

Agenda Item No. 4.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

6 March 2017

Report of the Strategic Director – Economy, Transport and Communities

- 1 PROPOSED CONSTRUCTION OF A REPLACEMENT BUILDING FOR NOISE ATTENUATION, OFFICE ACCOMODATION AND REGULARISATION OF THE PROCESSING OF METAL/WASTE TO INCLUDE END OF LIFE VEHICLE PROCESSING, ASSORTED METAL, MIXED WASTE, PAPER, CARDBOARD AND PLASTIC TOGETHER WITH THE INSTALLATION OF WEIGHBRIDGES AT THE WARD RECYCLING FACILTY, OFF NEWBRIDGE LANE, OLD WHITTINGTON, CHESTERFIELD**
APPLICANT: DONALD WARD LIMITED
CODE NO: CW2/0816/43

2.656.8

Introductory Summary This application site is situated within land being used as waste recycling yard located on an industrial estate at Whittington Moor on the outskirts of Chesterfield. The application seeks permission to demolish two buildings and to erect two replacement buildings comprising a two-storey, pitched-roof industrial building to be used for waste recycling, together with office accommodation and a smaller single-storey, rectangular flat-roof building, which would be used for a weighbridge office.

The application also seeks permission for the installation of replacement weighbridges and for the use of the application site for the recycling of wastes other than metals. The application has given rise to a significant number of objections from local residents, predominantly relating to the perceived intensification of the existing waste use of the land, increased noise, general disturbance and extended working hours. Following detailed consultation with the Environmental Health Officer at Chesterfield Borough Council and the Environment Agency, I am satisfied that the construction of the structures proposed would not only assist in reducing the noise emissions at this site, but also ensure that the waste processing elements were enclosed. Therefore, whilst I have given due consideration to the objections that have been raised, I feel that the impacts associated with the proposal could be controlled effectively by condition in conjunction with the control provided by the Environmental Permit. Subject to the imposition of the recommended planning conditions and the completion of a legal agreement to secure the creation and

operation of a local Liaison Committee, and a contribution towards highway improvements, I consider that the proposal is acceptable in planning terms.

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

(2) **Information and Analysis**

The Site and its Surroundings

The application site comprises approximately 3,000 square metres (m²) of roughly level, hard surfaced land which lies within the applicant company's 2.8 hectare (ha) premises at the Whittington Moor Industrial Estate which is located on the north-eastern outskirts of Chesterfield and which it is using for waste recycling. Within the application site, adjacent to the south-east boundary, there is a two-storey, flat-roof brick building, used currently for office accommodation, toilets, welfare facilities and a weighbridge office. Directly to the north, close to this building is a weighbridge. A single-storey pitched-roof building (as referred to in the application details), was situated close to the northern boundary. This building has been demolished recently by the applicant company (due in part to its poor state of repair and alleged dangerous condition). The site is bounded to the north and west by the larger yard area. Immediately to the south and east is security type fencing and beyond, on rising ground, is the embankment supporting a disused railway line. Parts of the embankment are covered by self-set trees and shrubs. The nearest residential properties lie 100 metres (m) to the south-east beyond the railway line, 200m to the north-west off Newbridge Lane and 350 m to the east. All access to the site is directly north from Newbridge Lane (adopted highway), then via the Whittington Moor Industrial Estate.

Planning History

The 2.8ha of land within which the application site sits has a fragmented planning history predominantly related to heavy industrial use. During the late 1800s, part of the land was a colliery. During the 1960s, the area was utilised as a railway sidings, following which it is understood that parts of the site were in use as a scrap yard. In addition, areas of the adjoining land were used for waste disposal. Scrap metal recycling was carried out on part of the land during the 1980s. In 1994, Chesterfield Borough Council issued a Certificate of Lawful Existing Use for scrap metal and vehicle dismantling covering a considerable area of the land including the application site. During the late 1990's some of the land was subject to opencast coal extraction. A planning permission (CM2/497/1), granted by Derbyshire County Council in December 1997, approved the extraction of coal, and the restoration of the land specifically for industrial use. In 2002, planning permission (code no: CW2/0502/29) was granted by the County Council for a refrigeration plant (sited towards the western end of the land, including some of the area which

had been specified in the Certificate of Lawful Use). This plant was constructed and subsequently demolished. In 2004, the County Council granted permission for a scrap yard area extension on the land (over a strip along the southern edge of the land) which included construction of a vehicle depollution unit, vehicle storage and installation of a large hydraulic scrap metal shear (code no: CW2/0104/181). In general terms, therefore, the application site together with the land adjoining which is within the applicant's control has an historic industrial and scrap metal recycling legacy. The planning permissions previously granted for recycling are specific with regard to the type and nature of the materials to be processed and recycled generally. Approximately 18 months ago the application site was purchased together with the remainder of the land by the applicant company.

The Proposal

The application seeks permission to demolish two buildings and to erect two modern industrial style buildings, comprising a two-storey, pitched-roof industrial building to be used for waste recycling together with office accommodation, and a smaller single-storey, rectangular flat-roof building, which would be used for a weighbridge office. The application also seeks permission for the installation of weighbridges, and for the use of the application site for the recycling of "metal/waste".

Since this application was submitted, the demolition of the smaller of the two buildings proposed to be demolished has been carried out. The larger of the two proposed buildings would be steel framed and extend to 54m long, 18m wide and 14m high. Situated close to the south-eastern boundary of the site, the building, which would have a mono-pitched roof, would have four north facing shutter doors.

It is proposed to house waste processing and storage activities on the ground floor with office accommodation on the first floor. The walls would be constructed from dark grey coloured concrete panels (up to 3m from ground level), with the upper elevations being a lighter grey steel sheeting. Window frames would be coloured light blue. Inside the building, it is proposed that machinery and equipment (to include metal balers, small hand shears and small cranes) would be installed, to enable metals (essentially steel, stainless steel, copper, aluminium and brass) to be sorted and processed. Other processing (to include production of plastic, cardboard, paper and wood material streams) is also proposed. It is stated that up to 20,000 tonnes of wastes would be processed annually. The second smaller building would be located immediately to the north and would extend to approximately 7m long, 4m wide and 3m high. It would be steel framed with brick walls to the lower parts with the remaining upper elevations being grey coloured steel sheeting. Once erected, the building would accommodate the weighbridge office and site reception. Either side of this building it is proposed to install, at ground level, two weighbridges which would extend to 18m long and 3m wide.

The applicant states that the primary reasons for the proposal are:

- to reduce noise impacts currently generated at the site;
- to improve the dilapidated buildings on site;
- to improve working conditions for site staff; and
- to maintain efficient recycling operations.

Proposed Working Hours

The applicant company has indicated that it has a number of out of hour's contracts (between 0400 hours and 2300 hours Monday – Sunday) for emergency services such as Police collection and call-outs. To accommodate this, the proposed working hours for the application site are as follows:

For vehicle movements: (in and out of the site, for container collect and put down):

- 0400 hours until 2300 hours Mondays to Sundays inclusive and including Bank Holidays.

Processing of waste materials (inside the building): on the application site:

- 0600 hours until 2000 hours weekdays; and
- 0600 hours to 1800 hours Saturdays, Sundays and Bank Holidays

Processing and loading of metals (current working hours outside):

- 0800 hours until 1800 hours weekdays.
- 0800 hours until 1200 hours Saturdays.

The application is accompanied by a detailed Noise Mitigation Assessment (NMA), a Coal Mining Risk Assessment (CMRA), a Geo-Environmental Site Assessment (GESA) Phase 1 and Phase 2 full contamination report, and a Flood Risk Assessment (FRA). The NMA sets out mitigation measures to help reduce noise emissions and considers that the new (larger) building would have a beneficial effect assisting with reducing noise from the site. The CMRA indicates that historic shallow mining activities could pose a potential risk to the proposed development and recommends that a ground investigation is undertaken to ensure that the structural integrity of the proposed development is not compromised. The GESA outlines the overall state of the ground and details the ground investigation works that have been carried out. A series of bore holes were undertaken and an analysis carried out on the sub-strata. The report also considers the land contamination issue and recommendations are made regarding the type of foundations deemed necessary for the proposed new buildings.

The FRA indicates that part of the application site lies within an area designated as Flood Zone 2, having a medium to high probability of flooding. The FRA considers that the development is acceptable in flood risk terms but

recommends that finished floor levels of the new buildings should be constructed 600mm above the highest recoded flood levels (that is above existing site levels).

The application states that the construction and use of the proposed new buildings would not increase traffic movements to and from the site, although all HGV traffic would continue to use the existing access off Newbridge Lane, via the Whittington Moor Industrial Estate. The applicant company has also indicated that to assist with any highway upgrading works (to Newbridge Lane, to include repair and resurfacing) it would be prepared to contribute towards any proposed road improvement costs.

Consultations

Local Member

Councillor Gilby (Ward Member) and Councillor Collins (adjoining Ward Member) have been notified of the application details.

Chesterfield Borough Council

Planning

No objection.

Environmental Health Officer (EHO):

Comment as follows:

“Noise

The site operators currently have a contract with Tata Steel to process reject casting in the form of lengths of pipe. This has led to a large number of complaints regarding early morning starts and general noise throughout the day...I carried out an assessment of the site (January 2016) and site works began operating at 06:25 and noise from the handling of metals was clearly audible throughout the vicinity and across the wider area. The site operator agreed to delay starting work until 07:15 with an associated delay to the end of the working day.

Working hours

I am concerned that the access to the site, via Whitting Valley Road gives potential for disturbance from vehicle movements in the night due to the close vicinity of houses to the north east of the road.

Contaminated Land:

As the site has a long history of industrial and transport use it is likely that the land is contaminated due to oils and lubricants. It is recommended therefore that a Phase 1 contamination report is carried out to identify whether intrusive site investigation works would be necessary. If such work is identified then it must be undertaken prior to works commencing.

Pollutant resistant materials should be used for all sub surface construction.”

Comment: The applicant company has indicated that the contract with Tata Steel has now concluded. Issues relating to noise and working hours are addressed in the ‘Planning Considerations’ Section below. With regard to contaminated land, the applicant has supplied a full Phase 1 and Phase 2 Contamination study to the EHO (included with the application details) and he has been subsequently confirmed that the studies submitted are sufficient to address his original concerns.

Environment Agency (EA)

No objection but comment as follows:

“The applicant company hold an environmental permit to operate a household, commercial and industrial waste transfer facility. The proposed activities on the site will be controlled by an environmental permit which would be regulated by the Environment Agency.”

The EA also suggests that with regard to hours of operation the Planning Authority

“will need to be satisfied what activities will be conducted between the extended hours and strongly considers the rationale behind the proposed working hours at the application site”.

Comment: Following several meetings with the applicant company, the EA and the EHO, the applicant company has confirmed its wish to work to the working hours it has proposed at the site. The proposed early morning and late evening working hours for the specified operations are, in my opinion, excessive for the industrial area. These issues are considered further in the ‘Planning Considerations’ Section below.

Lead Local Flood Authority

Derbyshire County Council, in its statutory role as Lead Local Flood Authority, had no objections.

Derbyshire Wildlife Trust and Natural England

No objections. The application may provide opportunities to incorporate features which are beneficial to the character and local distinctiveness of the surrounding natural and built environment.

Coal Authority

Considers that the details supplied demonstrate that the application site is safe and stable for the proposed development, therefore, no objections are raised.

Brimmington Parish Council and Network Rail

No comments received.

Publicity

The application has been advertised in the Derbyshire Times, by site notices and by neighbour notifications. As a result of this publicity, 22 representations have been received objecting to the proposal. I have summarised the grounds for objection as follows:

- Impact of noise
- Hours of working are excessive
- Odours
- Intensification of the use of the site
- New building will not lessen noise
- Vehicle movements and general disturbance
- Question type of waste being processed
- Infestation of vermin
- Increased traffic on Newbridge Lane
- Roads leading to site are in a poor condition
- Threat of traffic to pedestrians and horse riders
- Increased dust and odours
- Increase in litter
- Site is an eyesore
- The Company has total disregard for regulations and for local people
- Cumulative impact will reduce quality of life in this area
- Lack of advertising of the application proposal
- Moving weighbridge closer to the site access will create vehicular congestion on Newbridge Lane
- Newbridge Lane is becoming over used and is dangerous
- Newbridge Lane is not designed to take all the proposed traffic
- The Company works outside specified working hours for the site
- The new buildings would be unsightly and spoil views across the site
- Need for construction of a footpath

Comment: Where these raise valid planning issues, I refer to them in the 'Planning Considerations' Section below.

Local Community Group

In view of the concerns that have been expressed regarding the site, the applicant company has established a working group which involves representatives from the local residents, the applicant company, Chesterfield Borough Council and the County Council.

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 Replacement Chesterfield Borough Local Plan (CBLP) and the policies of the Chesterfield Local Plan Core Strategy (CLPCS) (Adopted July 2013). Other material considerations for the determination of this application include such statements of Government policy in the National Planning Policy Framework (NPPF) (March 2012), as well as National Planning Policy for Waste (NPPW) 2014). The National Planning Practice Guidance (NPPG) is also relevant and contains guidance that is appropriate for this proposal.

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

The Derby and Derbyshire Waste Local Plan

The relevant saved policies are:

- W2: Transport Principles.
- W4: Precautionary Principle. This Policy states *“if there is reasonable cause for concern that a proposed waste development would give rise to a threat of serious or irreversible damage to the environment or to the use or enjoyment of land, the development will not be permitted unless conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage; and that the risk of such damage is outweighed by the potential benefits of the development”*.
- W6: Pollution and Related Nuisances. This Policy states *‘waste development will not be permitted if the development would result in harm caused by contamination, pollution or other adverse environmental or health effects.’*
- W7: Landscape and Other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W10: Cumulative Impacts.

Chesterfield Local Plan Core Strategy (CLPCS)

The majority of policies in the Replacement Chesterfield Borough Local Plan 2006, have been replaced by the CLPCS (Adopted July 2013), which sets out the strategy for development across the borough until 2031. The relevant policies are:

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

National Planning Policy Framework

The relevant sections of the NPPF are:

Chapter 11: Conserving and enhancing the natural environment.

Chapter 17: Core planning principles.

Chapter 69: Promoting healthy communities.

Chapter 121: Contaminated land.

In addition, the NPPF states that planning decisions should aim to:

- avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

National Planning Policy for Waste

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

The demolition of old and dilapidated structures on an established industrial area, and their subsequent replacement with modern buildings, would not normally be considered contentious. In this case, however, the application has given rise to a significant number of objections from local residents, whereby concerns are raised which I consider relate primarily to the intensification of the use of the site, the resultant (experienced and documented) noise levels, and general disturbance, together with the working hours proposed.

As set out above, the policies in the development plan encourage waste recycling and the improvement of facilities on waste management facilities, but not at the cost of any significant detrimental impact on the amenity of nearby residents.

The key issues to consider therefore can be summarised as:

- Whether the impact of the introduction of the new buildings (and use of the proposed equipment) would impact detrimentally on the amenity of this area, in particular emissions to air (i.e. noise).
- Whether the proposed hours of operation are acceptable in terms of likely disturbance to the both local and other residents of this area.
- Whether the import and recycling of other types of waste is acceptable.

Impact on Amenity

Noise and Dust

The most significant elements of this application proposal appear to be the proposed construction of the large industrial building and use inside of plant and equipment to process and recycle metals and related waste (although the application might also encompass potential use of the site and new building for other types of waste recycling). Historically and currently processing work has been undertaken in the open areas of the site and the applicant company considers, on the evidence given by its noise consultants, that once completed, the large building would be an effective acoustic barrier, reducing noise significantly, by comparison with that which currently emanates from the applicants current ongoing metal recycling use. Once the larger building is completed, some of the more noisy operations could be conducted inside. I have discussed these issues in detail with the EHO at Chesterfield Borough Council and also with the EA. After several meetings with the respective parties, both the EHO and the EA are satisfied that the building, due to its size, location and general design, would help reduce noise. The EA is confident that it can control the noise and dust levels effectively and considers that the new building would assist with this.

The EA has also requested that, to avoid conflict with the terms of the Environmental Permit (EP) which applies to the whole 2.8ha of the applicant's land, in the event that planning permission is granted, those planning

conditions relating to noise and dust management, which the Waste Planning Authority would normally seek to impose, are not in this case included on any respective permission.

The applicant company, since taking on the ownership of the site, has been working closely with the EA in respect of the noise (and dust) emissions from the entire 2.8ha site. Certain conditions of the EP are aimed at keeping emissions of substances which are not controlled by emission limits below those levels which cause pollution and keeping noise and odour emissions below levels which are likely to cause pollution outside the site, as perceived by an Officer of the EA. Whilst these conditions are beneficial in terms of control of pollution, I do not consider that they entirely remove the need for any planning permission to be granted under this application to be subject to reasonable conditioning to require specific measures to be taken for minimising generation of noise and odour from the outset so as to avoid negative amenity impacts in the locality. Therefore the recommendation in this report features draft conditions to require suitable specific mitigation measures to be in place for noise and odour control, including an early requirement to produce for the Council's approval a site management plan. Having regard to the advice from the EA, I do not consider that the noise and dust management planning conditions as drafted would prejudice the effectiveness of the EP. The imposition of planning conditions relating to noise and dust at the site remains appropriate for minimising their impacts, including during the construction of the buildings, and good maintenance of plant and equipment.

Visual Impact

In visual terms, the site is not prominent except from long distance views from higher ground. The existing local landscape is one of industry with a variety of modern and older industrial buildings, plant and equipment, and the new buildings would be seen against this background. In general amenity terms therefore, subject to the inclusion of some additional tree-planting to reinforce screening around the site, and a darker, more recessive colour used for the roof of the larger building, I do not feel an objection on visual amenity grounds could be sustained.

Proposed Hours of Operation

The current working hours for the processing and loading of metals in the open areas of the site are as follows:

- 0800 hours until 1800 hours weekdays; and
- 0800 hours until 1800 hours Saturdays.

I do not consider these working times to be unreasonable. The applicant company has, however, indicated that in accordance with collecting wastes from pre-existing service contracts (with Police and other service authorities),

it has used the site between 0400 hours and 2300 hours and that it is proposed to maintain these contractual arrangements. Whilst I would not argue that the service provided would benefit the wider community, if these working hours were approved, this would see very early morning and late night traffic movements and potential for general disturbance. I therefore share the concerns raised by the EA, the EHO and local residents regarding these wider working hours. In order not to compromise the applicant company's ability to continue to fulfil its service under these contracts, I would recommend that if planning permission is granted then a condition be imposed restricting the working hours (on the application site) to the following:

Times of Operation

No operations or other activities relating to this permission shall be carried out except between the following hours:

- 0800 hours to 1800 hours Mondays to Fridays inclusive.
- 0800 hours to 1200 hours Saturdays only.

Except for any emergency delivery of material necessary for providing a service under a contract with the Police or with another public emergency service

No emergency delivery necessary for providing a service under a contract with the Police or with another public body shall take place outside the following hours:

- 0400 hours to 2300 hours Mondays to Sundays inclusive

In the event that an emergency delivery is made during the times generally prohibited by this condition, the Waste Planning Authority shall be notified in writing of the making of the delivery as soon as practicable.

This would, I consider, help to avoid any further doubt regarding these deliveries and ensure that they can be monitored accordingly.

Metal and Other Waste Recycling

The application is open-ended about what other types of waste stream the "metal/waste" terminology could extend to. The application indicates that the larger building would be used for processing and recycling to produce waste stream materials such as plastic, cardboard, paper and wood. Although the relevant Environmental Permit covers a wide range of waste types, the planning permissions previously granted for development at this site are specific in that they restrict the use/s to metal processing and recycling. Any introduction of a new kind of waste stream for processing and recycling would be likely to involve a significant change from the metallic type of materials that

have historically been processed at the location, even if this element would be inside the building.

Since the details provided with the application do not give details in this respect, it is considered that any grant of permission for the application needs to be subject to conditions which include a condition to limit the sources of waste to be imported to the site to waste from end of life vehicles as referred to in the application Supporting Statement, and other metallic waste.

If the applicant wishes to carry on a broader range of waste recycling activity at the site, the case for this can always be considered on its merits through a separate application.

Conclusion

Having taken all of the above into consideration, and in considering the fact that no objections have been raised against the proposals by either the EA or the EHO, I consider that planning permission should be granted subject to the conditions below. The installation of the new buildings would, I feel, bring associated benefits which overall would outweigh any objection that might otherwise be raised against this proposal. In addition to the suggested conditions, I would also recommend that a local Liaison Group is established to meet at regular intervals; to involve nominated members of the local community, the applicant company, representatives of the relevant parish/town councils and the regulatory authorities.

(3) **Financial Considerations** The correct fee of £5,390 has been received.

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

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

(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. 2.656.8

Planning application details, supporting statements, supplementary information and associated information, Phase 1 and Phase 2 Contamination Reports, Noise survey and supplementary information regarding noise; letters/e-mails from Chesterfield Borough Council (Planning and EHO) dated 23 September 2016, 29 September 2016, 20 December 2016 and 5 January 2017; letter/e-mail from EA dated 30 September 2016 and 5 January 2017; letter from Natural England dated 5 September 2016, letter from the Coal Authority dated 16 September 2016 and letters of objection various dates. Certificate of Lawful Use dated 28 February 1994, planning permission code nos: CM2/497/1, CM2/1298/110, CW2/0104/181, CW2/0503/22 and CW2/0502/29.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves to **approve** the grant of a planning permission for development in accordance with the application which is subject of this report to:

7.1 A planning obligation being entered into under Section 106 of the Town and Country Planning Act 1990 with the applicant company to secure:

- the establishment of a Local Liaison Committee; and
- £2,500 towards any remedial works required for maintenance of the length of Newbridge Lane to be affected by traffic travelling in connection with the development under the permission to be granted.

7.2 Conditions based on the following:

Form of Development

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. The Waste Planning Authority shall be given at least 14 days prior written notice of the date the development 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 are commenced, 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.

- 3) The development hereby permitted shall only be carried out in accordance with the details set out in the application for planning permission, supporting information and plans, unless otherwise modified or amended by conditions of this permission. The approved documents shall comprise of the following:

Planning Application Forms and Supporting Statement dated August 2016.

Plan No 3205-111A Weighbridge.

Plan No 3299-02A dated September 2015.

Plan No 3299-04F(2) dated September 2015.

Plan No 3299-05C dated July 2016.

Plan No MSS6312 dated March 2015.

Site Location Plan Supplementary.

Flood Risk Assessment ref 2290.01.WR.AGS.FAZAO dated August 2016.

Geo Environmental Site Assessment Phase 1 Contamination Geo
Environmental Site Assessment Phase 2 Contamination Coal Mining
Risk Assessment dated June 2015.

Noise Impact Assessments prepared by Clarke Saunders ref
AS9156.160812.R1.1 dated August 2016.

Supplementary Noise Report prepared by Spire Environmental dated
August 2016.

Letter to the County Council from Wards dated 11 October 2016.

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

Further Schemes to be Submitted

- 4) Within three months from the date of this permission, the following schemes shall be submitted to the Waste Planning Authority for its prior written approval:
- i) A scheme of landscaping and tree-planting on the boundaries of the site: the scheme shall include details of all proposed tree and shrub planting, location and species, provision for regular inspection of the trees by representatives from the company and Waste Planning Authority, proposals for a five year management and maintenance of

trees and shrubs (including a watering regime), and a programme of implementation of these works.

- ii) Details of the proposed colours of all buildings to be constructed.
- iii) A scheme of actions and mitigation measures to be taken, including operational management measures, which shall mitigate so far as reasonably practicable potentially adverse impacts of noise and dust emissions from the operations hereby approved within the application site under this permission, including cumulative impacts from such emissions in combination with noise and/or dust emissions in the locality from other sources.

The scheme(s) shall then be implemented in accordance with the details as approved.

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

- 5) In the event that the operation of any plant and equipment fails to comply with such emission limits as may be identified in the approved scheme referred to in (iii) of Condition 4 above, its use shall cease until appropriate alternative mitigation measures have been implemented.

Reason: To control the levels of noise and dust generated by the development in the interests of protection of the amenity of the area

Dust and Odours

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

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

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

required to avoid visible concentrations of airborne dust escaping from land.

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

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

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

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

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

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

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

Noise

- 12) During the construction period, all work on the site shall be carried out as appropriate in accordance with Section 5 'Control of Noise' of Part 1 of BS5228-1:2009 A1 2014 or its equivalent replacement.

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

- 14) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours except in cases of an emergency, the details of which shall be notified to the Waste Planning Authority within seven days of the event.

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

Lighting

- 16) No additional external lighting shall be installed at the site unless precise details have been submitted to and approved in writing by the Waste Planning Authority. External lighting shall then be installed and operated as approved.

Reason: In the interests of the protection of local amenity.

Hours of Operation

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

Inside the building:

The processing and loading of metals can only be carried out between the following hours:

- 0800 hours to 1800 hours Mondays to Fridays inclusive
- 0800 hours to 1200 hours Saturdays only

Processing and loading of metals (outside):

- 0800 hours until 1800 hours Monday to Fridays inclusive
- 0800 hours until 1200 hours Saturdays only

Emergency Deliveries:

Outside the above hours and only in the case of emergency deliveries, the delivery of materials to the application site shall only take place between the following hours:

- 0400 hours to 2300 hours Mondays to Sundays inclusive

No unloading or processing of materials associated with emergency deliveries shall take place outside the hours specified above. In the event that an emergency delivery is necessary, the Waste Planning Authority shall be notified prior to any deliveries to the site being undertaken.

Reason: In the interests of the protection of local amenity and to enable the Waste Planning Authority monitor the development.

Drainage and Pollution Control

- 18) Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: To prevent contamination of underground water.

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

Reason: To ensure that the site drains efficiently.

- 20) The site operators shall ensure that all surface water drainage continues to operate in an efficient manner.

Reason: To ensure that the site drains efficiently.

Waste Processing and Storage

- 21) All unprocessed waste materials shall be kept inside the new waste processing building. All processed materials except metals shall be

stored inside the new building or in sealed skips or covered external bays. There shall be no processing of waste materials except inside the new building and any outside processing actions which are approved within the approved scheme referred to at (iii) of Condition 4 above.

Reason: In the interest of protection of amenity.

- 22) No waste shall be imported to the site which does not comprise either scrap metal waste, or waste derived from end of life vehicles as referred to within the Supporting Statement.

Reason: In the interest of protection of amenity.

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

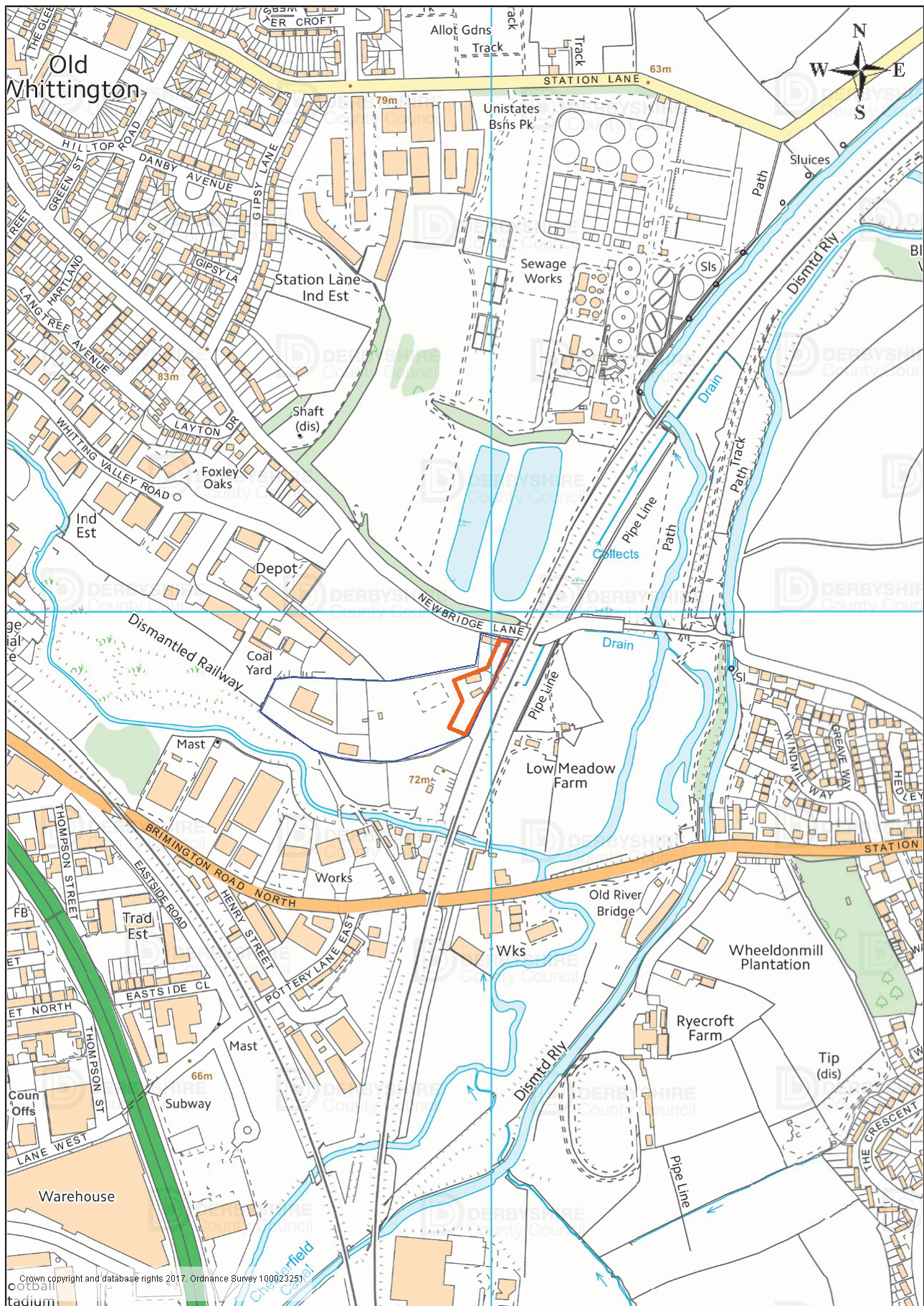
The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of the planning applications in full accordance with this Article. The applicant had not engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application. The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework (NPPF) (2012) and the National Planning Policy for Waste (NPPW) (2014) published by the Department of Communities and Local Government. There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

Footnote

- 1) The proposed development lies within a coal mining area. In the circumstances, applicant should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current or proposed surface activity to affect the development can be obtained from the Coal Authority. The Coal Mining reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk

Mike Ashworth
Strategic Director – Economy, Transport and Communities

CW2/0816/43 Ward Recycling Whittington Moor



Scale 1 : 7161