

Agenda Item No. 4.4

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

5 June 2017

Report of the Strategic Director – Economy, Transport and Communities

- 4 CHANGE OF USE OF LAND AT THE RENISHAW COATED STONE PLANT TO ENABLE THE IMPORTATION OF ROAD PLANINGS VIA THE EXISTING SITE ACCESS, RECYCLING USING MOBILE PLANT AND EQUIPMENT, AND STORAGE AND USE OF PROCESSED PRODUCT IN EXISTING OPERATIONS ON SITE AT RENISHAW COATED STONE PLANT, MAIN ROAD, RENISHAW**
APPLICANT: TARMAC TRADING LTD
CODE NO: CW4/1116/61

4.2233.5

Introductory Summary This application proposes the importation, storage, processing of up to 6,000 tonnes per annum (tpa) of waste material from road repair/construction works at the Renishaw Coated Stone Plant on Renishaw Industrial Estate, Main Road, Renishaw.

The proposal has been assessed against criteria set out in the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW) and the development plan. It is considered the development complies with local and national policy and moves waste up the Waste Hierarchy and is recommended for approval.

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

(2) **Information and Analysis**

Background Information

Tarmac's Renishaw Coated Stone Plant and depot site is an established operation comprising the importation, manufacture and distribution of construction materials. The plant currently has an output of 50,000 tpa.

The Site and Surroundings

The application site lies approximately 1.5 miles west of junction 30 of the M1 and is located within the existing Tarmac Renishaw Coated Stone Plant and depot site which is situated off Main Road within Renishaw Industrial Estate north of Renishaw. The coated stone plant covers an area of approximately

4.4 hectares (ha). Renishaw Industrial Estate lies to the south and there are residential properties located adjacent to the north-western boundary of the site with the nearest properties on Nikolas Road adjoining the boundary of the coated stone plant site. Between the properties and the application site is vegetation. The application site covers an area of approximately 0.4ha and is located within the coated stone plant site. The site was previously used as an iron works.

The site lies within the landscape character area defined as South Yorkshire, Nottinghamshire and Derbyshire Coalfield. Whilst not located on the site there are existing public rights of way to the east and west and a cycle route to the west. Further to the east is a Local Wildlife Site (LWS) (Smithy Brook and Margins). There are no other designated sites or sites of acknowledged environmental or historic importance in the near vicinity.

Proposed Development

The application proposes the change of use on part of the wider Tarmac site to enable the recycling of imported road planings.

In summary, the development would include the following:

- Importation of up to 6,000 tpa of road planings.
- Screening and crushing equipment.
- Storage areas/bays.
- No increase in traffic movements.
- Operating hours stated as 0800 hours – 1700 hours Monday to Fridays.
- Noise barrier fence to south of site boundary.

The applicant states that the development would involve the importation of up to 6,000 tpa of road planings which would be screened and crushed prior to it being stored in stockpiles. The processed material would then be used to supplement raw materials in the existing operations at the coated stone plant site. The mobile plant would be located in the north-west of the site, close to the southern boundary where industrial units are located off the hammerhead at Ravenshorn Way. Imported road planings would be stored in a designated stocking area and, following processing, would be stored in an existing consented stocking area to the north of the site.

Existing operations at the site has unrestricted operating hours in order to allow coated stone products for strategic road contracts. The application states that the screening/crushing plant would be operated on a campaign basis and that the proposed operating hours would be 0800 hours to 1700 hours Mondays to Fridays, with no operations on Saturday, Sundays, public holidays and school holidays.

No new vehicle movements are envisaged over and above those currently generated by the site and vehicular access would be via the existing site access onto Main Road. The application is supported by technical reports relating to noise and air quality.

Environmental Impact Assessment (EIA)

The planning application was not accompanied by an Environmental Statement and the applicant has not made a request to the Waste Planning Authority (WPA) to provide a “screening opinion”. However, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regs) provide that the local planning authority shall adopt a screening opinion as to whether or not proposals are “EIA development”. The WPA has considered the size, scale and nature of the proposed development and the content of supporting documents. The WPA has “screened” the development as not requiring an EIA to be undertaken.

Relevant Planning History

A coated roadstone plant operation commenced prior to 1966 with planning permission granted to Prestwich Macadams to operate a Millar processing plant on site. Tarmac acquired the operations of Prestwich Macadams in the late 1960s and erected a further coating plant on the site. Current coated stone operations are regulated under the district planning permission NED/592/3489 (1992) which permitted the erection of the current processing plant as a replacement for the two units referred to above. The coated stone plant includes equipment for utilisation of recycled aggregate materials under a district permitted development authorisation reference LMT/JEB/1668 in 1999.

The planning history for this site indicates that planning permission APP/U1099928 was granted on appeal in 2003, for the recycling of up to 40,000 tonnes of imported road planings per year for use as secondary aggregate in the adjacent coated stone works. This permission was never implemented within the five year time scale as set out in the permission and consequently the permission lapsed.

Publicity

The application was advertised by site notices and a notice published in the Derbyshire Times. Representations to the application have been received from two nearby residents. They raise the following concerns:

- Noise increase.
- Odour increase.
- Stockpiling and movement of materials close to residential properties.
- Noise and vibration from movement of materials close to residential properties.
- Need for location of operation so close to properties.

- Dust and debris falling on and into rear of residential properties.
- Potential tree damage.
- House devaluation.

Where relevant to planning considerations, these issues are discussed below.

Consultations

Local Members

Councillors Charles and Ridgeway (Eckington and Killamarsh) were consulted.

Eckington Parish Council

The Parish Council has not objected but queried the length (duration) of working.

North East Derbyshire District Council

North East Derbyshire District Council (NEDDC) (Planning) raised a “no comments” response.

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

The Joint Environmental Health Service (JEHS), having considered the supporting environmental information submitted with the application, has raised no formal objection subject to planning conditions relating to noise control and management, retention of acoustic screen and dust management. It also raised no concerns regarding odour and light pollution.

Environment Agency

The Environment Agency (EA) raised no objections and considers the activity can be controlled via a variation to the existing environmental permit at the site.

Coal Authority

The Authority raised no objections.

Highway Authority

No highways response received.

Planning Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this proposal, the relevant policies of the development plan are contained in the saved policies of the Derby and Derbyshire Waste Local

Plan (adopted 2005) (DDWLP), the North East Derbyshire Local Plan (adopted 2005) (NEDLP). Other material considerations include such statements of Government policy as are set out in the NPPF, the National Waste Management Plan for England (2013) (NWMP), the NPPW (2014) and the Planning Practice Guidance (PPG).

National Planning Policy Framework

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and adds that there should be a presumption in favour of sustainable development.

I consider that the most relevant policies against which to assess the proposal are:

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal is contained within the NPPW (2014) document.

National Planning Policy for Waste

The NPPF replaced many of the Planning Policy Statements, and the Waste Planning Policy Statement (PPS10) has been replaced by the NPPW (2014). This document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the Waste Hierarchy. Annex B: Locational Criteria is relevant and a key objective of this Policy includes securing the re-use, recovery and disposal of waste without endangering human health, and without harming the environment, and states that the concerns and interests of communities and business should also be reflected.

National Planning Policy Framework

Achieving sustainable development.

Chapter 4: Promoting sustainable transport.

Chapter 7: Requiring good design.

Chapter 11: Conserving and enhancing the natural environment.

Derby and Derbyshire Waste Local Plan Policies

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.

W10: Cumulative Impacts.

Derby and Derbyshire Minerals Local Plan

MP24: Secondary and Recycled Materials.

North East Derbyshire Local Plan

Saved Policies of the NEDLP relevant policies include:

GS1: Sustainable Development.

GS5: Settlement Development Limits.

GS7: Change of Use and Conversions.

E6: Existing Employment Areas.

E7: Development in New and Existing Employment Areas.

T2: Highway Access and the Impact of New Development.

Main Issues

The key planning considerations for this application are considered to be:

- Whether the proposal would have an unacceptable impact on nearby land uses and users in respect of noise, dust, vibration, landscape and visual, and highway and traffic impacts.

The NPPW states that WPAs should assess the suitability of sites and/or areas for new or enhanced waste management facilities against certain criteria - two of which state:

- (1) The “physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B” and
- (2) “the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.”

It goes on to say that when determining waste planning applications, WPAs should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases,

WPAs should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;

- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; and
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. WPAs should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Appendix B states, in testing the suitability of sites in determining planning applications, WPAs should consider the factors below as are relevant in this particular case. WPAs are required to consider the envisaged waste management facility in terms of type and scale.

“c. landscape and visual impacts

Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character;”;

“f. traffic and access

Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.”

“g. air emissions, including dust

Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.”

“j. noise, light and vibration

Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.”

“l. potential land use conflict

Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.”

Need for the Development

Policy W1b: Need for the Development of the DDWLP presumes in favour of planning permission where a proposed development caters for the needs of a local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management. The policy also states that waste development catering primarily for the needs of other areas will be permitted only if the development would satisfy a need which could not realistically be met closer to the source of the waste and the development would contribute to an integrated system of management.

Data collected as the evidence base for the emerging Derbyshire and Derby Waste Local Plan indicates that the future need for waste facilities will predominantly be focused around the mid-section of the Waste Hierarchy, specifically transfer, treatment and reprocessing in driving the sector up the Waste Hierarchy. In that simple “need” context this application fits with that provision requirement.

The reduction of waste by reuse is at the top of the Waste Hierarchy, but if items actually become discarded as waste, recycling is a preferred management route, where value is recovered by transformation into materials that can be substituted for virgin resources. The proposed development would involve the recycling of material to be reused within the existing processing tarmac plant and would therefore be in keeping with the aims of the Waste Hierarchy.

The coated road stone plant site is located within the existing Renishaw Industrial Estate which NEDLP Policy E6 identified as an existing employment area. NEDLP Policy E7 states that the proposals for development of land within the employment areas listed in Policy E6, will only be permitted for employment uses (Use classes B1, B2 and B8), provided that the effect on the appearance and character of neighbouring uses and the surround environment is acceptable, where the problems of noise, disturbance and pollution are minimised, and where a high standard of design, materials and landscaping is achieved.

Whilst the proposed use is not within the B1, B2 or B8 use classes, being ‘sui generis’, it is the type of use which is generally considered to be acceptable in existing employment areas, subject to considerations about noise and pollution and impacts on neighbouring employment and residential uses.

Environmental Impacts of the Proposal

The applicant provides a detailed Planning Statement in support of the application identifying relevant DDWLP and NEDDC development plan policies and also the national policy guidance context.

The Planning Statement considers the potential environmental impacts from operating the open air waste facility and is supported by specialist consultant reports relating to noise and air quality. It considers that the recycling facility would deliver a local facility that moves waste up the Waste Hierarchy in an attempt to avoid such waste being disposed of by landfilling.

In considering the location of the crushing plant within the site, the statement considers that any adverse impacts would be capable of being adequately managed by both planning condition and environmental permit requirements, concluding that the benefits of a waste recycling facility would outweigh any potential adverse harm.

Whilst I would accept that, in principle, the development would represent a sustainable use for recycling of waste in the form of the road plantings and would therefore accord with the high level aim of the NPPW, it should nevertheless be borne in mind that development of this nature can be inherently dirty and unsightly, especially where open air depositing of the unprocessed waste and open air crushing and screening of waste is undertaken.

In that context, even if the need is justified and accepted, then the appropriateness of an open air operation in close proximity to residential properties and other business users' uses needs to be acceptable.

Policy W6 of the DDWLP states that waste management sites will be permitted only where the impacts on communities and neighbouring land uses, including cumulative impacts, are acceptable and that the development should not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community.

Assessment of Environmental Impacts

The following assessments examine the potential for localised environmental impacts and the mitigation measures proposed by the applicant and consultees.

Transport and Highways

DDWLP policies W2 and W8 and NEDDC Policy T2 are the relevant development plan policies in which to assess the transport and highway impact of the development proposed.

Policies W2 and W8 seek to reduce waste related journeys to those that are necessary, appropriate and sustainable. Policy T2 seeks to ensure that access by vehicles is only allowed if the development is served by a safe access in terms of physical parameters; accessible to the road network of an adequate standard without detriment to the character of the road network; there is satisfactory provision for manoeuvring and circulation; there is no significant adverse impact on the environment or amenity of local communities; and the needs of pedestrians, people with disabilities, cyclists and public transport users are not adversely effected.

Access to the site would be via the existing purpose built access onto Main Road. The application states that the proposal will not increase HGV traffic over and above existing levels for the coated stone plant. It is expected that a percentage of a typical 30 HGV asphalt deliveries per day will be used to “back haul” road planings to the site in what would otherwise be empty trucks.

HGV traffic movements will use the established HGV route which also provides access to the surrounding industrial units. The HGV movements generated by the development will not change the existing traffic volumes on the local road network.

I am therefore satisfied that, subject to planning conditions, the development accords with Policy W2 and W8 of the DDWLP and Policy T2 of the NEDDC development plan.

Noise

DDWLP Policy W6 seeks to ensure that waste development will only be permitted where it would not result in material harm caused by contamination, pollution, or other adverse environmental or health effects to people or communities; the site of the development; nearby land uses; or the wider environment. Emissions of noise and vibration are an area covered by this policy.

The application is supported by a technical noise assessment which has been considered by the JEHS, on behalf of North East Derbyshire District Council.

The noise assessment considers the scope for impact on residential and commercial properties with an increase in predicted effects at Nikolas Road of +2dBA. Noise assessments near to commercial premises to the south indicate that a screening enclosure is provided. It is noted that the level of activity is limited to 2-3 weeks of activity, 2-3 times per year. The JEHS considers that the total number of days that crushing can take place on site is limited to 9 days per year.

The concerns raised in the representations made have been considered in the context of the response from the JEHS. Overall, the JEHS considers the

proposed use is reasonable subject to the limitations, restrictions and acoustic screening being imposed as referred to in the application details.

I am satisfied, therefore, that, subject to the planning conditions recommended below, the development would accord with Policy W6 of the DDWLP.

Air Quality and Dust

DDWLP Policy W6 also covers matters relating to air quality and dust.

The application is supported by a technical consultant's report which has been considered by the JEHS on behalf of North East Derbyshire District Council. The report identifies that the principal sources of dust would be related to internal vehicle movements, materials handling and materials processing.

The report finds that significant impacts due to dust are unlikely to occur on the nearby residential and/or commercial receptors, with additional mitigation measures being implemented to ensure that dust emissions are adequately controlled. It goes on to say that the effects of wind blowing across the material stored would be minimised through the implementation of best practice dust management techniques, including maintaining the level of the stockpiles below the height of the storage bays and spraying the surfaces of the stockpiles with water during dry windy conditions.

The JEHS acknowledges the proposed mitigation measures to be employed. The finding of the dust and air quality assessments is considered acceptable. Whilst I note the controls in respect of dust and air quality that would be regulated via the environmental permit, I also considered that a planning condition should be imposed to ensure that the controls outlined in the Supporting Planning Statement via a Dust Management Scheme are implemented.

The concerns raised in the representations have been considered in the context of the response from the JEHS. Overall, the JEHS considers the proposed use is reasonable subject to the limitations and restrictions as referred to in the application details, and an agreed dust management scheme being imposed through a planning condition.

It is therefore concluded that, subject to planning conditions, the development accords with Policy W6 of the DDWLP.

Visual and landscape Impacts

DDWLP Policy W7 seeks to ensure that waste development will be permitted if the appearance of the development would not materially harm the local landscape or townscape and would respect the local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact.

The existing coated stone plant operation is located on a well-established industrial estate with other development to the south and south-west, residential to the west and open countryside to the north and east. The surrounding countryside is part of the Wooded Farmlands Character Type as described in the 'Landscape Character of Derbyshire' publication. As such, the surrounding landscape is small scale and undulating, characterised as well wooded, sparsely settled and dominated by mixed farming. The wider site, including the application area, is distinctly industrial in character comprising fixed plant, processing areas, stockpiles and despoiled ground, although the periphery of the site is surrounded by existing vegetation.

I accept the conclusions set out in the supporting statement that there would be no direct landscape impacts arising from the development. The main visual effects would be from the mobile screening plant, however, views from the nearest residential properties on Nikolas Road would be well screened by existing vegetation along the western boundary of the site.

The applicant proposes to retain this vegetation and manage it as a buffer between the site and the existing and proposed development. The retention and reinforcement of this screening belt could be required through the imposition of a suitably worded condition, as could the stockpile and storage bay heights and the noise barrier which should be conditioned to mitigate visual intrusion.

Overall, I am satisfied that the visual impact can be appropriately mitigated by the use of planning conditions and is in accordance with Policy W7 of the DDLWLP.

Cumulative Impacts

DDWLP Policy W10 seeks to control waste developments so that there is no significant and detrimental cumulative impact on communities. The development will have a cumulative impact in that it is introducing a waste processing use at an existing B2 use on an existing site within the industrial estate. Given the intermittent nature of the use of the screening and crushing plant, as well as the noise and dust controlled by planning conditions, then it is not considered that there would be any significant adverse cumulative impact on nearby business or residential communities.

The cumulative impact can be appropriately mitigated by the use of planning conditions and is in accordance with Policy W10 of the DDWLP.

The concerns raised by residents are valid planning considerations and have been considered in the processing and Officer's Recommendation. Consultees' comments have been considered as technical specialists in their subject areas.

The applicant advises that there will be restricted operating hours with no crushing and screening in school holiday periods.

It is noted that the JEHS has not raised any concerns regarding noise, dust and odour subject to appropriately worded planning conditions. The JEHS acknowledges the control through the environmental permit and the material to be processed has historically been processed in this area which has not resulted in justified complaints to the Environmental Health Department. The JEHS does not consider that the proposed activity is likely to impact on neighboring land uses and does not see a need to condition or control activities to control odour.

It is noted that the vegetation belt between the development and the residential properties acts as a buffer regarding air borne dust and noise and, as such, needs protecting via a suitably worded management plan controlled through a planning condition. House devaluation, as alleged, is not considered a material planning consideration.

Conclusions

The recycling operation would provide a facility which would result in the recycling of waste locally instead of it being sent to landfill or transported for recycling further afield. The recycling facility is considered an acceptable development in this employment area subject to appropriate screening and environmental impact compliance. Regard has been had to the appeal decision granting the processing of up to 40,000 tpa of inert waste material at the site and this application which proposes to recycle 6,000 tpa.

Crushing and screening of up to 6,000Tpa would be undertaken on a campaign basis two to three times per year when stockpiles are sufficient to warrant bringing to site a mobile crushing and screening plant. Any adverse impact from the operations would therefore be short term and intermittent rather than continuous.

In weighing all the issues in the planning balance, including economic, environmental and design, it should be concluded that the benefits of delivering the recycling facilities outweigh any environmental impacts experienced (which in any case can be appropriately mitigated).

The proposal moves waste up the Waste Hierarchy avoiding the need for landfill. This complies with Government policy and helps achieve the targets for landfill diversion. The proposed development accords with policies of the DDWLP and the NEDLP as referred to above and it is considered that the development is in accordance with national planning policy contained in the NPPF, NPPW and PPG.

(3) **Financial Considerations** The correct fee of £780 has been submitted for this planning application.

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

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

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

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

(6) **Background Papers** File No. 4.2233.5
The application documents submitted under application reference CW4/1116/61, consultation responses and planning file correspondence.

(7) **OFFICER'S RECOMMENDATION** That planning permission be **granted** subject to conditions based on the following conditions:

Commencement

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Form of Development

- 2) The waste planning permission shall relate to the site edged red on the "existing plan and location plan ref GPP/B/B/16/03 Rev 3 dated 5 January 2016 hereafter referred to as 'the Site' and the development hereby permitted shall only be carried out within the Site in accordance with the approved documents and plans listed below:

- 1 APP application form
- Planning Statement
- Site Location Plan Ref R328/00001
- Existing Site Plan Ref R328/00002
- Proposed Site Layout Plan Ref R328/00003
- Noise Impact Assessment Report April 2016

- Air Quality Assessment April 2016
- Technical Specifications for Crushing and Screening Equipment.

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

Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application in the interest of the amenity of the area.

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

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

Permitted Development Rights

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no buildings, plant structures or erections other than those hereby permitted shall be brought onto the Site without the prior written approval of the Waste Planning Authority.

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

Hours of Operation

- 5) With the exception of necessary works arising from emergency situations, no operations (including movement of: waste, recyclable materials, processed materials to or from the Site; and vehicles, delivery and removal of materials, inert waste and equipment) shall take place other than between the following hours:

0800 hours to 1700 hours Mondays – Fridays.

There shall be no working on Saturdays, Sundays, bank/public holidays or during school holiday periods within the locality.

Reason: To protect the amenity of the area.

Scope of Development

- 6) No waste or recyclable materials, other than road planings waste, shall be imported onto the Site. Only those inert waste materials defined in the Planning Statement shall be imported, processed and stored within

the site and no additional processes for the management of waste shall be carried out at any time on the site.

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

- 7) Waste imports, processing and storage shall only be undertaken in the area denoted by the line edged red on the drawing reference R328/00002 dated 5 August 2015 and shall process materials up to a maximum of 10 days per annum.

Reason: To define the scope of the development in the interests of safeguarding the amenity of neighbouring occupiers/residents and site landscaping.

Import Limit

- 8) The total quantity of waste material imported to the site in any yearly period from 5 June in one calendar year until 5 June in the next shall not exceed 6,000 tonnes.

Reason: To define the scope of the development for which the use of the Site at a higher rate of input could raise environmental and amenity issues not considered in the determination of this proposal in the interests of safeguarding the amenity of neighbouring occupiers/residents, highway safety and for the avoidance of any unacceptable impacts on the highway network.

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

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

- 10) Vehicular access to the Site from the public highway and egress from the Site to the public highway shall only be obtained via the private access road leading from the entrance to the Site of the existing coated stone plant as shown on plan reference R328/00002 dated 5 August 2015.

Reason: In order that access to the waste site can be controlled in the interests of highway safety.

- 11) The private access road for the site shall be kept free from potholes and kept free from mud and debris for the duration of this permission.

Reason: In order that the private access road is maintained to a standard that does not allow or contribute to spillage of material onto the public highway and in the interests of highway safety.

- 12) All waste entering the Site in HGVs shall be netted, sheeted, or placed within containerised units.

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

- 14) No vehicles associated with the development hereby permitted shall leave the Site in a condition whereby mud, dirt or other deleterious materials may be deposited on the private access road or public highway.

Reason: in the interests of highway safety and to prevent mud and dust being deposited on the highway.

Environmental Protection

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

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

- 17) No processed waste shall be exported from the Tarmac Coated Stone site. Waste processed on site under the terms of this permission shall only be used in the coated stone production on that site.

Reason: In the interest of amenity, highway and to define the scope of this permission.

Dust

- 18) No development shall commence until a scheme to minimise dust emissions has been submitted to the Waste Planning Authority for its written approval. The scheme shall include details of all dust suppression measures, the methods to monitor emissions of dust arising from the development and a programme of implementation. The scheme shall then be implemented as approved with the approved dust suppression measures being retained and maintained in a fully

functional condition for the duration of the development hereby permitted.

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

- 19) No development shall commence until a detailed layout of the Site, including stock pile area(s), processed material bays, crusher location(s), boundary treatments and access gates (where applicable) has been submitted to the Waste Planning Authority for its written approval. Thereafter, the development shall be fully implemented and maintained in good condition and fit for purpose in accordance with the approved plan unless otherwise required by other conditions contained in this planning permission.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment.

- 20) The maximum heights of any materials in the external materials handling bays shall not at any time exceed the height of the storage bay walls and in any event the storage of recyclable and recycled materials (in stockpiles or storage bays) shall not exceed 3 metres in height.

Reason: In the interests of visual amenity.

Noise

- 21) No development shall commence until a noise control scheme, including details of the noise attenuation barrier (including its location, size and materials relating to its external appearance), including noise monitoring and a programme of implementation, has been submitted to the Waste Planning Authority for its written approval. The approved scheme shall then be fully implemented for the duration of the development.

Reason: In the interest of the residential amenity of the area and occupiers of neighbouring commercial activities.

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

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

- 23) All reversing warning systems used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

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

Landscaping

- 24) No development shall commence until a landscape management and landscape and aftercare scheme has been submitted to the Waste Planning Authority for its written approval.

The scheme shall include details of:

- Management of existing vegetation and trees.
- Planting species, size of plants, density of planting and means of protection.
- Ground preparation.
- The arrangement for maintenance and aftercare for a period of three years (including cutting, trimming, watering, protection from pest damage and weed control and replacement).

The approved scheme shall be implemented in the first planting and season following the implementation of the planning permission.

Reason: To minimise the visual impact of the development.

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

Reason: To minimise the visual impact of the development.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of 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.

Footnote

- 1) 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.

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

Property specific summary information on past, current and future coal mining activity can be obtained from www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at www.gov.uk/coalauthority.

Signed.....Date.....

Mike Ashworth
Strategic Director – Economy, Transport and Communities

