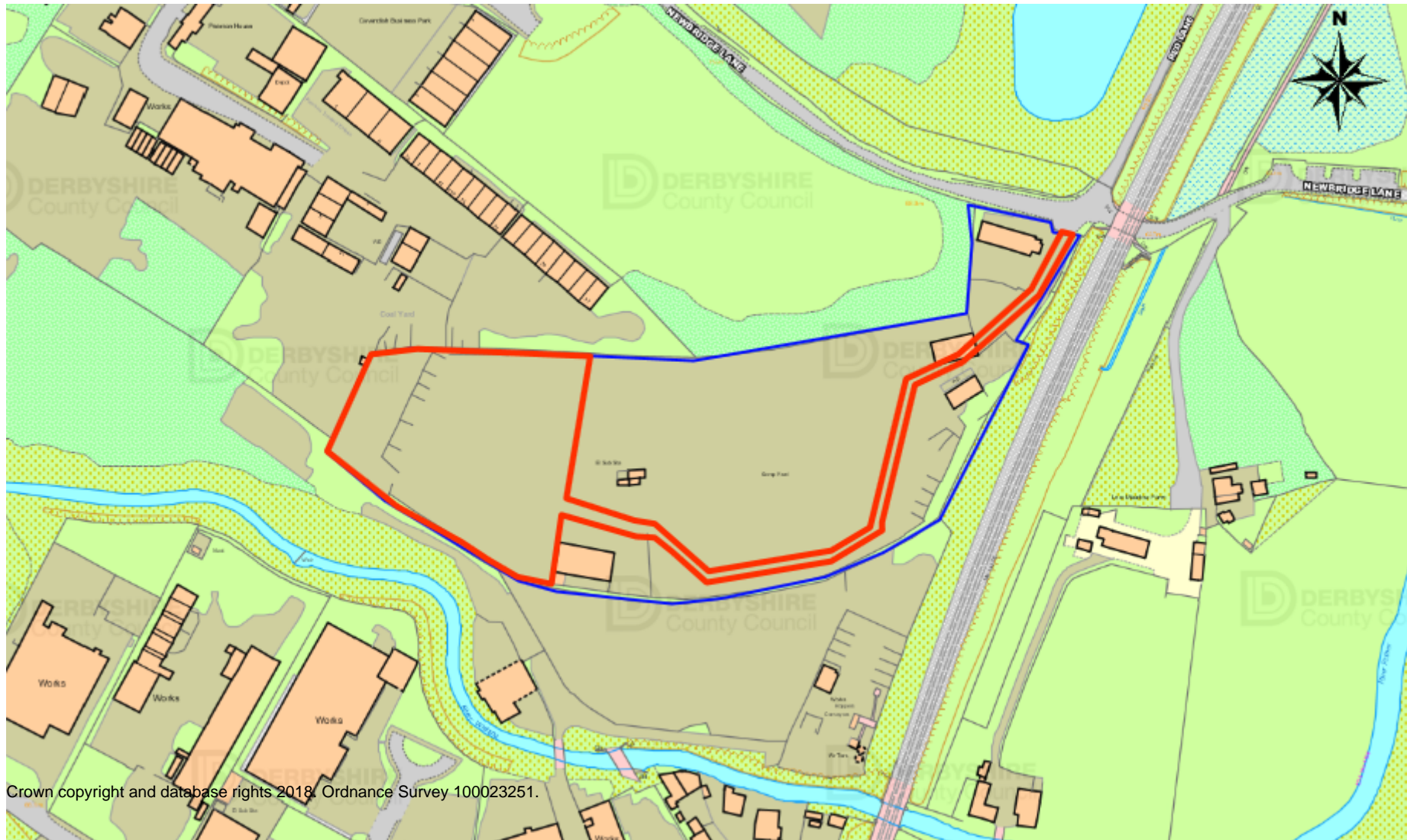
Footnotes

- 1) The proposed development lies within a coal mining area. In the circumstances, the applicant should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works.

Property specific summary information on any past, current or proposed surface activity to affect the development can be obtained from the Coal Authority. The Coal Mining reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

- 2) The applicant's attention is drawn to the advice of the Environment Agency in the attached letter dated 18 May 2018.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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16-Aug-2018