

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

27 January 2014

Report of the Strategic Director- Economy, Transport and Environment

- 1 PROPOSED INCINERATOR BOTTOM ASH PROCESSING AND AGGREGATES AND SOILS RECYCLING FACILITY ON LAND AT THE FORMER SAINT-GOBAIN SMALL VALVES YARD, BUILDING AND DISUSED RIFLE RANGE AT THE QUARRY HILL INDUSTRIAL ESTATE OFF MERLIN WAY, ILKESTON**
APPLICANT: JOHNSON AGGREGATES AND RECYCLING LIMITED
CODE NO: CW8/0413/17

8.1087.3

Introduction Summary This application seeks permission to establish a waste management facility within the Quarry Hill industrial estate at Ilkeston. The application proposes the use of two parcels of land wherein there is an existing large building, an extensive open yard area and a disused rifle range. It is proposed to import, process and recycle annually on these sites, up to 350,000 tonnes of inert waste comprising Incinerator Bottom Ash (IBA) (300,000 tonnes), together with construction and demolition wastes and soils (50,000 tonnes). I have based my considerations on the development plan and current Government policy including the National Planning Policy Framework, which are guided by the 'waste hierarchy' which assists sustainable waste management. The key considerations with the proposal relate to the impact of the proposed works on the amenity of this area, in particular visual impact, emissions to air, steam, noise and dust, and the potential impact of the proposed works on the development site of the Stanton Ironworks Regeneration Area.

I consider that, in general terms, the proposal is sustainable and achieves the identified key policy objectives of the development plan. The location for this type of waste management and recycling facility (within an established industrial estate), is acceptable in principle and this part of the industrial estate is not close to residential areas of the town. A key consideration, however, is the inter-relationship of the proposed Stanton Ironworks Regeneration Area and the impacts that the proposed waste management facility would have on

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this area. Although the current Regeneration Project proposal for this area (reference no ERE/0213/0001) is at an early stage of its planning process, it is a project of some magnitude and could bring significant and long lasting benefits to this area in the form of new housing, industry, leisure, educational and health care facilities.

On balance, however, whilst in principle I support the proposed waste recycling facility, I have carefully assessed the conclusions of the Environmental Statement that accompanied the application and I am satisfied that, subject to the imposition of some reasonably stringent conditions, the proposed operations would not bring detrimental impacts to, or prejudice the future development of the Stanton Ironworks Regeneration Area.

I am therefore recommending that this application be approved with a set of conditions which would enable the Waste Planning Authority to restrict and control the environmental impact of the proposed works. With these controls in place and the opportunity to review the management of the site regularly, I consider that the proposed works would not prejudice future development in light of the emergence of the Stanton Ironworks Regeneration Project. I am also recommending a potentially shorter term for proposed construction and demolition (C&D) waste recycling element of the development land, so that should a new means of access and pedestrian access be required over it for the Regeneration Project at an early stage, any waste management could be discontinued on this part of the site.

The application lies within a policy allocated area for the Stanton Ironworks Redevelopment site; the proposal has been treated as a 'departure' from the development plan.

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

(2) **Information and Analysis**

The Site and its Surroundings

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

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The application site, which was last in active occupation in 2004 by the current landowner (Saint-Gobain) and used for the manufacture of small valves, extends to approximately 2.8 hectares of roughly level land. It is divisible into two irregular shaped areas:

(1) a main site area which consists of a flat open hard-surfaced yard area, where adjacent to the eastern boundary there is a large rectangular shaped, flat roof, single-storey industrial brick building with an irregular shaped roof. Attached to the building is a smaller, rectangular brick structure which has been used by previous occupants of the site for office accommodation.

(2) Immediately to the north-west (separated by a narrow corridor of mature and semi-mature trees and shrubs), an adjoining narrow flat area of land. This area was used historically by Stanton Ironworks as a rifle range, is in a semi-derelict state, and is covered with self-set trees and shrubs.

The application site is bounded to the north by a short stretch of unnamed/unadopted road, then by industrial units. To the east, within a few metres, there is another large former Stanton Ironworks building (now occupied by a Civil Engineering company), and to the south and west the boundary is formed by the steep-sided former railway embankment. Parts of the southern and south-western boundaries are affected by a substantial covering of mature and semi-mature trees and shrubs. Beyond the application site to the south-west are the extensive open areas of the former Stanton Iron Works site where numerous buildings and associated structures have now been removed. The former rifle range area is enclosed on three sides by steep-sided embankments which vary in height (2-4 metres) but which are now well covered with trees and shrubs. The Nutbrook Trail (Permissive Greenway No 118 and a National Cycle Route) follows a disused railway line and skirts the north-east of the site. Immediately to the north-west of the site, on the opposite side of the cycle route, there are a number of flood prevention lagoons. The site lies in an area of relatively low elevation, situated along the River Erewash corridor where the floodplain widens out at the point of convergence with the Nutbrook valley. The (now disused) Nutbrook Canal lies in this valley. There are several other waste related businesses in the vicinity: these include a mixed waste recycling facility (Ward Recycling), an industrial and commercial chemical liquid recovery site (Castel Environmental Limited) and a green waste composting facility (Roberts Yard).

The application site connected to the main traffic route through the industrial estate (Merlin Way/Crompton Road), via an access road which is shared exclusively with other industrial concerns, which is neither a thoroughfare nor adopted highway. A few metres to the north of the application site, Crompton Road forms a three road roundabout with Merlin Way. Directly south of this

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roundabout, the carriageway narrows to a single lane width. In this location there is a section of footway along the western edge of the carriageway. However, it does not extend to the site's access. The site lies within six miles of Junction 25 of the M1 Motorway and the A52 Dual Carriageway.

To the west of the site, Merlin Way forms the main access road through Quarry Hill Industrial Estate. It has pedestrian footways along both sides of the carriageway, is subject to a 30 mph speed limit and is lit. Merlin Way forms a priority controlled ghost island T-junction with Quarry Hill Road.

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

Current Operation of the Applicant

The application has been submitted by Johnsons Aggregates and Recycling Limited, which currently employs about 24 people. The company, which has been established since 1999, currently operates from an existing materials recycling facility (MRF), at Bunny, Nottinghamshire, on a site of approximately 1 hectare, which lies close to the former Bunny Brickworks, on the outskirts of Ruddington, approximately 10km from Nottingham City Centre.

At this site, which lies in the Nottingham-Derby Green Belt, the company currently imports, stores, processes, transfers and recycles annually, approximately 100,000 of construction and demolition (C&D) wastes and approximately 150,000 tonnes of IBA. The nearest residential properties to the Bunny site are approximately 157 metres away.

Relevant Planning and Site Background

The former Stanton Ironworks site, which bounds the application site, was during the 1960/70's Ilkeston's largest manufacturing concern and the town's biggest employer. The Stanton Company which was latterly part of the British Steel Corporation at its height employed around 12,500 people, of which 7,000 worked at the Stanton Works. The Quarry Hill Industrial Estate has emerged over the last 60 or so years from the heavy industry associated with the former iron foundry works and associated rail sidings. Most of the buildings on the old Stanton Ironworks land have now been either demolished or become derelict. With regard to the application site (excluding the rifle range), the more recent use by the current owners (Saint-Gobain), up until 2004 was for the production of small valves.

The regeneration site which is based on the former Stanton Ironworks site, extends to approximately 90 hectares and is now the largest derelict brownfield site considered to be in need of regeneration within Erewash

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Borough. The site has previously been allocated for regeneration in two previous Erewash Borough Local Plans (1994 and 2005). Because redevelopment of the site has not occurred (for various reasons), it has become subject to dereliction and re-vegetation (which has generated new ecological habitat). Due to previous uses on the site including heavy industry and major land reclamation, regeneration would require remediation, together with substantial new infrastructure. In view of this, the Stanton Ironworks Regeneration Project site is therefore a long term development proposal and it is considered that it could not be expected to deliver any new housing for at least five years.

The Quarry Hill Estate, which includes the site of the application now under consideration (apart from the former rifle range), is allocated in the extant 2005 Erewash Borough Local Plan (EBLP), for employment purposes. This site is now included in the Stanton Ironworks Regeneration Area. The emerging Erewash Core Strategy (ECS) contains specific policy to protect the use of the Area for future development including the regeneration of the former Stanton Ironworks.

A planning application which is in outline, for the redevelopment of the former Stanton Ironworks land has now been submitted to Erewash Borough Council (Application Code No ERE/0213/0001). This application seeks permission for the redevelopment of approximately 90 hectares of the former Stanton Ironworks land, and affects the former rifle range which is now also part of the site of the application. Under the road scheme, shown on an indicative plan, a main access route into the redevelopment site (from the north-east), would cross the former rifle range land.

The outline application proposes a major mixed use development to include approximately 2,000 residential units, a neighbourhood centre including restaurants café/bar/hotel and community facilities together with employment uses (20,000sq m of office and business premises and up to 50,000sq m of general industrial uses/warehousing), a 150-bed accommodation for the elderly, a community plaza, primary school, health centre, allotments and associated infrastructure. It is currently under consideration by Erewash Borough Council.

The Application Details

The application proposes to use the existing building, the yard and the former rifle range area for the import and recycling of annual maxima of approximately 300,000 tonnes of IBA, and 50,000 tonnes of inert waste comprising principally construction and demolition waste. Should planning permission be granted, in the early stage of the site development it is envisaged that the quantities of waste would likely to be less than half of the projected totals.

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The facility would be split into two areas:

To the north-west (on the site of the former rifle club), it is proposed to site the inert (C&D wastes) waste recycling facility and temporary store of these imported wastes along with soils etc.

The larger area to the south-east including the yard and large building would be allocated for the recycling of IBA.

The proposal would commence with site clearance works whereby much of the internal hedgerows and trees that currently separate the two areas would be removed. The site levels of the former rifle range would be graded to match the same levels as the adjoining yard, and the site would then be divided into three main areas:

- a recycling facility for the inert wastes;
- an area for storage, crushing, processing (within the existing building) and stockpiling of IBA; and
- area allocated for offices and car parking for staff and site visitors.

New infill hedgerow planting along the north-western boundary would be carried out to reduce impacts on users of the cycleway; existing woodland buffer planting on the south-western edge design of, and alterations to, the frontage onto Crompton Road / Merlin Way will be sympathetically considered so as to reduce visual and character impacts on receptors to the north, such as through tree retention and planting.

Along the north/north-eastern boundaries of the site, a planted bund would be established, accompanied by a hedgerow along the eastern fence line. Some existing planting would need to be removed near the northern boundary to facilitate the redevelopment of the site. However, planting would be undertaken to compensate for these minor losses. Internal planting would be lost primarily along the division of the two parcels comprising the site, and some along the inside of the north-west boundary; however, retention of much of the peripheral planting along with planting proposals would minimise the visual impacts.

i) Construction and Demolition Waste Recycling Area: (former rifle range site)

The north-west part of the site (former rifle range), is proposed to be designated as a waste reception/waste recycling area for the C&D wastes. Mobile crushing and screening plant would be allocated to the central parts of the site on a formed stone hard-standing.

It is proposed that the inert wastes would be brought to the site and, prior to being processed, would be stored in stockpiles along one side of the site area

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whilst reclaimed materials would be stockpiled along the other side ready for removal off site, for reuse.

The process would involve dry crushing and screening of the materials. A wheeled loading shovel will be used to transport materials to and from the processing machines which would have their own factory fitted water suppression systems such to dampen down the material during each stage of the recycling process. A mobile water bowser with a pressurised system would be used to dampen down both the incoming and the reclaimed material stockpiles, and the site roads during periods of windy or dry weather.

The applicant proposes that the raw material would be stockpiled close to the north-east boundary of the site and would rise to a proposed height of 6 metres. The recycled materials awaiting removal would be stored temporarily on the south-west part of the site and the stockpiles here would also be no higher than 6 metres. A small area would be allocated in the southern corner of the site for waste collection and distribution.

This particular facility would process up to approximately 50,000 tonnes annually (equal to approximately 200 tonnes per day). The proposed hours are:

- Acceptance of C & D waste
0600hours-1800hours Monday to Saturday
- Processing of C & D waste
0600hours-1800hours Monday to Saturday

No working is proposed on Sundays or Bank Holidays.

The applicant has indicated that, if required, the element of the proposed facility could be discontinued in a short time (e.g. so as to allow this part of the site to be redeveloped with a highway providing access to the Stanton Ironworks Regeneration Area).

The IBA based recycling could then continue to take place on the remainder of the site, but with the importation from elsewhere of necessary C&D waste, (still at no more than 50,000 tonnes per annum but in pre-crushed form).

ii) IBA Recycling and Processing

The IBA is classed by the Environment Agency as non-hazardous, and is composed of residue from incineration which includes various levels of metallic materials, which may have a residual economic value. Once the material has been crushed and screened, and metals removed, it is blended with other inert wastes (those being produced on the adjoining area), to make an aggregate (classed as a product-secondary aggregate), which would be used as a feed material for block making. The IBA would be generated by

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large Incinerators. It is understood the applicant company currently have contracts in Nottinghamshire and Leicestershire.

Outside operations would involve the importation/storage and crushing and screening of the raw IBA.

The IBA recycling and processing would be confined to the south eastern part of the site which would include the open yard and existing building. In this area the facility would comprise of three elements:

- i. the proposed outside storage, crushing and drying of incoming IBA;
- ii. the proposed processing of IBA within the existing building and
- iii. the proposed storing and stockpiling of reclaimed materials (obtained from the processing operation), awaiting removal off site for reuse.

The deliveries of IBA would be weighed on delivery using a weighbridge on the site, then placed into specialist built and allocated bays located on the south-west boundary of the site. The outdoor storage of the material would enable the IBA to go through a weathering process to reduce the pH levels, resulting in a higher quality IBA aggregate.

The materials would then be transferred by machine into a large custom built hopper (to be located on the north-west elevation of the existing building). The material would then be crushed, screened and fed by conveyor directly into the building where further processing, including screening, would take place and all metallic materials would be removed. In general, the external paved areas around the (processing) building would be used for the storage, crushing and drying of the raw IBA prior to it being fed into the enclosed building for processing. Some processed product would also be stored on part of the paved area awaiting removal from site.

The area allocated for the storage of the incoming IBA would be surrounded by walls to form a bay constructed using steel stanchion posts with reinforced concrete infill panels which would rise to a height of 4.5 metres. It is proposed that the stockpiles of IBA stored within the walled area would not exceed 6 metres in height. IBA would be delivered to the site and initially stored within the storage bay walls for a period of 3 to 6 weeks. During this period, it is proposed that the stockpile surfaces would be kept damp which the applicant contends would form a crust, thus preventing (or limiting) the release of dust or odours. The bay for incoming material would have a storage capacity of approximately 15,000 tonnes. The storage area would have an impermeable pavement base. Any water draining from the stored IBA would then be collected in the wedge pit settlement system and reused to enhance the

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maturation process and suppress dust as required. It is proposed to install a wheel wash close to the site entrance.

The working hours proposed by the applicant for the IBA processing facility are:

- The acceptance of raw IBA: 0600 hours – 2200 hours Monday to Saturday inclusive.
- Processing within building 0600 hours – 2200 hours Mondays to Saturdays inclusive.
- Crushing externally 0600 hours - 1800 hours Mondays to Saturdays. No Sunday working or on Public Holidays.
- Distribution of reclaimed materials 0600 hours - 1800 hours Monday to Saturday.

No processing is proposed on Sundays or Public Holidays

Based on the existing facility at Bunny, the applicant considers that the IBA processing facility would recycle 99.95% of the waste material. It is anticipated therefore, that very little waste would be generated by the recycling processes. Any waste deemed non-recyclable would be stored in skips on site before being disposed of off-site in an appropriate facility.

It is proposed to install a weighbridge and small office close to the access into the site, also a two-way access for heavy goods vehicles (HGV's) visiting the recycling area or the IBA processing.

Dust Management

The applicant indicates that prior to any development being commenced, a Dust Management Scheme (DMS) would be produced that would describe the actions and procedures to be undertaken to control dust emissions which will include measures such as:

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

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- Dust complaints response system.
- Cessation of operations likely to cause fugitive dust emissions during adverse weather conditions such as high winds.

Traffic

A comprehensive Transport Assessment has been carried out by consultants on behalf of the applicant company. The assessment indicates that at present for the existing site at Bunny, there are up to a maximum of 40 HGV movements daily. It is estimated by the applicant that the current proposal would generate a maximum of 70 HGV movements daily. This figure is based on a 50 week operating year, and 5 days of operation per week. Eighteen car parking spaces would be provided to accommodate the likely car parking demand. The existing cycle parking would be reused.

All access to the site would continue to be via the industrial estate then by way of the existing access into the site. The applicant proposes that a short section of Crompton Road would be widened to 7.3 metres and include a provision of a 2 metres wide pedestrian footway. The applicant considers that given the existing industrial uses in the area (including the former Stanton Ironworks, and the Stanton Ironwork redevelopment proposals, which include industrial use), the increase in HGV's generated by the proposed development would not cause any severe highway impact.

In order to reduce the site carbon footprint, it is proposed that a bio-fuel heater would be used to heat the IBA processing building, the offices and a jacket enclosure around the IBA dryer. To further reduce the overall site carbon footprint, it is proposed that solar panels would be mounted on the roof of the IBA processing building to supplement the energy supply.

Employment

The applicant has indicated that it is estimated that should planning permission be granted, a minimum of a further 16 local jobs would be created to operate and maintain the proposed recycling facilities when fully operational capacity is reached.

Environmental Statement (ES)

The application is accompanied by a detailed ES which comprises of technical reports compiled by specialist consultants in Flood Risk Assessment (FRA), Noise Assessment Report (NAR), a Landscape and Visual Impact Assessment (LVIA), Ecological Assessment, a Transport Assessment (TA) and a Factual Land Contamination Report (FLCR).

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Consultations

Local Member/s

Councillors J Frudd (Ward Member) and M Booth (adjoining Ward Member), have been notified of the application details. Councillor Frudd has made the following comment:

"The site in question has been in industrial use for many years and before the use of the site for small valves, it was a coke oven, so heavy industry is not unusual".

He also considers that the area needs jobs and hence welcomes the proposal, is aware of the potential development of the Stanton site adjoining but favours industry and considers that in view of the history of the site and the distances from housing, the proposal will not have any adverse impact on this area.

Councillor Ken Rigby (Nottinghamshire County Council) has made the following comments:

"I have visited the applicant company premises at Bunny and was impressed by the effectiveness of the noise barriers and the general manner which the site is operated".

Councillor Rigby has, however, expressed some concerns regarding the proposal in respect of the number of vehicle movements. Councillor Rigby has requested that if planning permission is granted, a lorry routeing agreement should be included as part of the permission (to prevent vehicle drivers from taking short cuts), as well as conditions to control dust and include a dust monitoring scheme".

Erewash Borough Council

Head of Planning and Regeneration

The Borough Council's Head of Planning and Regeneration in his letter in response has noted that the application fails to reference either the Emerging Core Strategy Policy 20 or the current planning application for redevelopment of the Stanton Iron Works (ERE/0213/0001).

The letter draws particular attention to the following text of the policy: "2. The comprehensive regeneration and redevelopment of the Stanton Regeneration Site as a high quality mixed use sustainable new development linked to Ilkeston will be permitted, subject to compliance with the development principles set out in this and other relevant policies". The letter suggests that the proposed reuse of the small valves building and its curtilage is contrary to the objectives of this supervision, on the basis that it would prejudice the comprehensive remediation and development of the wider policy area. It

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refers to the Small Valves building as known to be underlain by industrial fill from the operations of the former ironworks, and to the proposals in the waste application as not addressing the remediation of this fill, which it suggests would be in direct contradiction to the emerging policy as it relates to this application site.

He has pointed out in the letter that none of the modifications proposed by the Planning Inspector to the Erewash Core Strategy altered either the extent of the policy area relating to the waste application, or the wording of the relevant provision under Policy 20, and consequently they should be given significant weight in decision making. His letter also draws attention to the absence of reference in the waste application to potential effects on the new community which is proposed under application ERE/0213/0001, and to the current contradiction between the proposed use of land for soil/ C&D waste recycling under the waste application, and a proposed new access road under the application to the Borough Council, which would also require this land.

The final paragraph in his letter states:

“In relation to previous waste proposals in the Stanton Regeneration Area, the Borough Council has recommended that they be subject to a time limited consent to prevent them from prejudicing future redevelopment of the site. In relation to the emerging Core Strategy Policy 20, a time limit of 5 years could be appropriate. However, in relation to the conflict with the new community planning application proposals for an access road through the soils recycling facility, this part of the waste proposals would be more rationally restricted to 2 years operation. However, in this case the applicant is proposing to relocate to this site from an existing facility, and it appears unlikely that a temporary consent could meet their needs. Under these circumstances refusal may be more appropriate”.

Comment: Whilst I comment separately regarding the overall impact of the proposal and the duration of the works in my planning considerations, I have discussed the concerns raised by the Borough Council in detail with the applicant company. With regard to the former rifle range land, the applicant would be prepared (in the event that planning permission for the regeneration scheme is granted), to vacate this part of the premises at short notice, such to allow the access road to be constructed.

Environmental Health Officer: *“Following a visit to the applicant company’s waste management facility at Bunny, the following comments/observations have been received:*

- *Possible impact on housing*
The application considers existing housing which is situated between 530m and 550m from the site. Based on noise readings taken at Bunny

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and the distance from the site the impact on housing is estimated to be minimal. However, there is an outline planning application currently being considered by Erewash Borough Council which proposes building houses within about 120m of this site. It follows that without additional attenuation, these homes could be subject to much higher noise levels than the existing housing”.

Comment: The new housing relating to the Regeneration Project will be at least five years before any of these properties are constructed. I am satisfied that the controls through the proposed conditions would reduce or eliminate any detrimental impacts from emissions from the site. I also propose to impose requirements for the monitoring, review and the site works regularly.

- *“Predicted noise levels*

The predicted noise levels are based on measurements taken at Bunny. However, it is obvious that the equipment to be installed at Ilkeston is totally different to that used at Bunny and, potentially, will produce much different noise levels. Similarly the sound insulating properties of the two buildings may well be dissimilar and this needs to be taken into account”.

Comment: I have discussed this issue with the applicant. I am satisfied that the impact from noise emissions would be acceptable subject to conditions due in part to the nature of the equipment that would be in use on the site and because the processing of the IBA will take place inside the substantial building (see Planning Considerations section) .

- *“Hours of working*

The description of the hours of operation is ambiguous. For "IBA acceptance" the term used is "every day", whereas other operations have stated times. Other existing waste management facilities in the area are limited to working 06:00 to 18:00 hours Monday to Friday and with limited working allowed at weekends. Similar restrictions should be imposed on this proposal for any operations carried on outside buildings”.

Comment: The hours of working are as stated in my report and whilst these have been amended by the applicant company, are not in my opinion ambiguous.

- *“Increases in road traffic, particularly HGV traffic*

This initially was one of my greatest concerns and remains so, though the offer to reduce tonnages has alleviated this to some extent. However, the concentration of waste processing sites within this locality and their reliance on road transport for accepting waste and removing recycled material is an important issue which needs to be addressed if

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the existing businesses are to thrive and develop. Two cases illustrate this potential growth in traffic. Firstly an application to increase throughput from 150,000 tonnes/year to 400,000 tonnes/year; the Environment Agency turned this down but there is no reason to suppose that such a change could not get regulatory approval if certain conditions were met. The second case concerns a green waste processor who is planning to install an anaerobic digester to deal with food waste. Given the drive to reduce the amount of waste going to landfill, I have no doubt this would be a very popular service. I therefore feel there is a need to explore the feasibility of using alternative transport modes, particularly rail as there is a railhead on the adjacent site”.

Comment: The traffic impacts relating to this proposal have been considered by the Highways Department of the Council and no traffic impact basis for objection has been identified. The routeing for traffic would be via classified roads. Under any permission granted from this application, the maximum total tonnage throughput at this site per year would be approximately 350,000 tonnes per year.

- *“Contaminated land
No issues regarding land contamination providing that the site has a hard standing of suitable material and thickness over the exterior areas.”*

Environment Agency

Originally raised objection to the proposal on the grounds that an unsatisfactory Flood Risk Assessment had been submitted. This has since been rectified by the applicant company and the objection withdrawn. The Agency recommends that if planning permission is granted a condition is imposed to ensure that the integrity of the Nutbrook Canal is maintained and future access for maintenance/flood defence works are not affected.

Stanton by Dale Parish Council

Object to the proposal on the following grounds:

- Traffic concerns, particularly HGV's and Satellite Navigation systems directing HGV through the village,
- HGV's will believe they can travel through the village.
- The Environmental impact of noise and pollution in a conservation village.

Sandiacre Parish Council

Objects to the proposal on the following grounds:

- Traffic Generation through Sandiacre;

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- Increase in pollution.
- Public Transport-rise in additional commuters journeying through Sandiacre will create noise, smell, traffic congestion and general disturbance.
- HS2 New Toton Station.
- Tesco Development.
- Road system in Sandiacre currently experiences gridlock at peak times of the day.

Derbyshire Wildlife Trust

Does not raise objection to the proposal but considers that:

- Clarification is required regarding the areas of habitat type to be retained and/or created, and if there are any residual impacts together with how the applicant company intend to address this.
- The bund on the west part of the site may be subject to loss or impact as a result of future development and, if so, there would need to be a commitment for its retention.
- A condition should be imposed requiring a reptile mitigation scheme to be approved prior to development commencing on the site.

Natural England

The proposal is unlikely to affect any statutory protected sites or landscapes but, with regard to biodiversity and landscape enhancements, the proposal may provide opportunities to incorporate features into the design which are beneficial to wildlife and to enhance the character and local distinctiveness of the surrounding natural and built environment.

Publicity

The application has been advertised by site notices and in the Ilkeston Advertiser with a request for observations by 21 October 2013. As a result of this publicity, one representation has been received which raises concerns to the proposal which I have summarised as follows:

- Transportation of goods to and from the site.
- Potential damage to Ilkeston Road from New Stanton.
- No footpath on various parts of Ilkeston Road.
- Damage already occurred to highways.
- Traffic survey does not extend far enough.
- Number of accidents on traffic route proposed in Sandiacre.
- Impact on Stanton Regeneration Area.
- Noise and impact of Grade II listed buildings.

The objector, however, recommends that if planning permission is granted, that a condition be imposed requiring the following:

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- that all lorries and HGVs be sheeted and cleaned prior to leaving the site; and
- that the hours of working at the site are restricted to 9am to 6pm Mondays to Fridays with no vehicle movements Saturdays and Sundays.

Comment: Where relevant, I refer to all these issues in my 'Planning Considerations Section' below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the development plan comprises the saved policies of the adopted Derby and Derbyshire Waste Local Plan (DDWLP), and the saved policies of the adopted Erewash Borough Local Plan (EBLP). The emerging Erewash Core Strategy (ECS), and the National Planning Policy Framework (NPPF) have relevant policies that must also be taken into account when considering this proposal.

The policy considerations which the proposal gives rise to are therefore addressed by national policy and by local development plan policies set out below.

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

The Derby and Derbyshire Waste Local Plan (DDWLP)

The relevant policies are:

W2: Transport Principles.

W4: Precautionary Principle.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W10: Cumulative Impacts.

Erewash Borough Local Plan (EBLP)

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

DC10: Design.

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E4: Stanton Ironworks Regeneration.
E2: Protection of Industrial Land and Business Uses.
E6: Mixed Use.
EV14: Protection of Trees and Hedgerows.
EN16: Landscape Character.

Erewash Core Strategy ECS (ECS)

The emerging ECS, which has been prepared to broadly align with the core strategies of Broxtow Borough Council, Gedling Borough Council and Nottingham City Council, sets out the vision and strategy for growth and development in Erewash up to 2028 and includes strategic policies for housing, business, retail, transport and heritage. The Borough Council formally submitted its Core Strategy to the Secretary of State on 30 November 2012. The ECS has been subject to examination by hearings and the consultations on modifications proposed by the Planning Inspector appointed by the Secretary of State closed on 29 July 2013.

Policy 20 of the ECS states:

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

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

a) around 2000 homes to include a mix of housing types, sizes and tenures to create a mixed and balanced new neighbourhood;

b) land for a range of new employment uses, including:

- i) a high quality business park of at least 10 hectares within a feature setting, utilising existing buildings of townscape value and features of landscape value where possible;*
- ii) at least 10 hectares of land for general industry, to go towards meeting the strategic employment needs of the Borough as set out at Policy 4;*
- iii) additional replacement employment land for losses incurred through the redevelopment; and*
- iv) utilising or safeguarding of the rail spur and associated land for rail-freight use;*

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c) a centre of neighbourhood importance, comprising a new primary school and appropriate levels of retail, service, commercial and community uses to meet the needs of the new neighbourhood, whilst consolidating and strengthening the network and hierarchy of centres as set out in Policy 6;

d) a strategic area of green infrastructure to include:

- i) a wildlife corridor linking the Nut Brook Valley with the Erewash Valley;*
- ii) an area of at least 20ha to provide a destination wildspace and informal recreation area to serve the needs of both the new sustainable neighbourhood and the wider community; and*
- iii) enhancement to the multi-user link between the Nut Brook Trail to the west of the site and the Erewash Valley Trail to the east;*

e) the inclusion of other areas of open space within the development to achieve a high quality residential and business environment and to restore the landscape character of the Dale;

f) provision of and improvements to cycle and pedestrian infrastructure to maximise the opportunities for sustainable travel within the site and to access adjoining areas, particularly Ilkeston town centre;

g) provision of and improvements to public transport infrastructure to maximise the opportunities for sustainable travel within the site and to access nearby destinations, particularly Ilkeston town centre and Nottingham City Centre; and

h) incorporate measures to adapt to and mitigate the effects of climate change, and reduce its causes (see Policy 1).

3. This sustainable new neighbourhood will be exemplar in terms of design, and will aim to be self-contained for day to day needs, whilst complimenting and supporting the established town centre of Ilkeston.

National Planning Policy Framework (NPPF)

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

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

- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments);*

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- are visually attractive as a result of good architecture and appropriate landscaping....securing high quality and inclusive design goes beyond aesthetic considerations.

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

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

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

The relevant references of the NPPF are:

Chapter 17: Core planning principles.

Chapter 69: Promoting healthy communities.

Chapter 186: Decision taking.

Planning Policy Statement 10 (PPS10)

PPS10: Planning for Sustainable Waste Management, sets out guidance on how planning can contribute to the delivery of sustainable waste management (including the delivery of the Waste Management Hierarchy). It states that waste planning authorities, when determining applications, should consider:

- the wider environmental and economic benefits of sustainable waste management; and
- the likely impact on the local environment and amenity, including visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and any potential land use conflict.

Paragraph 29 of PPS10 advises that in considering planning applications for waste management facilities, planning authorities should consider the likely

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impact on the local environment and amenity. Annex E of PPS10 also sets out more locational criteria as regards impacts on local environment and amenity, including protection of water resources, visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and potential land use conflict.

In addition to the objectives of the above policies, the fundamental aims in general terms are to secure sustainable patterns of development, which are essentially inclusive, environmentally sensitive and utilise natural resources prudently. One of the key priorities of the County Council, shared both regionally and nationally and set out in PPS10, is to drive waste recycling up the waste hierarchy. This can only be achieved by recycling, recovery and reuse of waste materials such as identified in this application. As a consequence, there is a continuing and urgent need to provide sustainable waste management facilities. This, of course, has to be balanced against the suitability of the proposed site and its potential impacts on this local environment.

The main driver behind the proposal appears to be a need to have an appropriately located capacity for IBA recycling, above that which the current established Bunny MRF site, is equipped to provide. The main waste stream would be the IBA, an inert waste which is classed as non-hazardous. It is understood from the applicant that there is no certainty that the whole of the operations at the Bunny site would be relocated at this site and that both sites would be intended to operate simultaneously for some time at least. Bearing in mind the above policies, I consider that this proposal strongly supports the drive to move waste management up the waste hierarchy by diverting further quantities of IBA waste away from landfill and, towards conversion into a useable product. This would also constitute part of a wider network of waste facilities/management steps which would assist the delivery of the hierarchy in relation to large scale incinerators. In addition, as the waste can expect to be sourced principally from a site 10km from Nottingham, this is relatively local in terms of transport distance to the application site.

Whilst obviously being subject to a wide range of commercial factors, the site could potentially serve the proposed new waste plant in Derby.

The location of the site is relatively distant from existing residential areas. Bearing this in mind, together with the history of this site and the future development of the area, in my opinion, the key issues to consider, which are relevant to this proposal, are:

- i. The impact of the proposed works on the amenity of this area ie, landscape and visual impact, emissions to air, noise and dust;
- ii. Hours of operation at the site;
- iii. The potential impact of the proposal on the Stanton Regeneration Area.

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i) Impact of the proposed works on the amenity of the area: Relative to these considerations are the respective policies of the DDWLP, in particular: Policy W4 of the DDWLP states that;

‘if there is reasonable cause for concern that a proposed waste development would give rise to a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will not be permitted unless conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage; and that the risk of such damage is outweighed by the potential benefits of the development.’

With regard to the DDWLP, Policy W6 states that:

‘waste development will not be permitted if the development would result in harm caused by contamination, pollution or other adverse environmental or health effects.’

Policy W7 of the DDWLP refers in general to the impact of the development on the landscape and the material harm to the local landscape. Policy W9 states that:

‘waste development will only be permitted if the development would not affect other development land uses to the extent that they would materially impede or endanger the social or economic activities or interests of the community’.

With reference to Visual Impact, Policy DC10 of the EBLP states that:

‘applications for built development will be permitted subject to.....the development respects or enhances the character or appearance of the building, group of buildings particularly in scale and massing’.

Also, Policy E6 of the EBLP states amongst other things that:

“Applications for mixed use development will be permitted subject to the Council being satisfied that the mixed uses are compatible in terms of noise, hours of working, access and egress, parking, emission of fumes, smell or dust, vibration and any other environmental parameters. A high quality of design is sought with full regard being given to landscaping, construction, scale of buildings and space between the buildings. In particular the interface between uses needs careful attention to detail’.

Landscape and Visual Impact

The site is located in the 'coalfield village farmlands' landscape character area as identified in the Derbyshire Landscape Character Assessment (2007) (DLCA). A Landscape and Visual Impact Assessment (LVIA) of the site accompanies the application. The assessment has been conducted, encompassing the "Guidelines for Landscape and Visual Impact Assessment" (GLVIA), as published by the Landscape Institute and the Institute of Environmental Management and Assessment 2002, and "Landscape Character Assessment. Guidance for England and Scotland" (LCA) published by the Countryside Agency and Scottish National Heritage 2002. These documents do not provide a prescriptive approach to assessment but instead explain the principles of assessment and provide worked examples of best practice with regard to LVIA's.

The proposed development includes details of a proposed and comprehensive tree and shrub planting scheme which the applicant company considers will further enhance the screening of the site from the surrounding land.

In terms of visual impacts, a few locations are predicted to experience adverse impacts on completion of the development: the Sustrans cycle route and footpath users and residents on the northern edge of Stanton By Dale. With the proposed retention of the majority of structural planting to the site's perimeter (for softening and screening of views into the site, and the fact that the site is already developed), no significant impacts upon the visual amenity of receptors are predicted to exceed impacts of slight adverse significance in the longer term. I consider that the overall impacts upon receptors in the wider landscape would be negligible.

In visual terms, the site is well screened. There are no proposed new buildings and the main visual element externally would be the external stockpiles of raw materials in the yard area. The site does not impact on any landscape designations, Historic Parks and Gardens, Scheduled Ancient Monuments or Conservation Areas. In visual terms, only a very small number of locations are predicted to experience any adverse impacts on completion of the development. Some elevated footpaths and residential properties on higher ground may afford distant glimpses into the site. Cycle route users might experience minor to moderate adverse effects to views immediately after completion of the infrastructure within the site.

Views into the site itself, due to the topography of the land and the existing vegetation, are extremely difficult with the exception of the point where the cycleway crosses the entrance to the site. Views from the canal and tow-path looking westward into the site are severely restricted due to the bunded embankments, together with the landscaping and vegetation already established. I consider that, with the retention of the majority of structural planting to the site's perimeter for softening and screening of views into the

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site, and the fact that the site is already developed, no impacts upon the visual amenity of receptors are predicted. In the wider landscape, the impact, I feel would be negligible. In visual terms; the impact has been assessed by the applicant company as being low and insignificant. I am generally in agreement with this view point. Overall therefore, I do not feel that any argument against conditional acceptance of the proposal, relying on loss of amenity on visual impact grounds, could be sustained. It is considered that any approval should be subject to a condition to limit the stockpile heaps to a maximum height of 5 metres as measured from ground levels.

Emissions to air (noise, dust steam and odour)

Noise, odour, steam and dust pollution arising from waste proposals can be major concerns and each type of waste management facility has to be assessed individually. In this particular case, and drawing from the existing plant at Bunny, the main areas of potential complaint arise from dust and noise.

Noise

Noise Assessment Report (NAR)

A detailed noise survey has been carried out and comparisons made with the applicant's existing recycling facility at Bunny in Nottinghamshire. The survey includes predicted noise levels from the proposed site works including the visiting and leaving traffic. Based on British Standards Institute BS:4142, the assessment of predicted noise impact from the IBA Processing Plant and Aggregates and Soils Recycling operations, it is unlikely that the impact will be of more than 'marginal significance'. Accordingly, based on the above assessment, and bearing in mind Policy W4 of the DDWLP, it is considered that the noise impact is acceptable, provided appropriate conditions are included in any permission.

In cases of similar sized waste management facilities, planning conditions are effective in controlling and reducing noise impact. Based on the operational plant at the Bunny site and bearing in mind the proposed industrial location, appropriate noise attenuation measures can be required, including sound proofing all plant and machinery, well maintained plant and equipment, the restriction of site operating hours, noise baffle mounds, etc, and a well-constructed effective noise monitoring programme. Noise emissions from the site should then be within acceptable limits and not have significant impact on the local amenity.

The applicant company has confirmed that it will evaluate regularly the need for additional noise attenuation and control should monitoring provide evidence to support this in the future.

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Dust

Although some of the operational development is proposed indoors, the external processing (primary crushing/screening of IBA and the other inert waste) and the external storage has the potential to produce dust. Policy W6 of the DDWLP, however, identifies that dust emissions can be managed and reduced by the implementation of appropriate dust mitigation practices. In relation to the working site at Bunny, having discussed the situation with the planning officers at Nottinghamshire County Council, it is clear that the complaints that have been received from local residents are not regular and, that subject to the appropriate suppression measures being in place, the impact from dust emission can be effectively controlled. I have raised these issues with the Environmental Health Officer (EHO) and the Environment Agency (EA), and the EA has raised no objection. Conditions can be imposed to require the submission approval and implementation of a Dust Action Plan and dust monitoring scheme (see Officer Recommendation below).

Steam

As the IBA brought to the site is placed in stockpiles, depending on the outside temperature and the weather, steam is likely to be produced in varying quantities. Visually, this can appear to be similar to smoke or dust flumes. I do not feel that this would, in normal circumstances, give rise to regular or sustained complaint.

Flood Risk Assessment (FRA)

The FRA is compliant with the requirements set out in the NPPF and the associated Technical Guidance (March, 2012). The application site has been shown not to flood during the 1 in 100 year event but there is evidence to indicate that it does flood to 600mm depth during the 1 in 100 event, when an allowance for climate change is included.

The assessment indicates that the risk posed to the site from fluvial and sewer flooding is considered to be minimal. The report demonstrates that the proposed development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented. In compliance with the requirements of the National Planning Policy Framework, and subject to the mitigation measures proposed, I am satisfied the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.

Transport Assessment (TA)

The TA is stated to have been produced in accordance with the guidelines set by the Department for Communities and Local Government and the Department for Transport. It examines the transport implications of the

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proposed development taking into account whether the following objectives included within the NPPF are met:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
- Safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

The TA concludes that given the existing industrial uses in the area, the former Stanton Ironworks and the Stanton Ironworks redevelopment proposals (which include industrial use), the increase in HGV journeys generated by the proposed development would not cause any severe highway impacts and the proposed development would not have an adverse impact on the operation of the surrounding highway network.

Within the site, close to the eastern boundary provision will be made for 22 car parking spaces, with a further 6 spaces close to the existing building. With regard to the parking of HGVs, it is proposed that 10 parking spaces will be provided close to the site entrance, along the northern site boundary. The applicant considers that this location has been chosen as a safe area for reversing lorries, with minimum travel distance and good visibility all around.

Traffic Routeing:

The likely routes to the site for HGVs are to the south of the site towards Junction 25 of the M1 motorway and the A52 and to the north of the site towards the A609. The route to Junction 25 is via Lows Lane, Sandiacre and Longmoor Lane. The route to the north is via Quarry Hill Road and the A6096 Station Road. The anticipated distribution of the HGVs associated with the proposed development is 70% towards Junction 25 and 30% towards the north.

The anticipated number of HGVs generated by the development is 16 two-way movements per hour. Given the 70%/30% anticipated distribution, approximately 11 two-way HGVs per hour will route towards Junction 25 and 5 two-way HGVs per hour will route towards the north.

The application proposes changes to the un-named access road which is outside the application site. In conjunction with the other business users, it is proposed to widen this roadway to 7.3 metres wide from the roundabout and junction of Merlin Way/Crompton Road into the site entrance area.

Planning obligations could be entered into under Section 106 of the Town and Country Planning Act 1990, to secure the preferred traffic routeing, and roadway widening in advance of development.

Ecology

A comprehensive ecological survey has been carried out and it is considered that the statutory designated sites located within 1km of the site will not be affected by the proposed development. Species such as reptiles, bats and invertebrates that may be present within the site would not be impacted significantly by the development, with conditioning to ensure that appropriate habitats and features that may support them are to be retained or otherwise appropriately translocated and that some ongoing monitoring and safeguarding is provided for the protection of certain protected species (see Officer Recommendation below).

Land Contamination Report

The applicant has submitted with the application details of a FLCR, which is based on the evidence of the laboratory soil test results and, considering the industrial legacy of the site, the report indicates that there does not appear to be any significant widespread contamination of either the made ground or natural strata. The report recommends, however, that if new structures are proposed for the site at some point in the future, a further robust geotechnical assessment of the ground conditions be undertaken to enable appropriate foundation and floor slab design. Any geotechnical works should also include an assessment of the potential for shallow coal workings based on the findings of the site-specific coal mining report. Based on the proposed site layout, the report considers that the C&D waste reception area is to be located on the gravel hard standing currently occupied by the former rifle range. The proposed materials stored in this area of the site are therefore to be inert and it is considered that they present no significant risk to controlled waters. Based on the proposed site layout, the IBA storage areas are to be located mainly on the existing low permeable concrete or macadam surfacing adjacent to the IBA processing building. It is understood that the site will incorporate a sealed drainage unit, which is required by the EA to ensure that any potentially polluting liquids are stored on site within a sealed system. On this basis, there does not appear to be any significant risk to controlled waters from the proposed IBA facility.

Odours

Based on the operations at the existing site at Bunny, as none of the materials appear to be odorous, then it would seem unlikely that odour emissions would be significant. However, under certain barometric conditions (in relation to the IBA), this situation may change. However, mitigation can include the sheeting of vehicles, enclosure of wastes, odour masking and removal of any odorous waste from the site. With this in mind, I consider that an odour management programme would be necessary and that the associated details be approved (and be in place), prior to the development commencing on the site. A condition can be provided to this effect.

Proposed Hours of Operation

The proposed working hours are as described in the application details and although this is a proposed early start and a late finish (the applicant is intending using a two shift system), bearing in mind this is an industrial estate and this basis, I do not consider that the proposed working hours are unacceptable.

Impact on the Proposed Stanton Regeneration Project

The site is located within an industrial estate and there is a general expectation that, within such areas, there are likely to be (on occasion), loud noises and general disturbance from people working.

I consider that in view of the above, the potential environmental amenity impacts raised by this proposal (based on the current land use), would not be significant and any associated impacts, could in my opinion, be controlled and managed in such a manner that the overall harm would be minor.

Detailed consultations have been undertaken with Erewash Borough Council's Planning and EHO officers and the EA. Whilst the Borough Council has some reservations regarding the proposed development, the EA has concluded that subject to appropriate controls being imposed in this location, this proposal is acceptable. In general terms, I do not feel there is significant conflict with development plan policy. Having regard to the conditions set out in my recommendation, in my opinion, an objection on the grounds that the proposal would be detrimental to the long terms aims of the Stanton Ironworks Project could not be sustained.

Since the application site is covered by the area shown in the emerging Erewash Core Strategy as being subject to its Policy 20, which would favour the comprehensive remediation of the whole area as "a high quality mixed use sustainable new neighbourhood", there is some tension between this emerging policy and the proposal under the application. However, since:

- the size of the application site is relatively inconsequential
- it is on the periphery of the emerging policy area
- the proposal in the application is for a development that would generate some significant employment
- the site (except for the former rifle range) benefits from an extant permission for industrial use
- the proposal is in keeping with the principles of sustainable development as encouraged by the NPPF
- the potential re-development of the bulk of the Regeneration Area as envisaged through the emerging policy would not be impeded by this development if the permission is subject to an appropriate condition to provide for an early ending of the use of the part of the application site that would be used for storage and treatment of C&D waste

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development if it is affected by a planning permission for construction of a new access road,

it is not considered that the approval of the application subject to appropriate controls (as provided for under the recommendation in the report) would raise a significant conflict with the objectives of the emerging policy.

Conclusion

This proposal seeks planning permission to establish an inert waste recycling facility on an existing site within an established industrial estate. Currently, the application site is designated in the 2005 Local Plan for industrial use and historically, the area has been associated with heavy industry. It is possible that industrial use of the site could be resumed without the need for a new planning permission, which could have a more detrimental overall impact than that which is associated with this proposal.

Significant volumes of (relatively) locally derived waste would be recycled and diverted away from landfill, and a secondary aggregate produced. I therefore consider that this accords with the principles of sustainable development in line, in particular, with the NPPF. This is the first application of this type within the County and I consider that this proposal represents an opportunity to attract employment, to recycle and reuse waste but, in so doing bring precise controls to ensure that any impacts are controlled to an acceptable standard such to not bring a detriment to this local environment both at the present time and for the future (bearing in mind the potential development of the Stanton Regeneration Area). In addition, I feel that the proposal is strategically well located for both current and potential sources of Incinerator Bottom Ash.

It is my opinion that the conditions, which would be imposed together with those of the Environmental Permit, would bring appropriate controls to mitigate against any significant environment impact of the proposed works. I am also recommending that a local liaison group is established to meet at regular intervals, to facilitate communications regarding the development and its relationship to the locality. This would involve representatives from residents and businesses in the locality, the applicant company, representatives of the relevant Borough and Parish Councils and the Regulatory Authorities. The conditions I have recommended would, in my opinion, enable the County Council to monitor and review the site at regular intervals and hence, the long term aspirations that the Stanton Ironworks Regeneration Project would bring would not, in my opinion, be threatened unduly.

Approval of the application would I feel bring not only benefits by way of the contributions made to the local and wider economy directly and indirectly in the form of employment of local people, but also to utilise a part derelict brownfield site. By reusing the IBA in the manner proposed, it could be treated

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similar to a secondary aggregate and in view of the proposed extraction of the metallic content of the ash, then overall, the carbon footprint would be reduced. The applicant company proposes to develop an existing site (rather than developing a new site), then in accordance with the principles within the NPPF, PPS10 and the relevant policies of the development plan, I consider that this proposal is acceptable and represents sustainable development.

On this basis, I feel that an objection in planning terms would be unwarranted.

(3) **Financial Considerations** The correct fee of £5,460 has been received.

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

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

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

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity; human resources, property and transport considerations.

(6) **Background Papers** Application details and associated drawings with subsequent amendments. Letters/e-mails from the Derbyshire Wildlife Trust dated 6 December 2013, the Environment Agency dated 3 September and 23 October 2013, Nottinghamshire County Council dated 26 July 2013, Erewash Borough Council dated 2 August and 18 December 2013 and Stanton by Dale Parish Council dated 10 June 2013. Sandiacre Parish Council undated and Natural England dated 4 November 2013. Letter of Representation. Planning Application dated February 2013 for the Regeneration of Stanton Ironworks: Code No ERE/0213/0001.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission for the development under the above application be **approved** subject to:

7.1 the applicant entering into an agreement with the Council under Section 106 of the Town and Country Planning Act 1990 to secure planning obligations considered by the Strategic Director – Economy, Transport

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and Environment and the Director of Legal Services to make satisfactory provision for:

- £20,000 for use by the Council to enhance local elements of the East Derbyshire Greenway and related Rights of Way networks;
- traffic routeing as specified in the application submission;
- improvement of the existing belt of trees and habitats adjoining the boundary;
- the resurfacing and widening of the unnamed/unadopted road from Merlin Way roundabout to the site entrance with a solid bound material; and
- the establishment of a Local Liaison Group.

7.2 A set of conditions substantially in the form of the draft conditions below:

Section One: General

Form of Development

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

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

Availability of Plans

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

Approved Development

- 3) No development hereby permitted shall be carried out other than in accordance with the details set out in the application for planning permission supporting information and plans, unless otherwise modified

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or amended by conditions of this permission. The approved documents shall comprise of the following:

Plan No: NTT/2200/001
Plan No: NTT/2200/001(SP)
Plan No: NTT/2200/002
Plan No: MS256 dated October 2012
Plan No: MS256-1 dated October 2013
Plan No: MS256-4 dated February 2013
Plan No: MS256-2 dated October 2013
Plan No: MS256-6 dated February 2013
Plan No: MS256-7 dated February 2013
Plan No: MS256-8 dated February 2013
Plan No: MS256-10 dated April 2013
Plan No: BRD 1254-PL03P dated April 2013
Plan No: BRD 1254-PEO1P dated April 2013
Plan No: BRD 1254-PE02P dated April 2013
Flood Risk Assessment with updates (BWB) dated September 2013
Transport Assessment (BWB) dated April 2013
Noise Assessment (Acute Acoustics Limited) reference dated April 2013
Landscape Impact Assessment (FPCR): dated April 2013
Design and Access Statement: dated April 2013
Supporting Statement dated: dated April 2013
Environmental Statement Volumes 1 and 2 dated July 2013
Utilities Report (BWB) dated April 2013
Ecological Appraisal (FPCR) (Revision A) dated July 2012

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

Duration of works

- 4) Upon the Waste Planning Authority, at any time after two years from the commencement of the development hereby permitted, providing a notice in writing to the site operator that it considers that it would be expedient in the public interest for the part of the application site which is shown on plan reference M5256-4 dated February 2013 as the "C&D Waste RF Area" to be available within 6 months or any longer period specified therein for the carrying out of any planning permission that is then effective for a development which includes the creation of a section of road or highway through that part of the application site that would provide a means of access between Merlin Way and other premises in the Stanton Regeneration Site as referred to in Policy 20 of the emerging Erewash Core Strategy:

- (1) within that 6 months or longer period as specified in the notice, all use of that part of the site for the activities permitted on it by this

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permission shall cease, and that part of the site shall be cleared of all associated stocks of waste and other materials and lighting plant and other equipment;

- (2) no such use of that part of the site shall thereafter be resumed under this permission, unless there ceases to be any planning permission in effect to permit the construction of such a road or highway before any such road or highway development takes place.

Reason: For the minimisation of conflict between development under this permission and strategic planning objectives relating to the Borough of Erewash under Policy 20 in the emerging Erewash Core Strategy. It is intended that the potential for the activation of this condition by notice will kept under regular review in consultation with Erewash Borough Council.

- 5) The colours of all buildings and structures on the site shall be submitted to and approved in writing by the Waste Planning Authority.

Reason: Control the spread and appearance of plant and ancillary development in the interests of the appearance of the site.

Tonnage of Waste Imported and Processed

- 6) In any 12 month period, the amount of all permitted inert construction and demolition wastes (including waste soils) imported to and processed at the site shall not exceed 50,000 tonnes, and the amount of other permitted waste imported and processed at the site (i.e. Incinerator Bottom Ash waste) imported to and processed at to the site shall not exceed 300,000 tonnes. The site operator shall make accurate records of the tonnages of the respected types of wastes arriving at the site using the site weighbridge and these records shall be kept available for inspection by the Waste Planning Authority.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers, and to ensure that continuation of the waste management facility does not give rise to environmental impact.

Hours of Operation

- 7) No operations authorised or required by this permission, other than the essential servicing and maintenance and of plant and other similar work of an essential nature, shall be carried out on the site except between the following times, unless otherwise approved in writing by the Waste Planning Authority:

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a) The acceptance of IBA and Processing within building:

0600 hours – 2200 hours Monday to Saturday inclusive.

b) All other site works including Acceptance and Processing of C & D waste and External Crushing and Distribution of reclaimed materials:

0600 hours – 1800 hours Monday to Saturday inclusive.

There shall be no working on Sundays, Bank Holidays or other National Holidays.

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

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

Reason: For the avoidance of doubt and to ensure that additional traffic to and from the site is minimised.

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

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

- 10) No additional outdoor lighting shall be installed at the site other than in accordance in the application details as shown on reference plan MS256-8 dated 22 February 2013; except which have received the written approval of the Waste Planning Authority. Any additional external lighting details shall include the position and nature of all lights, lux levels, light spread and activation methods.

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

Section Two: Site Access and Highway Protection

- 11) The sole vehicular access to be used in conjunction with this development shall be as shown on Plan Reference MS256-7 dated February 2013.

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

- 12) Except as may be otherwise agreed in writing by the Waste Planning Authority, all the existing visibility splays and road markings at the access shall be retained and maintained for the duration of the proposed works.

Reason: In the interests of Highway Safety.

- 13) The number of Heavy Goods Vehicles movements shall not exceed 70 per day (ie 35 in and 35 out) on Mondays to Fridays and 34 (ie 17 in and 17 out on Saturdays. Daily records of Heavy Goods Vehicle movements shall be maintained on site and made available for inspection by the Waste Planning Authority during the hours specified in Condition 6.

Reason: In the interests of highway safety.

Highway Safety

- 14) All loaded vehicles entering or leaving the site shall be sheeted.

Reason: In the interests of highway safety.

Highway Cleanliness

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

Reason: In the interests of highway safety.

Section Three: Control of Noise

Noise Suppression Measures

- 16)
- a) All work on the site shall be carried out as appropriate in accordance with Section 5 'Control of Noise of Part 1 of BS 5228 (1997) 'Noise and Vibration Control on Construction and Open Sites' or its equivalent replacement.

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- b) At all times during the carrying out of the approved operations, all practicable noise suppression measures shall be applied to the operation of all plant (including crushing and screening plant), machinery and vehicles. All vehicles, plant and machinery shall operate on the site only during the permitted hours, except in an emergency, and shall be maintained in accordance with manufacturers' specifications at all times, and shall be fitted with and use effective silencers or other acoustic mitigation devices/shrouds as appropriate. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.
- c) There shall be no alterations in working practices or changes in equipment used which would be likely to materially increase the noise levels at the boundary of the site without the prior written approval of the Waste Planning Authority.

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

Reversing Alarms

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

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

- 18) No materials shall be processed on the site other than via the plant specified in the application.

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

Noise Limit

- 19) The free field noise levels from the site operations, as measured at the site boundary expressed as a 1 hour LAeq shall not exceed 60dB(A) or L90 plus 5dB(A) whichever is the higher.

Reason: In the interest of protection of amenity

- 20) No development approved by this permission shall take place until a scheme for:

- a) the control of noise levels;

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- b) the monitoring and recording of noise levels at the locations specified in the Noise Assessment Report produced by Acute Acoustics Ltd;
- c) the investigation of any complaints, due to noise, received by the operator of the site; and
- d) the remedial steps to be taken in respect of any exceedances of any relevant noise limits and any reasonable complaints,

has been submitted to and approved in writing by the Waste Planning Authority.

The scheme shall specify:

- a. the qualifications and experience of the personnel to be engaged in undertaking the monitoring and recording;
- b. the measures to be taken to prevent the recording of data in unsuitable weather conditions;
- c. the equipment to be used and arrangements for calibration; and,
- d. the frequency of monitoring and reporting to the Waste Planning Authority. The results of the monitoring and records of any complaints received by the developer due to noise shall be maintained and made available for inspection by the Waste Planning Authority between reporting intervals at the site office during normal site opening hours.

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

Reason: In the interests of protection of amenity.

- 21) Within one month of receiving a written request from the Waste Planning Authority, the operator shall undertake and submit to the Waste Planning Authority for its written approval, a BS4142:1997 noise survey, to assess whether noise arising from the development exceeds the daytime criterion of 5db(A) above the existing background noise level, after the addition of the 5db(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997 at the nearest residential receptor. The submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criteria. The noise mitigation measures shall thereafter be implemented in accordance with the approved details, and the mitigation measures maintained throughout the operational life of the site.

Reason: To safeguard the amenity of the users of nearby land and the nearest residential occupiers.

Section Four: Control of Dust, Smoke, Fumes and Waste

- 22) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust and in accordance with the Dust Action/Management Plan as required by Condition 26 below.

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

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

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

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

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

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

Reason: In the interests of protection of visual amenity.

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

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

- 27) No development approved by this permission shall take place until a scheme for dust minimisation and control measures has been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented at all times during the carrying out of the approved operations. The scheme shall include measures specified below shall be referred to as the 'Dust Action Plan' and shall include:

- a) the measures to be taken to suppress and control dust;

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- b) treatment of all un-vegetated areas as well as roads and stockpiles;
- c) provision of an adequate water supply and use on the site of a sufficient number of water bowser sprayers and, if necessary, sprinkler systems to ensure the suppression of dust caused by moving, storage, lifting and placement of materials;
- d) use of modern dust suppression and collection equipment and storage facilities which shall be installed on all plant likely to give rise to dust generation, regular monitoring to ensure the efficient functioning of the equipment and maintenance works as necessary;
- e) measures to ensure all exhausts and silencers fitted to plant and vehicles used on the site discharge away from the ground, and radiator fan deflector plates are fitted on heavy plant to keep dust displacement to a minimum;
- f) sheeting of all vehicles transporting material prior to leaving the site; and
- g) in the event of dust from the site becoming a nuisance to local residents such as would give, in the opinion of the Waste Planning Authority, rise to justifiable complaint, the operation causing the excessive dust shall temporarily cease until such time as the site and weather conditions improve or the operation can be effectively controlled.

The Dust Action Plan shall pay particular attention to the movement of soils, Incinerator Bottom Ash material (screened and unscreened) and processing plant discard material, formation of stockpiles and any landscape bunds, re-profiling and landscaping works, the moisture content of materials, day to day strength and prevailing direction of the wind relative to occupied property, and the need for damping down internal roads and other active surfaces

The Dust Action Plan shall be implemented as approved in writing by the Waste Planning Authority. The operator shall give prior notification to the Waste Planning Authority of any proposed changes to the Dust Action Plan and shall, if requested by the Waste Planning Authority, only implement such changes with the prior written approval of the Waste Planning Authority.

If, in the opinion of the Waste Planning Authority despite the steps taken in the Dust Action Plan, at any time during the operations hereby approved, the operator becomes aware of, or is informed by the Waste Planning Authority that it believes that dust is leaving the site, then all relevant operations shall be suspended immediately and the works shall not be resumed until the Waste Planning Authority has confirmed in

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writing that measures are in place to ensure that site operations may be resumed without causing nuisance.

Reason: In the interests of protection of amenity.

- 28) No development shall take place until a scheme for the suppression and control of dust and the monitoring and recording of dust levels has been submitted to an approved in writing by the Waste Planning Authority. The scheme shall include:
- i) the qualifications and experience of the personnel to be engaged in undertaking the monitoring and recording;
 - ii) the equipment to be used to monitor dust levels and the arrangements for calibration;
 - iii) the number and location of monitoring points;
 - iv) the frequency of monitoring and reporting to the Waste Planning Authority; and
 - v) the steps to be taken in the event that complaints, due to dust, are received by the developer including the triggers for action up to and including the temporary suspension of operations.

The results of the monitoring and records of any incidents known to the developer relating to dust, shall be maintained and made available for inspection by the Waste Planning Authority between reporting intervals at the site office during normal site operating hours.

The scheme shall be implemented as approved in writing by the Waste Planning Authority.

Reason: In the interests of protection of amenity.

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

Reason: To ensure that the site working areas are kept clear.

Section Five: Site Drainage and Contamination

- 30) Prior to the commencement of the development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the

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development is completed. The scheme to be submitted shall demonstrate:

- the utilisation of holding sustainable drainage techniques;
- the limitation of surface water runoff to a betterment of current brown-field rates; the ability to accommodate surface water runoff on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- the responsibility for the future maintenance of drainage features.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure the future maintenance of the sustainable drainage structures.

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

Reason: To prevent contamination of watercourses.

- 32) 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 watercourses

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- 33) The site operator shall ensure that all surface water drainage operates in an efficient manner.

Reason: In the interest of sustainable surface water management.

- 34) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) NTT/2200/FRA Rev C and the following mitigation measures detailed within the Flood Risk Assessment:

Reason: To ensure that the site drains efficiently.

- 35) No stocking of materials shall take place within 8 metres of the Nutbrook Culvert as indicated on the application details as per Section 3.4 of Appendix A.

Reason: To ensure the integrity of the Nutbrook Culvert is maintained and future access for maintenance/flood defence works is not affected.

- 36) Prior to being discharged into any water course, surface water drain, sewer or soakaway system, all surface water drainage from parking areas and hardstandings, shall be passed through an oil interceptor, which shall be designed and constructed to have a capacity (and details) compatible with the site being drained.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

Section Six: Odours

- 37) Notwithstanding the information required by other conditions of this permission, each working day, the surrounds of the site shall be monitored for any odours arising from the development. If any materials result in noticeable odours they shall be contained, or removed from the site as soon as practicable.

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

- 38) Any non-inert odorous wastes brought onto the site shall be stored separately from the inert wastes in a lidded skip or container and removed from the site as soon as reasonably practicable.

Reason: For the avoidance of doubt and to ensure that the waste management facility and related operations do not have an adverse impact on local amenity.

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- 39) The proposed development shall not be brought into use until a scheme submitted by the applicant, detailing the procedures for monitoring odour from the operation of the in-vessel composting facility has been submitted and approved in writing by the Waste Planning Authority. The scheme shall identify the frequency of odour monitoring and provide for the submission of the results of the monitoring to the Waste Planning Authority, and set out the procedures to be adopted in the event that a complaint is made about odour.

Reason: To ensure that odour emission do not threaten local amenity.

Section Seven: Contaminated Land

- 40) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Waste Planning Authority:
- 1) A preliminary risk assessment which has identified:- all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- 41) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise

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agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Waste Planning Authority. The remediation strategy shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Section Eight: Conservation and Landscaping

- 42) All existing hedges and fences on the site boundary shall be maintained and protected from damage throughout the period of operations.

Reason: For the protection of visual amenity.

- 43) The development shall be implemented in accordance with those measures for ecological protection, mitigation, compensation and enhancement, as set out in the application and Environmental Statement Volume 1, Chapter 10 (paragraphs 10.68-10.76).

Reason: To ensure that the proposed development does threaten any ecological interests on or adjoining the site.

Ecology

- 44) No development shall take place until the applicant shall has submitted to the Waste Planning Authority for its approval, and the authority has approved, a scheme for implementation of the following measures outlined in the Environmental Statement which accompanied the application for this permission:

- (1) the retention of the existing ecological habitat relating to the western bund
- (2) translocation of the loose substrate from the former rifle range (an existing Priority Habitat area) to create a new habitat area adjacent to the proposed lorry park
- (3) management of the retained and created habitat areas to retain diversity and reverse and prevent successional change.

The scheme shall include details to clarify the exact areas of the site which shall be the new and retained habitat areas subject to these measures and those which are to subject to translocation under these measures, both as regards their positions (by reference to suitable

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scaled plans) and their total extents in square metres, and details of the handling of the substrates to be translocated and preparation of the receptor areas. The scheme shall give particular attention to the following aspects of ecology and the potential impacts from the development on these aspects:

- notable species of flora and fauna, including “common cudweed” (a locally scarce plant which occurs within the open mosaic habitat areas)
- priority butterfly and moth species known to occur in habitats in the vicinity
- on any native reptiles or other protected species.

The scheme as approved shall be implemented.

Reason: To ensure that the proposed development does not threaten any ecological interests on or adjoining the site.

- 45) No development shall take place until the applicant has submitted to the Waste Planning Authority for its approval, and the authority has approved, a reptile mitigation strategy for protection of all potential relevant native species of reptile, which shall include monitoring for the presence of reptiles on the site prior to commencement of the development and during the construction phase of the development, reporting of results from monitoring to the WPA, and provision for translocation in the event of detection of any substantial reptile presence on the site which is at risk from the development, and those elements of the strategy as approved which require implementation in advance of the development taking place have been implemented. During the development all other elements of the strategy as approved shall be implemented.

Reason: To ensure the protection of legally protected species

- 46) A detailed scheme for the landscaping of the site boundaries and screening bunds including additional habitat creation, maintenance and aftercare of the development of the site shall be submitted to the Waste Planning Authority within six months of the commencement of the development or within such longer period as may be approved in writing by the Waste Planning Authority:

The schemes shall include details of:

- Plant species, size of plants, means of protection and density of planting.
- Ground preparation.

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- Seed mixes and rates of application.
- Its relationship to the habitat creation and translocation measures, to be secured by implementation of the scheme to be approved under Condition 44 above.
- The arrangements for maintenance and aftercare (including cutting, trimming, watering, protection from pest damage and weed control, maintenance of tree planting and replacement as may be necessary, and the keeping of records for periods of five years).

The scheme shall be implemented as approved.

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

- 47) No operations required by this permission, including the stripping or storage of soils, shall take place within 6 metres of the centre line of any hedge and not within 10 metres of the trunk of any tree which is to be retained on the site.

Reason: To ensure that all existing vegetation is preserved.

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

Reason: To ensure the protection of nesting birds.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

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

Consideration of the application involved consultation with a number of Authorities who have requested that information is brought to your attention.

The comments are as follows:

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- 1) Any surface water discharge from the site will require a permit under the terms of the Environmental Permitting Regulations 2010.
- 2) The Ilkeston Permissive Greenway No 118 abuts the southern boundary of the site. You are advised that this route must remain open and unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of this route without prior authorisation from Derbyshire County Council. Consideration should be given to the members of the general public using this route at all times. Temporary closure may be granted to facilitate public safety subject to certain conditions and further information can be obtained from Derbyshire County Council. If a structure is erected adjacent to the route of the Greenway it should be installed such that the width of the greenway route is not encroached upon. A copy of the relevant information is attached for your considerations.
- 3) The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

Mike Ashworth
Strategic Director – Economy, Transport and Environment

