

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

20 May 2019

Report of the Strategic Director – Economy, Transport and Environment

- 2 PERMANENT RETENTION OF THE EXISTING INERT WASTE RECYCLING OPERATIONS, TOGETHER WITH THE ASSOCIATED OFFICE BUILDING, WORKSHOP EXTENSION, AND ASSOCIATED VEHICLE PARKING ARRANGEMENTS, MAGNET BUSINESS PARK, HIGH HAZELS ROAD, BARLBOROUGH
APPLICANT: BRID'S LIMITED
CODE NO: CW5/0618/24**

5.1236.7

Introductory Summary

A temporary planning permission, with regard to inert waste recycling (in a smaller area at Magnet Business Park), was granted 2 May 2017, for a period of 36 months (expiring 2 May 2020).

The operator has submitted this application to regularise the position on site and also to seek a permanent planning permission.

The position of the applicant is that it now requires some long term certainty before further significantly investing in the site, the concern being to the operator of potential losses of financial investment, should a permanent permission not be forthcoming.

The implementation of the temporary planning permission has not generated any complaints with regard to dust or noise issues to the Joint Environmental Health Service of Bolsover District and North East Derbyshire District Council's (JEHS). The WPA has received, since the grant of temporary permission, a complaint from a neighbouring use complaining of dust dispersal over vehicles.

The proposal is considered to accord with local and national planning policy, and to be acceptable with regard to all material considerations, but particularly with regard to location of the development, dust and air issues, landscape and design, highways, flood risk and drainage, and economic impacts. Any impacts associated with the development are considered to be to a reasonable level, or can, where considered necessary, be controlled through the imposition of conditions. The application is therefore 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 located on land near the southern edge of Barlborough, to the northern end of Magnet Business Park, and is accessed off High Hazels Road. The site, approximately 1.52 hectare (Ha) in area, is bounded by Barlborough Common, a former landfill area to the north, and by two large industrial/business units and a car park immediately to the south.

Approximately 65 metres (m) to the south-east is a former Tesco distribution Depot which is currently vacant. A haulage/freight company, Hastings Freight, is located to the east. Midland Court, a business park which forms part of the wider Barlborough Links development, is situated to the north of Barlborough Common, approximately 80m to the north of the area of the application site. To the west lies arable farmland. The application site is not within, or in close proximity to, any natural or cultural heritage designations.

Background

Planning Permission was granted by this Council on 2 May 2017 on a temporary basis for 36 months, for the change of use of almost two thirds (approximately 1 ha) of the current application site area to an inert waste recycling and waste transfer facility including the construction of a site office and workshop (Planning permission code no. CW5/0117/84). The permission is subject to 31 planning conditions, of which, amongst others, number one is as follows:

- 1) “The operations hereby permitted shall cease no later than 36 months from the date of this permission and the site shall thereafter be cleared of all waste, recyclable materials, recycled materials and primary aggregates, buildings, structures, plant, vehicles and equipment associated with the operations hereby permitted no later than 39 months from the date of this permission. This permission shall thereafter cease.

Reason: *In order that satisfactory environmental compliance can be monitored over the temporary period.”*

This permission was sought by the applicant, and granted on a temporary basis, in order that the County Planning Authority could monitor levels of potential impacts such as noise and dust generation, and assess whether these would be within acceptable parameters or effectively mitigated on site in order to maintain acceptable levels of amenity and environmental conditions in the locality.

Prior to this grant of the temporary planning permission for inert waste recycling use, planning permission was granted by BDC in 2014 for the construction of a new access road, hardstanding area for a haulage business, office, workshop and welfare facilities (ref. 14/00220/FUL), on adjoining land. This land has also been in use by the applicant.

The Proposal

The applicant now seeks a full permanent planning permission for the permanent retention of the inert waste recycling operations. The application also seeks to regularise current operations in a consolidated planning permission on a site that covers both the area that was granted permission for haulage/plant hire and inert waste recycling area which has the temporary permission.

Under the temporary planning permission, an area of approximately 1ha is permitted to process up to 100,000 tonnes per annum of non-hazardous, non-contaminated inert construction and demolition (C&D) waste. Once the inert material is received at the site, it is put through a crusher to reduce the hard-core material into a series of different grades and sizes. Following crushing and screening, the material is currently stored in piles on site in preparation for exportation for use in the construction industry. The application seeks permission for the erection of new bays for external storage of the processed C&D waste material.

The inert waste recycling facility has now been operational under the temporary permission for over two years.

The main elements of the application proposal are:

- the continued importation, external processing and subsequent exportation of up to 100,000 tonnes per annum of inert construction, demolition and excavation waste;
- retention of a site office and welfare facilities;
- retention of mobile screening and crushing plant;
- construction of storage bays to store a variety recovered materials;
- retention and extension to an existing workshop building for the repair and maintenance of plant;
- creation of a hardstanding area; and
- Parking areas for HGV/plant and equipment.

The existing workshop building would be retained as per the temporary planning permission, however, it has been extended. The original building was 12m (width) x 12m (depth), with the highest point to the roof ridge being 8.3m. The workshop has been extended by 6m to the rear (totalling 18m depth), and the pitch of the roof would slope downward to approximately 4m in height at

the rear eaves. This application seeks permission to retain the workshop as has been erected and as extended.

The application also seeks planning permission to retain the existing modular two storey site office building measuring approximately 5m (width) x 16m (depth) x 4.5m in height.

The recycling operations would continue to be enclosed by a 2m high metal mesh fence.

On the basis of the site operating at approximately 100,000 tonnes per annum, the supporting planning statement indicates that there are in the order of 26 HGV incoming loads and 26 outgoing loads, equating to roughly 52 HGV movements per day. This, however, is an average figure and there are likely to be days that are busier. The statement suggests that an upper limit of 50 HGV incoming loads and 50 outgoing loads would provide the required flexibility and account for the quieter winter months.

In addition to the traffic generated by the waste management operation, there are some vehicles driven by site staff and small maintenance vehicles associated with the periodic requirement for repairs or maintenance at the Site. These amount to a further 30 vehicles per day.

The working hours for the loading, unloading and processing of inert waste are restricted under the current temporary planning permission to:

- 07:00 hours to 18:00 hours Monday to Friday inclusive; and
- 08:00 hours to 17:00 hours Saturdays
- No working on Sundays/Public Bank Holidays

The same permitted hours of operation are being proposed as part of this application.

The application stipulates that the operation at the site employs a total of 50 full time employees.

A landscaping scheme has been approved under Condition 30 of planning permission CW5/0117/84. The proposed landscaping scheme would incorporate 50m of new native hedgerow with hedgerow trees linking the existing hedgerows to the east and north-western boundaries and three feathered trees to enhance the existing area of natural regeneration to the north-east corner of the site.

Site Planning Application History

The applicant has attempted to satisfy scheme submission requirements under conditions to which the temporary permission is subject, through the submission of various details. Most of these submissions, however, included

details related to the whole of the current application site, (including haulage permission area which does not currently have planning permission,) and so they were not validated and were returned to the applicant. Dust management plan and landscape details have been approved however as shown below.

Planning Application Reference No	Development	Decision
SW3051	Submission of Dust Management Plan required by Condition 20 of Planning Permission CW5/0117/84	Submission Approved 3 May 2018
SW3056	Submission of landscaping and aftercare scheme required by Condition 30 of Planning Permission CW5/0117/84	Approved 19 April 2018
CW5/0117/84	Proposed Inert Waste Recycling and Waste Transfer Facility	Temporary Approval 36 months
BDC 14/00220/FUL	Construction of new access road, erection of temporary office, welfare facilities and workshop and creation of hard standing for a haulage business	Approved 3 July 2014
BDC 08/00401/OUTMAJ	Offices, industrial and distribution units (B1, B2 and B8 uses) and demolition of existing factory including details of access and layout	Approved 8 October 2008
BDC BOL1091/438	Outline planning permission for factories and associated offices.	Approved December 1991

Consultations

Local Member

The Local Member, Councillor Western, has been consulted and no comments have been received.

Bolsover District Council (Planning)

(Comment dated 6 August 2018 in response initial consultation)

The Council has responded in objection. The points of objection are summarised as follows:

- It was a finely balanced decision that the County should be the determining Authority on the application and the haulage business in this context should remain ancillary to the main inert waste recycling activity. (If not, planning matters for the site might fall back into the remit of the BDC).

- The operations are creating serious problems of dust and noise. Other operators in Barlborough Links are incurring additional expense dealing with nuisance from the BRID's site.
- Concerns have been received by the District Council that nearby residential properties are experiencing excessive dust from the site. The application does not therefore comply with policies GEN1 and GEN3, of the Bolsover District Local Plan (BDLP) or the National Planning Policy for Waste (NPPW).
- The trial period granted under CW5/01174/84 has not demonstrated that conditions are capable of making these proposals acceptable in planning terms.
- The applicant is asking for permanent permission to deal with matters which should have been in place to enable the business to successfully carry out a 'trial run'.
- The applicant states it has a fleet of 25 HGVs, yet the total number of HGVs is limited to 16 per day (8 in and 8 out).
- Extensive mud and dirt on the Highway.
- The nearby A616/A619 Treble Bob roundabout is already at capacity.
- A permanent permission would detract from the environmental quality of the area and undermine the current economic success of Balborough Links Business Park.
- Buildings were not erected in the approved position under BDC permission for application 14/00220/FUL. Land in the current application was used for inert waste recycling without the benefit of planning permission. BDC therefore contends that 14/00220/FUL was not implemented in accordance with the permission granted, and has lapsed. No weight should be afforded to the claim that the previous permission has been implemented and the haulage use should be considered again, being incidental/ancillary to the waste use.
- Impact on existing high quality/high tech businesses - problems retaining and attracting as a result of visual intrusion from BRID's site, which is out of character with the area.
- Employment benefits of operation are likely to be lower than the net effect to wider employment area in terms of retention/attraction of business. A prospective tenant for the former Tesco Warehouse was dissuaded from taking the site as a result of the neighbouring BRID's operation.
- Former Slayley Tip to the north of the site has planning permission for 'Explore Transport' headquarters. High mounds of processed materials would be even more visually intrusive when the site is developed.
- The proposal does not constitute sustainable development contrary to the NPPF, and Local Plan which promote economic prosperity as an objective and encourage growth of high value manufacturing businesses.

Additional comments received 28 March 2019 with regard to second consultation (Revised site plan)

- Revised plan shows removal of an area of landscaping along the northern boundary which is essential to be retained to soften the impact of the development.
- A site visit undertaken by a BDC Officer in February 2019 indicated that the developer was operating in contravention of the temporary permission, with considerable dust and debris on High Hazels Road leading to the site.
- Large heaps of material were deposited in the car park (used by lorries). This appeared to be hard core implying more than just recycled materials were being sold from the site.
- BDC reiterates its previous objection.

The Joint Environmental Health Service of Bolsover District and North East Derbyshire District Councils

The JEHS has raised no formal objection. Comments were made on the assumption that, should planning permission be granted for the site, there would be a condition attached to limit the scope of the works (i.e. the quantity of inert waste material imported and handled at the site shall not exceed 100,000 tonnes in any calendar year) and the hours of operation shall remain unchanged from the existing temporary permission.

The JEHS states that it would appear from the available information and evidence there have been no significant issues with dust during the operation of the site over the past two years. In order to ensure the management of dusts continues to be effective, a condition is required ensuring operations continue in accordance with the dust management plan in existence for the site (Approved under SW/3051).

The JEHS states that it is not aware of any noise complaints being received within the last two years. A condition with regard to maintaining specified noise levels, as identified in the acoustic report submitted, is recommended, as is a condition requiring further noise monitoring and mitigation if complaints are received in future.

The JEHS has indicated that, given the information submitted with the application, it is satisfied that a gas risk assessment is not required on this occasion.

Barlborough Parish Council

The Parish Council raises the following objections:

- The Council feels that the proposal will have a detrimental impact on the appearance of the surrounding area, being unsightly and out of character.
- The design, siting and layout of the proposed building detract from the overall high quality of the Business Park.

- The proposed location is the last available plot on a commercial site, BDC has turned down previous applications which involved haulage demolition waste as it was viewed as internal light industry and not conducive to the character of the commercial site.
- This development would not meet the development needs of the area.
- Loss of key employment land with previous permission for offices and distribution units.
- Possible impact for existing employers on the Barlborough Links site due to detriment to visual amenity.
- Increased levels of dust and noise pollution from demolition waste vehicles (not approved) continually moving throughout the day.
- It has been suggested that the development holds recycled construction waste in a building on the site.
- Unauthorised and unapproved large amount of demolition waste on site.
- Temporary consent for a period of three years would not be appropriate due to all of the above, namely the adverse socio-economic and environmental impact.

The Environment Agency

Raise no objections. Advice notes indicate that in the first instance, foul sewage should be discharged to the mains sewer network. If this is not possible then justification may be required. An informative for the storage of fuels is also advised.

Yorkshire Water

(Comment dated 5 December 2018 in response initial consultation)

Raise no objections subject to appropriate planning conditions being attached. The submitted Flood Risk Assessment (FRA) is not acceptable as it indicates that excess volumes of surface water would overflow to the public foul sewer. However, Yorkshire Water has advised conditions to overcome this and which would not permit overflow of surface water to the public foul sewer. Surface and foul sewerage should be on separate systems.

Additional comment received 4 April 2019 with regard to second consultation (Revised site plan)

Yorkshire Water is satisfied with the proposed drainage strategy. The conditions requested in the previous response are therefore unnecessary, however, other consultees may wish to see drainage conditions imposed if planning permission is granted.

Lead Local Flood Authority

Raise no objections.

Local Highway Authority

Raise no objections. Given that the applications seek to regularise existing permissions granted by the County (Waste element) and District (haulage

use), overall there will be no substantial increase in either the volume of throughput material, vehicular movements and number of staff employed. It does not appear that the County Council, as local Highway Authority, recommended restricting vehicular movements for heavy commercial vehicles to 16 per full working day, i.e. 8 in and 8 out, as provided in the temporary consent. The original application indicated an average of 110 vehicle movements over each 10 hour day in the supporting statement, and upper limits of 50 incoming and 50 outgoing movements are sought. The Highway Authority has no objections to this.

Publicity

The application was advertised by site notices on 10 August 2018 and a notice published in the Derbyshire Times 16 August 2018.

One letter of objection has been received from a neighboring business at Magnet Business Park. Concerns in summary are:

- Piles of raw material on the site can be 15 to 20 feet tall.
- The crushing machines create clouds of dirt and dust.
- The dust and dirt blows over the rest of Magnet Business Park, coating everything in its path.
- The dust permeates other units.
- Sister Company on Magnet Business Park stores machines, which have to be constantly cleaned - is expensive and devalues stock.
- The main business contracts paint jobs to a paint shop, who's unit is also on Magnet Business Park. The objector believes that the standard of paint jobs is suffering because of the dust generated.
- BRID's operation should be sited somewhere more isolated away from neighboring firms.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are the saved policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP) (adopted 2005), Derby and Derbyshire Minerals Local Plan (DDMLP) (adopted 2000 and amended in 2002) (MP24), and the saved policies contained within the BDLP (adopted 2000). Other material considerations include national policy, as set out in the 2019 National Planning Policy Framework (NPPF), and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE) and within the NPPW.

The Development Plan

Saved Policies of the Derby and Derbyshire Waste Local Plan (2005)

W1b: Need for the Development.
W2: Transport Principles.
W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W8: Impact of the Transport of Waste.
W9: Protection of Other Interests.
W10: Cumulative Impacts.

Saved Policies of the Derby and Derbyshire Minerals Local Plan (2000, amended 2002)

MP24: Secondary and Recycled Materials.

Saved Policies of the Bolsover District Local Plan (2000)

GEN1: Minimum Requirements for Development.
GEN 2: Impact of Development on the Environment.
GEN5: Land Drainage.
GEN6: Sewerage and Sewage Disposal.
GEN8: Settlement Frameworks.
ENV3: Development in the Countryside.
EMP5: Protection of Sites and Buildings in Employment Uses.

Neighbourhood Plan

The site is within Barlborough Parish, for which there is yet no emerging or adopted Neighbourhood Plan.

National Planning Policy Framework (Revised 2019)

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework as a whole contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

Section 2: Achieving sustainable development.
Section 6: Building a strong, competitive economy.
Section 12: Achieving well designed spaces.
Section 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment.
Section 17: Facilitating the sustainable use of minerals.

Planning Policy Guidance (Waste)

On-line national planning policy guidance.

National Planning Policy for Waste (2014)

Determining Planning Applications.

Appendix A: The Waste Hierarchy.

Appendix B: Locational Criteria.

Waste Management Plan for England (2013)

The Waste Hierarchy.

Construction and Demolition Waste (C&D).

Arrangements for Construction and Demolition Waste.

The Need for Development

The WMPE states that in England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (e.g. landfill). Planning Practice Guidance similarly supports the priority in driving waste up the hierarchy.

The proposal would fall within the mid sections of recycling/other recovery categories through the turning of C&D wastes (e.g. soils, bricks and concrete) for re-use in the construction industry. The WMPE stipulates that measures should be taken to ensure that by 2020, at least 70% by weight of C&D waste is subjected to material recovery.

The proposal is in accordance with this aim and would assist in driving waste up the waste hierarchy.

Paragraph 7 of the NPPW states that, when determining waste planning applications, WPAs should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

Data collected as the evidence base for the emerging DDWLP indicates that the future need for waste facilities will predominantly be focussed around the mid-section of the waste hierarchy, specifically transfer, treatment and reprocessing in driving waste up the hierarchy. In that simple “need” context, this application fits with that requirement.

At a local level, saved Policy W1b of the DDWLP presumes in favour of planning permission where a proposed development caters for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management. The continuation of the inert waste recycling operations represents an opportunity to make a long term local contribution to meeting the requirement to increase recycling around the mid-section of the waste hierarchy.

Saved Policy MP24 of the DDMLP supports the production of secondary aggregates (separate to primary “land won” aggregates) from mineral wastes but also other low grade resources (which would include demolition waste) where they can be carried out without unacceptable damage to the environment. The environmental impact from the recycling of C&D waste can be significantly less than that from extraction of primary aggregate. The proposal would, in principle, reflect the intent of saved Policy MP24 of the DDMLP.

In principle, therefore, the need for the proposal is established, in accordance with these relevant policies. The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Location of the Development.
- Dust, Air and Noise Impacts.
- Landscape and Design.
- Highways.
- Flood Risk and Drainage.
- Economic Impact.

Given that the site is established, and in an existing employment/industrial area, it is not considered that there any specific ecological constraints to consider.

Location of the Development

The site is largely in the established Magnet Business Park, part of a Key Employment Area in Bolsover. Within the Area there is a mixture of employment uses, including office, retail and light industry. Within the immediate locality, the character is more industrial, however, including two light industrial/business uses to the south of the site, and a haulage/freight company, Hastings Freight company to the east.

At national and local level it is generally recognised that, subject to environmental considerations, in principle, industrial locations are generally acceptable for waste management operations. The NPPW for example indicates at Paragraph 4 that WPAs should, consider a broad range of locations including industrial sites, and give priority to previously developed land.

The majority of the application site is within a Key Employment Site, as identified in the BDLP. Policies GEN8: Settlement Frameworks and ENV3: Development in the Countryside, of the BDLP would apply, given the employment use and a minimal area of encroachment into open countryside. Policy EMP 5 of the BDLP seeks to protect sites and buildings in employment use.

Although a waste recycling centre is a sui generis land use, i.e. does not fall within its own use class such as a B1, B2 or B8 use, it is the type of use which is generally considered to be acceptable in existing industrial locations subject to considerations such as noise and dust impacts on neighbouring employment and residential uses. If these impacts can be adequately controlled then, in principle, there should be no particular policy conflict to resist such a use in this locality.

The immediate vicinity is surrounded by less sensitive uses such as a haulage yard, two light industrial uses, and the vacant Tesco distribution centre. To the north, BDC has approved existing B1 and B2 business uses on land to the north-west under outline permission 09/00370/OUT and Reserved Matters BDC 16/00187/RM.

The vast majority of the site is located in the BDLP Settlement Framework Boundary of Barlborough, for which Policy GEN8 of the BDLP is relevant. This policy states that within the Settlement Framework Boundaries, the general urban area control policies (policies GEN1 to GEN7) will apply and outside the Settlement Framework Boundaries, open countryside policies will apply. A small strip of the northern part of the application site falls outside the Settlement Framework Boundary, which is largely covered by landscaping.

There will, therefore, be a minimal encroachment into the open countryside and, as a consequence, there would be a minimal impact on the character of the open countryside. BDC has granted permission for new industrial development under 09/00370/OUT and subsequent BDC 16/00187/RM, on a sizeable area of land immediately to the north of the application site which is outside the Settlement Framework Boundary, and wholly within open countryside.

Policy EMP 5 of the BDLP seeks to protect sites and buildings in employment uses. The temporary permission established the change of use (albeit for a temporary period on a smaller site area). Given that the larger site will provide an 'employment use', in principle, there is considered to be no conflict with this policy subject to environmental considerations considered below.

Overall, in the context of the policies identified above, the use is considered to be acceptable in land use policy terms, subject to there being no significant adverse environmental impacts which cannot be appropriately mitigated by

way of condition where considered necessary. BDC's concerns are considered to be disproportionate in these respects.

I am mindful that the temporary permission was sought and granted for a smaller site area, on the basis that the Waste Planning Authority would be able to monitor levels of impacts such as noise and dust generation, and to assess whether these would be within acceptable parameters or effectively mitigated on site in order to maintain acceptable levels of amenity and environmental conditions in the locality.

The application that is now being considered seeks permission to regularise the particular waste use as a single and permanent development over a larger site area, and must be considered on its own merits.

Dust, Air Quality and Noise Impacts

Section 15 of the NPPF Conserving and enhancing the natural environment states at Paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia 'e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.....*'

Paragraph 180 of the NPPF states: "*Planning policies and 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.*"

Paragraph 183 of the NPPF states: "*the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.*"

Appendix B of the NPPW outlines a number of locational criteria in testing the suitability of waste sites in determination of planning applications.

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.

Policy W10: Cumulative Impact of the DDWLP, seeks to assess proposals for waste development in the light of cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy presumes in favour of waste development where there is no significant and detrimental impact on the environment of those communities.

Policy GEN 2: Impact of Development on the Environment of the BDLP, states that consideration will be given to the character and sensitivity of the land and uses around a proposed development site in relation to the character and type of development proposed. The policy presumes against development which creates materially harmful impacts on the local environment unless these are outweighed by the social or economic benefits to the community or wider economic benefits. Criteria 2 of this policy is relevant in terms of impact on the environment where regard must be had to the extent of the generation of noise, vibration, smells, fumes, smoke, soot, ash, dust or grit.

The identification and management of predicted impacts is considered key to this waste operation's design and success. Many open air waste sites appear unsightly and can generate high levels of dust. Potential visual impacts, including whether there is a need for an operation in this location to be contained within a building, are considered later in this report.

The Environmental Permit requires the operator to manage and operate the activities in accordance with a written management system that minimises the risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformance, closures and those drawn to the attention of the operators as a result of complaints and not using sufficient competent persons and resources.

Dust and Air Quality

A Deposited Dust Assessment was submitted as part of planning application CW5/0117/84 for temporary planning permission for waste operation at the site. The assessment concluded that the highest deposited dust results, at both upwind and downwind locations, were very low with the highest recorded level of dust representing less than 25% of the acceptable limit levels according to National Coal Board (NCB) in full guidance.

In order to reduce any potential for dust pollution to arise, the applicant has installed a dust suppression system at the site which is used during dry and windy meteorological conditions. The applicant's 'Dust Management Plan' has also been approved by the WPA as a requirement of the temporary planning permission. This is appended to the Planning Statement submitted with this proposal.

Whilst one objection has been received by a neighbouring business of the site with regard to dust issues, no objections have been received from statutory consultees with regard to dust issues.

The JEHS has advised that it would appear from the available information and evidence there have been no significant issues with dust during the operation of the site over the past two years. In order to ensure the management of dust continues to be effective and there is no adverse impact on the amenity of neighbouring premises, it is recommended that a condition is attached to any permission granted to ensure operations at the site are carried out in accordance with the submitted Dust Management Plan.

The WPA has received one complaint from a neighbouring use with regard to dust since the grant of temporary permission. The water suppression system was found to be working correctly. The operator then temporarily ceased crushing and screening during a period of very hot weather in July 2018, following a site visit from officers.

The Environment Agency, which is the Authority responsible for granting a waste permit for the site, has not objected to the proposal.

The site is not within a designated Air Quality Management Area (AQMA). The inert waste facility has been operational in excess of two years. Whilst the application site is larger, this is to regularise the permission with the haulage element of the operation. The application for a permanent planning permission does not seek to increase the throughput or alter the operations at the application site and, as such, it is considered that there would be no significant opportunities to further increase the risk of dust deposition at the application site subject to the condition to retain the dust management plan. It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to dust or air quality issues.

It is therefore considered that, with regard to dust impact issues and subject to the condition being imposed, the application is in accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6 and W10 of the DDWLP and Policy GEN 2 of the BDLP.

Noise

The application includes an updated noise assessment and letter from the applicant's acoustician. The information submitted confirms that, based upon the recently measured background noise level of 49 dB LA90, a noise limit at Brick Yard Farm (the nearest sensitive property) of 49 dB LAeq, 1 hour would ensure that the site could operate without causing any adverse noise effects at the property.

This would ensure that noise levels attributable to the operation of the site remain below the general ambient noise levels attributable to the traffic

travelling along the M1 and will ensure that the noise levels do not exceed the prevailing background noise levels at the property.

The JEHS has considered the submitted information with regard to noise issues and is satisfied with the findings. It also confirms that it has not received any noise complaints with regard to the current operation.

A condition with regard to maintaining specified noise levels, as identified in the acoustic report submitted, is therefore recommended, as is a condition requiring further noise monitoring and mitigation if complaints are received in future.

It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to noise issues.

I am therefore satisfied that impacts associated with noise could be managed accordingly, and that subject to these conditions, the application in this regard is considered to be in accordance with Section 15 of the NPPF, Appendix B (j) of the NPPW, policies W6 and W10 of the DDWLP and Policy GEN 2 of the BDLP.

Landscape and Design

At national level, the NPPF promotes good design and seeks to protect landscape and local character. The most relevant section of the NPPF in this regard is considered to be Section 12: Achieving Well Designed Places. Appendix B (c) of the NPPW similarly identifies landscape impact as a consideration in determination of waste planning applications.

Paragraph 127 (c) of the NPPF requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

With regard to the Development Plan, Policy W7: Landscape and Other Visual Impacts of the DDWLP states that waste development will be permitted only if:

“...the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.”

Policy GEN1(4): Minimum Requirements for Development of the BDLP, requires that landscaping of the site shall be undertaken as appropriate to meet the recreational and amenity needs of users and to integrate the development with surrounding landscape and/or townscape.

Policy GEN2(1): Impact of Development on the Environment of the BDLP, states that in considering environmental impact, regard will be given to the visual appearance of the proposal in terms of the scale, height, design and the materials of construction of any buildings or other structures and the visual character of any engineering works, external storage or other works. The appearance of the proposal will be assessed in relation to the appearance of the immediate locality and in relation to its setting in the general landscape.

The operations at the site are not attractive visually, and the buildings are of functional and industrial appearance. This must be considered in the context of the location of the site, however. In the immediate area, the adjacent uses are light industrial, or storage and distribution uses. There are no B1 office, or what might be considered to be 'more sensitive' uses bounding the site, although it is noted that these are found elsewhere in the Employment Area. It is considered, therefore, that the permanent retention of the waste use, in this context, would be generally in keeping with the character of the immediate locality.

Views of the site and the operations are localised, largely due to the containment provided by the existing adjacent buildings in the Employment Area/Industrial Estate, and mature trees/vegetation along the northern and western boundaries and surrounding landforms. However, there is some minor visual impact in views from the A619 to the north of the site.

A landscape mitigation strategy has been submitted and approved as a condition of CW5/0117/84, planning reference SW/3056. Under this mitigation strategy, trees and shrubs will be planted on the northern boundary to minimise views of the operations from the adjacent future land uses. The strategy as approved by the WPA has also been submitted as part of this application.

It would appear that this landscaping has not yet been undertaken and that it would have to be altered slightly to take in a repositioning of the workshop boundary to the north-eastern corner of the site. A condition to require an amended landscaping and aftercare scheme, and their implementation, is considered necessary and relevant.

In addition, conditions restricting the height of waste stock piles to 5m in height, and final details of stock pile bay dimensions to be agreed with the WPA, are considered necessary and reasonable to mitigate against further visual impact.

The application indicates that a grant of planning permission would enable the applicant to invest in the site by, amongst other things, providing concrete bays for the recycled materials. This would enable the operator to keep the site clean, tidy and organised to ensure that it does not detract from the

character and appearance of the area. A permanent permission would also give the operator confidence to invest in necessary landscaping requirements.

The workshop building extension is small in scale and provides additional space for truck and plant maintenance. The colour of the building extension matches the existing (light grey). The existing site office and welfare facilities building is also of a similar light grey colour. These buildings are in keeping with others found in the general locality and are in context comparatively small. Existing trees, shrubs and hedgerows at the application site are to be retained in order to minimise potential visual intrusion.

It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to landscape and design issues.

I am therefore satisfied that impacts associated with landscape and design could be managed accordingly, and that subject to conditions, the application in this regard is considered to be in accordance with Section 12 of the NPPF, Appendix B (c) of the NPPW, policies W7 and W10 of the DDWLP and policies GEN 1(4) and GEN 2 (1) of the BDLP.

Highways

Appendix B (f) of the NPPW states that WPAs should consider, in determination of waste planning applications, the suitability of the road network and the extent to which access would require reliance on local roads.

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 for people, materials or waste, or, would not provide or utilise a choice of transport modes for people, materials or waste, will not be permitted if there is a practicable, environmentally better alternative.

Relevant parts of policies GEN1 and GEN2 of the BDLP require safe access, parking, manoeuvring, and that the local highway network can sufficiently accommodate levels of traffic generated by development.

There are two vehicle accesses to the site, one in general use for the tipping of waste and the other for the parking of HGVs and staff vehicles.

The operation requires traffic movements in the order of 26 HGV incoming loads and 26 outgoing loads, equating to roughly 52 HGV movements per day. This, however, is an average figure and there are likely to be days that are busier. An upper limit of 50 HGV incoming loads and 50 outgoing loads would provide the required flexibility and account for the quieter winter months.

The Highway Authority has no objections to the proposal. The site benefits from very good transport links from the A616 direct to the M1 (within 0.5km). The Highway Authority has not recommended the imposition of any conditions.

It is noted that the temporary permission, as granted, has a condition restricting the operation of HGV movements to 16 per day (8 in and 8 out). The Highway Authority has confirmed that it did not ask for this condition to be applied under the previous temporary application. The site would be restricted to an annual throughput of 100,000 tonnes per annum. Associated uses neighbouring the site (such as warehouse facilities including the former Tesco warehouse, and other storage and distribution uses) are likely to generate more significant HGV traffic, and the site is in close proximity to local roads and the M1 motorway.

In addition to the traffic generated by the waste management operation, there are some vehicles driven by site staff and small maintenance vehicles associated with the periodic requirement for repairs or maintenance at the site. These amount to on average 30 vehicles per day.

The applicant's fleet of HGVs (tippers, grab's, etc) are parked on the land to the south of the existing offices and workshop. Car parking is also provided for employees and visitors.

It is not considered that the transport of waste to the site could be facilitated in a more sustainable fashion that could provide an environmentally better alternative, in consideration of Policy W2 of the DDWLP.

It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to highways issues.

Subject to conditions to restrict the annual throughput of waste imported to the site and to limited HGV movements to the upper limit specified in the application, I am satisfied that there would be no significant impacts associated with traffic and that the application, in this regard, is considered to be in accordance with Appendix B (f) of the NPPW, policies W2 and W10 of the DDWLP and policies GEN 1 and GEN 2 of the BDLP.

Flood Risk and Drainage

Section 14: Meeting the challenge of climate change, flooding and coastal change is the relevant section of the NPPF with regard to flood risk.

Appendix B (a) of the NPPW, protection of water quality and resources and flood risk management, is also concerned with flooding, with consequent issues relating to the management of potential risk posed to water quality.

Policy W6 of the DDWLP states that waste development will be permitted only if it would not result in material harm caused by contamination, pollution or other adverse environmental or health effects. The supporting text to the policy in 'Box W6' states that, where there is a risk to local drainage systems, the developer will provide an effective alternative drainage system and that the proposal includes adequate provision to ensure that there will not be contaminated run-off.

Policy GEN 5 of the BDLP states that planning permission will only be granted for developments that interact positively with the natural watercourse and land drainage system.

Policy GEN 6 of the BDLP states that planning permission will not be granted for development which would damage the quality and ecology of watercourses. Planning permission will not be granted for septic tanks in cases where they are likely to cause water or ground pollution or smell nuisance.

The application site is situated within Flood Zone 1 of the Environment Agency's Flood Zone Maps and is 1.52ha in size. A FRA therefore accompanies the application. The FRA concludes that the surface water drainage strategy demonstrates that the proposal will not increase flood risk on the site or in the locality. As the proposal is located in Flood Zone 1, having a less than 1 in 1,000 annual probability of river or sea flooding, and no objections have been received from the Local Flood Authority, Yorkshire Water and the Environment Agency with regard to the submitted FRA, then it is considered that the development is of low flood risk.

Appended to the supporting Planning Statement is a surface water drainage scheme which was initially prepared on behalf of the applicant in the pursuance to discharge Condition 19 of the temporary planning permission. That application to satisfy the condition was not validated, however, along with a number of other submission of details to satisfy certain conditions, given the submission of this application to regularise all planning matters at the wider site.

Whilst no objections have been received from statutory consultees, the surface water drainage strategy does not cover the wider site now under consideration, however, and therefore it is considered necessary to apply a similar condition to that of Condition 19 of the temporary permission, for final details of surface water to be agreed, and then implemented, in accordance with the details agreed.

The application also includes retention of a septic tank for foul drainage at the site which serves the site office and welfare facilities. The Environment Agency has indicated that in the first instance, foul sewage should be discharged to the mains sewer network. If this is not possible then justification

may be required. The agent for the applicant has responded to this in an email dated 19 April 2019, stating that,

“... Yorkshire Water was encouraging the applicant not to connect to the foul system without the details being agreed. However, the septic tank will ensure that foul drainage does not pollute the local water environment in accordance with Policy Gen 6. The septic tank is emptied periodically and taken to a licensed waste water treatment facility (the same position if the offices were connected to the foul water system on site) for sustainable treatment.

The offices are modular in design and are intended to be replaced longer term with a more permanent construction. On the basis that permanent planning permission is granted, the applicant can investigate opportunities to connect to the foul, with the agreement of Yorkshire Water, if that is the preferred option. In the meantime, the use of the septic tank will protect the local water and ecological environment.....

...Essentially, the grant of a permanent permission will enable the applicant to invest properly in the site's infrastructure for the long term benefit of the business and its employees. He has not been able to do this on the back of a temporary permission that expires in the near future.”

The septic tank is shown on an amended plan submitted and the relevant statutory consultees have been re-consulted on receipt of this plan and have raised no direct objections to the septic tank.

Given the above, it is considered that whilst connection to the mains sewer would be preferable, in the absence of any evidence to indicate pollution to water courses, or odour from the septic tank, and also in the absence of direct objections to the septic tank from statutory consultees, that on balance this aspect of the application is acceptable.

Any pollution of watercourses would be controlled under an associated Environmental Permit. It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to flooding and drainage issues.

I am satisfied that the application is, on balance, in accordance with the policies identified above with regard to flood risk and drainage.

Economic Impact

Section 6: Building a Strong, Competitive Economy at Paragraph 80 of the NPPF, states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The application indicates that the proposal would provide permanent employment for 50 full time staff (25 of which are employed as a direct result of the granting of a temporary planning permission).

In addition, in the event of a permanent permission being granted, the applicant intends to invest heavily in the site and, in doing so, would generate indirect employment and expenditure from, but not limited to:

- transport and fuels;
- spending on local goods and services; and
- business rates.

There is also the potential for additional employment opportunities to be created at the site in the future.

BDC's concerns that a permanent permission would detract from the environmental quality of the area and undermine the current economic success of Balborough Links Business Park, as referred to above, are taken into consideration.

The Magnet Business Park area on which the application site stands is distinctly different in character from that of the area around Midland Court, a business park which forms part of the wider Balborough Links development, to the north of Balborough Common, approximately 80m to the north.

Less sensitive uses are found in the immediate locality of the site, and more 'sensitive' B1 office uses are found predominantly to the north in the area of Midland Court. The concerns of the BDC are also considered in the context of the grant for B2 general industrial units in the intervening land on Balborough Common between the application site and Midland Court.

It is considered that, taking into account the economic and waste recycling benefits of the proposal, it would be in general accordance with Paragraph 80 of the NPPF.

Conclusion

The implementation of the temporary planning permission granted in May 2017, has not generated any complaints to the JEHS with regard to dust or noise issues. One (1) complaint with regard to dust issues was received by the WPA.

The position of the applicant is that they now seek some long term certainty before further significantly investing further in the site, the concern being to the operator of potential losses of investment should a permanent permission not be forthcoming. The applicant has indicated that the confidence to make that investment would come from a permanent permission. The application has

been assessed, on its own merits and against local and national planning policy.

Whilst objections of BDC and one neighbouring operator are noted, no objections have been received from statutory consultees. I consider the proposal, to be in accordance with local and national planning policy as identified above, and to be acceptable with regard to all material considerations, particularly with regard to location of the development, dust and air issues, landscape and design, highways, flood risk and drainage, and economic impacts. Any impacts associated with the development are considered to be to a reasonable level or can, where considered necessary, be controlled through the imposition of conditions.

The application is therefore recommended for approval subject to the conditions listed below.

(3) **Financial Considerations** The correct fee of £2,028 has been received.

(4) **Legal Considerations** This is an application under Part III of the Town and Country Planning Act 1990, which falls to this Authority to be determined as 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. 5.1236.7
Application documents as submitted dated 1 February 2019, valid 19 July 2018, and amended Site Location Plan received 22 March 2019.
Correspondence from Barlborough Parish Council dated 3 August 2018, Bolsover District Council dated 6 August 2018 and 28 March 2019, the Environment Agency dated 13 August 2018, Lead Local Flood Authority dated 21 August 2018, Joint Environmental Health Service dated 31 January 2018, Yorkshire Water dated 5 December 2018 and 11 April 2019. A representation from an interested party received 16 July 2018.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the conditions substantially in accordance with the following:

Form of Development

- 1) The proposed elements of the development hereby permitted shall be begun before the expiration of 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.

- 2) The waste planning permission shall relate to the site edged red on the Site Location Plan ref GPP/B/B/18/03 Rev 3 dated 18 May 2018, hereafter referred to as 'the Site' and the development hereby approved shall only be carried out (or where appropriate retained) within the Site in accordance with the documents and plans listed below:

- Application Form
- Planning Statement
- Flood Risk Assessment
- Noise Assessment (LF Acoustics July 2018)
- Site Location Plan GPP/B/B/18/03 Rev 3 dated 18 May 2018
- Site Layout Plan GPP/B/B/18/03 Rev 2 dated 26 June 2018
- CTX Containex Plan 340973-003A dated 26 November 2015
- Elevations showing extension to workshop GPP/B/B/18/04 dated 26 June 2018

Accept in so far as the approved documents and plans listed above are amended by the conditions specified below.

Reason: To ensure that the development is carried out in accordance with the details in the documents and plans provided for the planning application in the interest of the amenity of the area.

- 3) A copy of this permission shall be kept available for inspection at the site offices during the prescribed working hours for the duration of the development.

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

Permitted Development Rights

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no buildings, plant structures or

erections other than those hereby permitted shall be brought onto the Site 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, to minimise the impact upon the landscape and built form in the area in regulating the use of the land.

Hours of Operation

- 5) With the exception of any necessary actions for the protection of persons property or the environment arising from emergency situations, no activities under this permission (including movement of: waste, recyclable materials, processed materials to or from the Site; and vehicle, delivery and removal of materials, inert waste and equipment) shall take place other than between the following hours:
- i) 07:00 hours -18:00 hours Mondays – Fridays;
 - ii) 07:00 hours -17:00 hours Saturdays; and
 - iii) Not at any time on Sundays and Bank/public holidays.

Reason: To protect the amenity of the area.

Scope of Development

- 6) No waste or recyclable materials, other than inert construction and demolition waste, shall be imported onto the Site. Only those inert waste materials defined in the Planning Statement shall be imported, processed and stored within the site and no additional processes for the management of waste shall be carried out at any time on the site.

Reason: To define the scope of the development in the interests of safeguarding the amenity of neighbouring occupiers/residents, highway safety, for the avoidance of any unacceptable impacts on the highway network and for monitoring purposes.

- 7) Waste imports, processing and storage shall only be undertaken in the area denoted by the line edged red on the drawing reference GPP/B/B/18/03 Rev 3 dated 18 May 2018.

Reason: To define the scope of the development in the interests of safeguarding the amenity of neighbouring occupiers/uses.

Import Limit

- 8) The total quantity of inert waste material imported and handled at the Site shall not exceed 100,000 tonnes in any calendar year.

Reason: To define the scope of throughput of waste. Higher input could raise environmental and amenity issues not considered in the determination of this proposal.

- 9) The operator shall keep accurate records of the amount of inert waste arriving at the site, and this record shall be submitted to the Waste Planning Authority every three months and made available for inspection by the Waste Planning Authority on request.

Reason: In order to monitor compliance with the authorised waste input tonnage.

Highways

- 10) No commercial vehicles shall enter the public highway from the site unless their wheels and chassis are clean to prevent materials being deposited on the highway.

Reason: In the interests of highway safety to prevent mud entering the road.

- 11) All waste, recyclable materials, recycled materials in Heavy Commercial Vehicle (HCVs) entering or leaving the Site shall be netted, sheeted, or placed within containerised vehicles.

Reason: To minimise dust and spillage in the interests of amenity and highway safety.

- 12) The total number of HCV movements associated with the delivery or removal of waste, recyclable materials, recycled materials to/from the site shall not exceed 100 HCV movements per full working day (50 in and 50 out) calculated over a full working week (Monday to Saturday).

Reason: To maintain control over the site and in the interests of highway safety.

Environmental Protection

- 13) No external lighting shall be installed except in accordance with a scheme that has previously been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include precise details of the lighting proposals including lux levels. The scheme shall then be implemented in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area.

- 14) There shall be no burning of waste on the Site.

Reason: In the interests of amenity.

- 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: In the interests of amenity of the area and of the environment.

Surface Water Drainage

- 16) Within two months of the date of this permission, a scheme for the surface water drainage of the entire Site shall be submitted to the Waste Planning Authority for its written approval. The approved details shall be fully implemented and maintained throughout the lifetime of the waste operation hereby approved.

Reason: To protect the water environment and to prevent flooding.

Dust

- 17) All operations for the entire Site shall be undertaken in accordance with the dust management plan in existence for the operation, as approved by the Waste Planning Authority on 3 May 2018 under scheme reference SW3051.

Reason: To reduce the impacts of dust disturbance from the site on the local environment.

Waste on Site

- 18) Non-conforming wastes shall be stored in a sealed container or skip and removed from the Site within 7 days.

Reason: In the interests of amenity and management of waste not authorised to be received and processed at the Site.

- 19) Within two months of the date of this permission, a scaled plan providing details (elevations and floorplans to scale) of all bays proposed at the Site, including a timescale for their construction, shall be submitted to and approved in writing by the Waste Planning Authority. All waste bays shown in the plan as approved, shall be constructed in accordance with the details as approved.

Reason: In the interests of general amenity, and in order that the Waste Planning Authority can agree the scope of these details.

- 20) The maximum height of any materials stored in the handling bays shall not at any time exceed the height of the storage bay walls and in any event the storage of all waste, skips and recycled materials shall not exceed 5 metres in height.

Reason: In the interests of visual amenity.

- 21) Within two months of the date of this permission, a scheme providing precise details of the type of construction of finished surface, including a timescale for its construction and datum level of the yard where unprocessed and processed waste is stored shall be submitted in writing for approval of the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: In order to minimise any pollution on the ground and to monitor stockpile heights in the interest of visual amenity.

Noise

- 22) During the operations of the Site hereby approved, the rating level of the sound emitted from the Site shall not exceed the specified noise levels at the identified receptor locations as set out in the table included as part of the Noise Monitoring Protocol (July 2018 revision) in Appendix B of the LF Acoustics report '*Noise Assessment Inert Waste Recycling Facility at Magnet Business Park Barlborough for Brid's Ltd (Rev 1.1; dated July 2018)*'.

Reason: In the interests of the amenity of the area and occupiers of neighbouring uses.

- 23) Upon receipt of a complaint relating to noise to the Waste Planning Authority and on written notification from the Waste Planning Authority, the applicant shall undertake noise monitoring as detailed in Appendix B of the LF Acoustics report '*Noise Assessment Inert Waste Recycling Facility at Magnet Business Park Barlborough for Brid's Ltd (Rev 1.1; dated July 2018)*'. A report shall be submitted for written approval to the WPA and any identified mitigation measures shall be implemented and retained thereafter.

Reason: In the interests of the amenity of the area and occupiers of neighbouring uses.

- 24) All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times and shall be fitted with the use of effective silencers.

Reason: To control the impact of noise generated by the development in the interests of amenity of the area.

Landscaping

- 25) Within two months of the date of this permission, a revised landscaping and maintenance scheme, to take account of revised Site boundaries under amended plan Site Layout Plan GPP/B/B/18/03 Rev 2 dated 26

June 2018, shall be submitted to and approved in writing by the Waste Planning Authority.

The scheme shall include details of:

- planting species, size of plants, density of planting and means of protection;
- ground preparation; and
- the arrangements for and maintenance of landscaping for a period of three years (including cutting, trimming, watering, protection from pest damage and weed control and replacement).

The approved scheme shall be implemented in the first planting season following the written approval of the scheme.

Reason: To minimise the visual impact of the development.

- 26) Any tree or plant, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

Reason: To minimise the visual impact of the development.

Cessation

- 27) In the event of the cessation of the use of the facility for a period in excess of six months, a written scheme for the restoration of the site shall be submitted to the Waste Planning Authority within six months of the cessation of the use. The scheme shall then be fully implemented within two months of the notification of approval of the scheme.

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

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

The Council, as Mineral Planning Authority (the “Authority”), worked with the Council as applicant (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 has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Footnotes

- 1) Any facilities for the storage of oils or fuels shall be provided with secondary containment that is impermeable to both the oils or fuels and

water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment, the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system.

Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

2) Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Committee Plan CW5/0618/24

