

# Public Document Pack



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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 21 July 2023

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **12.30 pm** on **Monday, 31 July 2023** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

**Helen Barrington**  
**Director of Legal and Democratic Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. Apologies for Absence  
To receive apologies for absence (if any)
2. Declarations of Interest  
To receive declarations of interest (if any)
3. Declarations of Significant Lobbying  
To receive declarations of significant lobbying (if any)

To consider the non-exempt report of the Executive Director – Place on:

4. Demolition of Existing Office Building and Workshop and Development of a Wood Processing Facility with Associated Roads, Parking and Infrastructure on land at Mansfield Road, Corbriggs : Applicant: Silva Recycling Limited - Planning Application Code No. CW4/1022/27



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REGUALTORY - PLANNING COMMITTEE**

**Report of the Executive Director - Place**

**Demolition of Existing Office Building and Workshop and  
Development of a Wood Processing Facility with Associated  
Roads, Parking and Infrastructure on land at Mansfield Road,  
Corbriggs**

**Applicant: Silva Recycling Limited**

**Planning Application Code No. CW4/1022/27**

**4.1997.16**

**1. Introductory Summary**

- 1.1 The application proposes the development of a Wood Processing Facility with associated roads, parking and infrastructure on land at Mansfield Road, Corbriggs. The demolition of an office building and workshop has already taken place there under a demolition consent issued by North East Derbyshire District Council (NEDDC).
- 1.2 Most of the site is located in a Principal Employment Area of the adopted North East Derbyshire Local Plan (NEDLP). The application is supported by technical documents which have been considered by relevant consultees. The application has generated several objections. The consultation responses and objections are summarised and commented on in this report.
- 1.3 Regarding amenity, landscape, ecology, air quality, dust, noise, contamination, land stability and transport impacts, no significant adverse impact is identified that is considered could not be controlled acceptably by planning condition. The District Council however has objected to the proposal and considers that it is contrary to NEDLP policies SS9, SDC2 and SDC3.

1.4 On balance, I am satisfied that, despite the proposal not being fully in accordance with the NEDLP, the benefits of the proposed development if subject to appropriate controls by conditions and planning obligation, would outweigh the disbenefits. The application is therefore recommended for approval, subject to planning conditions and completion of a planning obligation to provide biodiversity net gain (BNG).

## **2. Divisions Affected**

2.1 Sutton.

## **3. Purpose**

3.1 To enable the application to be determined by the Regulatory - Planning Committee.

## **4. Information and Analysis**

### **The Site**

4.1 The application site has an area of 1.7 hectares (ha). A two storey office building, known as Alexander House, and a workshop building have recently been demolished on the site. The site now comprises of a largely gravelled parking area immediately to the north, east and south, and a grassed paddock (the northern part of the site). The site lies partly in a Principal Employment Area as defined in the NEDLP. A large part of the site was previously in use as a Waste Transfer Station. This use ceased in February 2021. Existing vehicular access to the site from the highway is gained via a priority-controlled T-junction with Mansfield Road (B6039) and a driveway that is shared with other business premises in the Principal Employment Area.

4.2 These premises, situated to the north-east, east and south-east of the application site, are a heavy crane hire depot, a plant hire depot and a currently unoccupied recycling and waste transfer station. A golf course is located on the western side of Mansfield Road, opposite the existing site entrance. There is a terrace of six residential properties situated on the western side of Mansfield Road and a further six residential properties on the eastern side of Mansfield Road, approximately 30 metres (m) and 85m, respectively, to the south of the existing site entrance. A caravan park and further residential properties are located to the north-east approximately 25m and 80m respectively from the northern part of the application site. The B6039 Mansfield Road serves the south-eastern suburbs of Chesterfield, to the north-west of the

application site, whilst to the south-east, Mansfield Road joins the B6245 which, in turn, joins the A617 at a grade separated junction.

- 4.3 The site lies within the Coal Authority defined Development High Risk Area. The Site does not lie in Flood Zones 2 or 3. Near the entrance to the site are areas identified as being within 1 in 30, 100 and 1000 Surface Water Extent areas. To the east of the site lies Corbriggs Marsh Local Wildlife Site (LWS) (wet grassland, secondary broad leaved wet woodland and Derbyshire Red Data Book species). To the west of the site across Mansfield Road (B6039) is land within Green Belt. The site does not lie within any conservation areas and there are no public rights of way, listed buildings, or scheduled monuments on or near to the site.

### **Planning History**

- 4.4 Derbyshire County Council's planning records show the following planning history for the site:

- Application Code No: CW4/1202/109 – Proposed additional storage space for soils and other inert wastes on land adjacent to Alexander House. Refused 3 April 2003.
- Application Code No: CW4/0819/45 – Change of use of land and buildings to a waste transfer station, including the overnight parking of refuse collection vehicles, the installation of a vehicle weighbridge and the siting of a portacabin. Withdrawn 22 June 2020.
- Planning Permission Code no: CW4/0620/21 – Retrospective application for planning permission for change of use of land and a building from industrial B2 use to a Waste Transfer Station, to allow the storage and bulking up of dry recyclables collected from North East Derbyshire District Council, Chesterfield and Bolsover Kerbside collections situated on the eastern side of the B6039 Mansfield Road, including the overnight parking of refuse collection vehicles, the installation of a vehicle weighbridge, and two storage containers and for the siting of a portacabin. Approved 10 September 2020.

- 4.5 The northern part of the application site (the Paddock area) was subject to an Enforcement Notice issued in June 2002, relating to the removal of soil and importation of waste on the land. (This Notice followed the refusal of the planning application code no. CW4/1202/109). The Notice was complied with and there are no outstanding obligations.

- 4.6 The land to the immediate north of the site (adjoining the land the subject of this application) is subject to an Enforcement Notice relating to an unauthorised change of use to importation, storage and processing of waste material. This land is not within the ownership of the applicant, and they have no liability in respect of the Notice.

## **Proposed Development**

### **The Proposal**

- 4.7 The proposed development under the application in this case would establish a Wood Processing Facility with associated, roads, parking and infrastructure. The proposed structural elements of the development comprise the construction of an impermeable surface, installation of moveable modular concrete walls for storage bays and the installation of a weighbridge, drainage and interceptor systems, and containerised offices and stores.
- 4.8 The processing operations would involve the external storage, shredding, screening and separation of wood wastes in a processing area. The temporary storage of waste wood (unprocessed and processed) and by-products (small amounts of metals, plastics, etc) would also be outside in designated bays. The processed wood would be exported from the site to a wood-based panel board manufacturing site elsewhere in the UK for use in the manufacture of panel boards.
- 4.9 The site would treat up to 75,000 tonnes per year of non-hazardous wood waste as a recovery activity, with the temporary storage of up to 6,000 tonnes of non-hazardous waste at any one time. It is estimated that there would be 220 weekly HGV movements (2 way), distributed evenly through the week, therefore around 31 HGV movements per day associated with the import of waste material to the site. HGV movements associated with the export of processed waste material from the site is estimated to be 132 weekly HGV movements (2 way), again distributed evenly through the week, therefore around 19 HGV export movements per day.
- 4.10 Proposed stockpiles of unprocessed and processed wood would be up to 4m high and stored within concrete storage bay walls up to 5m high. By-product waste streams from the processing of the waste wood would be ferrous and non-ferrous metals, fines and rejects stored in stockpiles or containers pending removal from site.
- 4.11 The processing plant would include shredders fitted with over-band magnets, a screener and an Eddy Current Separator. Other mobile plant would include a Materials Handler and Wheeled Loading Shovel(s) or telehandler(s).
- 4.12 Waste vehicles arriving at site would tip inbound waste wood directly into designated 'unprocessed wastes' bays or within a designated tipping area for immediate transfer to a designated bay. Loading of

outbound processed materials would be by loading shovel onto waste vehicles for removal off-site.

- 4.13 The applicant proposes the site would operate 24 hours a day, 7 days a week, with the waste reception shredding, screening and separating undertaken between the hours of 07:00 and 19:00, and the loading of outbound waste and site maintenance undertaken 24 hours a day.
- 4.14 Waste processing would take place on average for 6 – 7 hours during the daytime period 07:00 – 19:00. There would also be associated deliveries and staff arrivals and departures during this period.

The proposed hours for the processing operations are from 07:00 to 19:00. Some site activities are proposed to take place outside these hours (19:00 – 07:00), as follows:

- 19:00 – 20:00 Housekeeping – machine movements;
- 20:00 – 22:00 End of shift inspections, refuelling plant, maintenance/servicing;
- 19:00 – 07:00 Occasional HGV movements, articulated HGVs exchanging an empty trailer for a preloaded trailer; and
- 06:00 – 07:00 Pre-start inspections, greasing machines, maintenance/servicing.

The site would operate a four-shift system with a maximum of 10 employees on the site at any one time.

- 4.15 The site surface is proposed to be constructed of impermeable concrete or tarmac with installed drainage and interceptor, and connections to surface water and foul sewer discharge. The site's surface water run-off would be directed by the site's drainage system via an oil/water interceptor into the local surface watercourse (Callow Brook).
- 4.16 Waste vehicles would arrive at the site entrance via the shared access road off Mansfield Road and an improved access drive into the site. Wastes arriving would be checked at the weighbridge with any non-permitted wastes rejected from the site.
- 4.17 An existing site entrance directly off Mansfield Road would be reopened, allowing site visitors and staff to park vehicles in the designated car park areas. The entrance would be opposite the location of the site office containers, which would provide welfare facilities, including offices, toilets and canteen.

- 4.18 The proposed site layout is presented in two phases: Phase 1 (construction phase) and Phase 2 (finalised site layout). Once fully developed, the proposal would result in the creation of 20 new full-time equivalent jobs.

### **Storage**

- 4.19 Unprocessed and processed wood and the resulting fines and waste metals from the shredding process would be stored outside in designated concrete bays and containers. Unprocessed waste wood would be moved by wheeled loading shovel or telehandler from the storage bays into the processing area. The proposed storage bays would be formed by movable modular concrete walls up to 5m tall. The position of these walls on the submitted site layout is indicative, since, as the agent has confirmed in the positions of the internal walls could be changed to meet seasonal fluctuations in quantities of materials needing to be held and facilitate operational efficiencies.

### **Shredding**

- 4.20 The shredding of waste wood would be undertaken in the external processing area in the north-eastern portion of the Site, where the Eddy Current Separator and Screener would also be situated. The processing area would have an impermeable surface. The processing plant would contain built-in covers to protect the workings inside the plant from the weather and to reduce emissions (noise, vibration, dust). The mobile plant would separate any remaining contamination prior to feeding the wood waste into the primary shredder, fitted with over-band magnets. These magnets would pick out ferrous metal components of the wood waste during shredding and would be collected in a dedicated bin or container, for removal off-site for recovery. Material not deemed of the correct size would be sent through the secondary shredder, also with over-band magnets, for further processing and ferrous metal removal.

### **Screening**

- 4.21 Shredded wood would be sent through a Screener Plant. Screening of shredded material would remove wood fines from the shredded wood prior to moving into the Eddy Current Separator. Wood fines would be conveyed into a stockpile within a concrete storage bay, where it would be stored temporarily until it is removed from site.

### **Separating**

- 4.22 Final treatment of the processed woodchip is sent through an Eddy Current Separator to remove any non-ferrous metals. The Eddy Current Separator removes non-ferrous metals on a conveyor belt using a magnetic field. The resulting wood chips, free of other wastes, is conveyed from the treatment process and stored in separate wood chip



storage bays, ready for collection from site. The non-ferrous metals would be kept separate from the ferrous metals in containers, awaiting collection from site for recovery.

## **Consultations**

### **Local Member**

4.23 Councillor J Woolley made the following comments:

*“I understand why residents are concerned given the historical issues relating to the site and previous owners and operators. I’m happy to take Silva’s word in good faith and don’t believe they will continue in the same vein as those who’ve operated and mis-managed the site before them. The success or failure of this application will come down to whether the site will operate as currently proposed by Silva. I believe they will operate with courtesy toward residents and neighbours. However, it is vitally important that the County Council ensure that Silva operate on the site as they have set out. This means:*

- *Keeping noisy works and main operations strictly between the hours of 7am to 7pm (I would like to see this moved an hour later on weekends). Do not start to use the 24/7 licence as an excuse to operate outside of these hours as it will cause great nuisance towards neighbours and would be extremely unfair.*
- *Ensuring that other work on site is kept to an absolute minimum outside of these hours as to avoid disruption to residents, I’m especially keen to ensure that processing on site and fresh deliveries don’t occur outside of these hours. The county council should be particularly stringent with making sure this is the case. Doing fire checks, cleaning machines and taking wood away from the site periodically sound acceptable operations outside of these hours to me.*
- *The dust management plan is strictly adhered to.*
- *No processing other than initial shredding down to pieces roughly the size of A4 paper happens at this site. Especially no fine shredding.*
- *Unsafe or hazardous materials aren’t processed at the site.*

*If these conditions are adhered to, I think this site has the potential to work. However this will require honesty and transparency for residents who have sadly not had much of this over recent years. I think the potential for job creation, investment in our area and the cleaning up of dilapidated brownfield site is positive and shouldn’t be overlooked. DCC must ensure that the statements and application made by Silva are delivered as promised.”*

## **North East Derbyshire District Council**

4.24 North East Derbyshire District Council (NEDDC) provided the following response:

*“The application was considered under delegated powers on 3<sup>rd</sup> February 2023 when it was agreed that NEDDC should object to the development for the following reasons:*

- 1. The proposed development would see the redevelopment of a site within a Principal Employment Area with a business which is broadly compliant with the employment policies contained in the Local Plan. However the proposal seeks to expand the developable area beyond the defined Principal Employment Area. To allow development would, therefore, be contrary to policy SS9 of the North East Derbyshire Local Plan.*
- 2. The proposal involves the expansion of the proposed business outside the defined Principal Employment Area into a paddock to the north, which will in turn result in the expansion of the employment area. Furthermore, it would result in the loss of natural tree screening along the north west edge of the current employment area. This expansion into countryside would irreversibly alter the character of the site and the surrounding area and to allow development would be contrary to policies SS9, SDC2 and SDC3 of the North East Derbyshire Local Plan.*
- 3. The local Authority has concerns that insufficient information has been submitted in relation to the impact of development on neighbouring residents in terms of noise and dust. Further information should be requested from the applicant on the matters raised by the EHO. Without evidence to the contrary the proposal would unacceptably impact on the amenity of neighbouring properties close to the application site from noise generation. To allow development would be contrary to policies SS9, SDC12 and SDC13 of the North East Derbyshire Local Plan.*
- 4. In highway safety terms the proposal will see a significant in vehicular movements into and out of the site. Without evidence to the contrary the Local Authority consider the development would unacceptably impact on the safe and free flow of traffic in the area and on the highway network.*

*A number of objections have been received, including comments from the local ward member. These comments are summarised in the officer assessment, but for the full text please review on the Council’s Public Access website.”*

## North East Derbyshire District Council – Environmental Health Service

- 4.25 NEDDC Environmental Health Service (EHS) has provided comments in respect of noise, air quality and dust and contamination. The EHS has considered the technical assessments submitted with the application and further information provided by the applicant to address concerns raised. In summary, the EHS does not object to the proposal, and recommends some types of condition. Detailed comments are set out below:

### Noise

The EHS initially raised concerns about the noise impacts of the proposal. Further information regarding background noise, night-time noise impacts, impulsivity of reversing alarms and waste crashing, uncertainty of the impacts of noise and noise limits for the site were requested.

- 4.26 The applicant, in response, provided further information in the form of a Noise Technical Note. Further noise monitoring was undertaken between 13 and 20 April 2023. The assessment included the night-time operational activity from HGVs.

- 4.27 The EHS provided the following final comments in respect of noise:

*“(the applicant) has confirmed that the bund and perimeter walls highlighted below will be constructed as part of phase 1 of the development, which should attenuate noise satisfactorily. That being the case I’m therefore satisfied with the conclusions of the noise assessment, and recommend the following controls are required by condition (Taken from the applicant’s noise assessment)*

- 1. Wood processing operations (shredding/screening) should only take place between the hours of 07:00 – 19:00 hrs.*
- 2. Reversing alarms should be of a non-tonal ‘white noise’ type, to be agreed with the planning authority prior to use.*

### Ground Contamination

- 4.28 The EHS also advises *“that in regards ground contamination, the recommendations of the remedial method statement Project No: IV.95.22 (remedial scheme and verification plan) should also be required by condition.”*

### Air Quality and Dust

- 4.29 The EHS provided the following response regarding air quality and dust impacts:

*“I note the submission of the dust assessment and management plan dated 02/12/2022, ref: 5448-CAU-XX-XX-RP-V-0305.S3.P2 and air quality assessment dated October 2022, ref: AIR 15169915.*

*The air quality assessment has stated that:*

*‘An assessment of the potential effects of dust/particulate matter (PM), including particles of sizes less than or equal to 10 micrometres (PM10) and less than or equal to 2.5 micrometres (PM2.5), during the construction period was subject to a qualitative assessment using the Institute of Air Quality Management (IAQM) guidance on construction dust. The assessment of nitrogen dioxide (NO<sub>2</sub>), PM10 and PM2.5 effects from the operational phase of the development was subject to a screening assessment using the EPUK/IAQM guidance on planning for air quality.’*

*The assessment finds that during the both the construction and operational phase:*

*‘With such mitigation in place, the assessment carried out has shown that any off-site impacts from dust emissions during the construction phase would be not significant.*

*The development proposal is predicted to generate less than 100 AADT (including HDV trips) once operational. In addition, The proposed development site is located outside any AQMA and the nearest Chesterfield No.1 AQMA is around 2 km north-west to the site. Therefore, in line with guidance provided by the Council and EPUK/IAQM, the impact on local air quality conditions arising from increased traffic flows as a result of the development can be described as not significant.’*

*The report further states that it is highly recommended that mitigation measures are implemented on the site during construction and operation.*

*The dust assessment notes that:*

*‘The site is surrounded by agricultural land, with the closest residential receptors to the site (a traveller’s site) is located 30m west of the site on Mansfield Road. A residential property is also located approximately 45m to the southwest of the site and another row of houses is located 75m to the south. There are no schools or hospitals within 1km of the site’.*

*Given the close proximity of the potential dust sensitive receptors, it would be beneficial to have further information on what the predicted*

*number of dry working, and windy dry working days will be with respect to the potential dust sensitive receptors.”*

- 4.30 The EHS has subsequently confirmed that the comments relate to both on-site and transport dust and that the dust management plan (DMP) can be controlled by condition.

**Temple Normanton Parish Council**

- 4.31 The Parish Council has objected to the proposal and made the following comments:

*“Should vehicles divert through the industrial estate onto Chesterfield Road/Mansfield Road rather than take the bypass, this will add further congestion and potential danger, plus night-time noise.*

*Vehicles using this already busy Road on Chesterfield and Mansfield Road would potentially add additional hazards during the morning and afternoon school run.*

*Increasing heavy vehicle traffic in this area should be considered adding unnecessary danger.*

*Potential unsafe loading of these vehicles in built up area will be incredibly hazardous to pedestrians.*

*These facilities should not be operating in built up domestic areas.”*

**The Coal Authority**

- 4.32 The Coal Authority (CA) identifies that the site falls within defined Development High Risk Area. The CA records indicate that within the planning boundary there are two recorded mine entries (shafts). The CA notes no built development is proposed within the proximity of either of the shafts. The CA raises no objection subject to the imposition of an appropriate planning condition. The CA goes on to advise that there is the potential for mine gas to be present at the site which it is unaware of.

- 4.33 The CA recommendation to the Waste Planning Authority (WPA) is provided below.

*“The Coal Authority concurs with the recommendations of the Preliminary Risk Assessment & Geo-Environmental assessment (Phase I & II) (August 2022, prepared by Ivy House Environmental Ltd) that a recorded mine entry (shaft) potentially poses a risk to ground stability and public safety and that intrusive site investigation works should be*

*undertaken prior to development in order to establish the exact situation regarding it.”*

- 4.34 Accordingly, The Coal Authority recommends the imposition of conditions to require intrusive investigations and any necessary remediation and/or mitigation. Subject to the imposition of the conditions set out in the recommendation below, the Coal Authority has no objection to the proposed development.

#### **The Environment Agency**

- 4.35 The Environment Agency (EA) has raised no objection to the proposed development as submitted. The EA provided informative notes which are set out in the notes to applicant section of the report.

#### **Derbyshire Wildlife Trust**

- 4.36 The Derbyshire Wildlife Trust (DWT) has reviewed the Ecology Report (Etive Ecology Live Ltd, October 2022) and made the following comments:

Response received 28 February 2023

*“Overall the report is of good quality and well detailed. Protected species constraints have been assessed and appear limited to nesting birds and a low risk of reptiles in the northern grassland.*

*However, there is some contradiction regarding the grassland on site. The grassland is initially described as “semi-improved neutral grassland” and Section 3.5.1 states that “lowland meadow is present. However, the grassland is classified as “modified grassland” in the metric calculations. The description of the grassland lists species that could indicate meadow habitat, however only a very small list is provided and detailed botanical survey does not appear to have been undertaken. It is essential that the grassland is properly categorised and valued as this will affect the outcome of the metric calculations. We would suggest that it is likely better suited to “other neutral grassland” or “lowland meadow” and this should be determined through additional botanical survey in the coming survey season and use of the UK Habs Habitat Definition Guidance Document.*

*Furthermore, whilst the baseline value has been calculated for the site (albeit we advise that the grassland likely needs amending), the proposals (post-development value) have not been entered into the metric to quantify the losses or gains. Given the proposals are available for the site, the metric should be completed to enable the LPA to assess the scheme against the guidance in the NPPF 2021, which encourages development to achieve a measurable biodiversity net gain.*

*Furthermore, if the grassland is found to be consistent with “lowland meadow”, targets of the Lowland Derbyshire Biodiversity Action Plan should also be considered.*

*This additional work should be undertaken prior to determination of the application.”*

- 4.37 The applicant has considered the above comments and provided a response. DWT was reconsulted and provided the following comments:

*“Further to our response dated 28<sup>th</sup> February 2023 (DWTCOU453), a completed metric has been submitted, along with a Biodiversity Net Gain (BNG) Assessment document. An update survey visit was carried out in May 2023 to re-assess habitats on site and survey an offsite compensation area.*

*The update visit confirmed the grassland on site to be “modified grassland” as per UKHabs definition. It also confirmed several other points relating to baseline habitats.*

*Onsite biodiversity value has been maximised within current proposals and an offsite area has been identified to offset remaining losses. An overall **net gain** of 0.07habitat units (+1.35%) and +0.55 hedgerow units (+350.14%) is predicted.*

*We do note that habitat enhancement has been chosen rather habitat creation in the offsite area, for all three baseline habitat types. The metric guidance states that enhancement should only be used if the baseline and proposed habitat types are within the same broad habitat. Therefore changing “introduced scrub” and “amenity grassland” to “broadleaved woodland” should technically be on the habitat creation tab. To ensure proper implementation of the metric, this should be amended or else the reason for choosing enhancement justified in the metric notes.*

*Nevertheless, it appears that a small gain is likely and once the point above has been addressed, the application can be determined...”*

- 4.38 The DWT response goes on to recommend conditions regarding;
- an onsite Landscape and Biodiversity Enhancement Management Plan (LBEMP) to include management prescriptions and funding mechanism for at least 30 years post-development.
  - an offsite LBEMP to include management prescriptions and funding mechanism for at least 30 years post-development

- nesting birds; and
- reptiles.

### **Natural England**

4.39 Natural England (NE) has not provided a consultation response.

### **Highway Authority**

4.40 Derbyshire County Council, as the Highway Authority (HA) notes that the site has an extant permission for a Waste Transfer Station, as well as a Transport Statement. The HA notes that *“the traffic impact of this proposal is broadly in line with the approved movements under the extant planning permission without resulting in demonstrable harm on the operation of the highway network.*

*The HA therefore has no objection subject to the provision of parking and turning areas as shown on the plan 12800\_004/D” along with a condition for the “submission of a Construction Method Statement.”*

### **Public Rights of Way**

4.41 The Public Rights of Way team (PROW) raises no objection, confirming that there are no claimed or recorded public rights of way crossing or abutting the proposed development site.

### **Lead Local Flood Authority**

4.42 Derbyshire County Council, as the Lead Local Flood Authority (LLFA), has reviewed the information submitted for this application, which was received on 22 December 2022, with additional information received in March and June 2023. The LLFA has no objection to a grant of permission subject to conditions and with an advisory note.

### **Publicity**

4.43 The application was advertised by site and press notices on 12 January 2023 and re-advertised on 9 March 2023 due to submitted changes.

4.44 Representations have been received from 21 members of the public raising the following matters:

- Availability of other more suitable industrial sites.
- Highway impacts relating to:
  - Volume of HGVs will make a bad situation worse,
  - Mansfield Road is unsuitable for additional HGV traffic,
  - Predicted HGV movements is unacceptable and harmful to residents’ amenity,
  - No vehicle emissions survey submitted.
- Environmental impacts relating to:



- Air quality and dust impact concerns,
  - Risk of fire from storage of timber,
  - Noise particularly due to 24/7 operation and residents within 100m of site,
  - Light pollution from artificial lighting,
  - Impact on land stability,
  - Loss of grassland and trees,
  - Ground contamination.
- Health and wellbeing impact from permanent use of site.

4.45 Where material to the determination of this application, these concerns are addressed in the report.

### **Planning Considerations**

4.46 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant development plan elements comprise the saved policies of the Derby and Derbyshire Waste Local Plan (DDWLP) and the NEDLP 2014-2034. There is no Neighbourhood Plan in this area. The NPPF (last amended July 2021), the Planning Practice Guidance (PPG), along with the National Planning Policy for Waste (NPPW) (2014); and the Waste Management Plan for England (2021) are also material policy considerations.

#### **4.47 Derby and Derbyshire Waste Local Plan (2005)**

W1b: Need for the Development.

W4: Precautionary Principle.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impacts of the Transport of Waste.

W9: Protection of Other Interests.

W10: Cumulative Impacts.

4.48 Policy W1b: Need for the Development, of the DDWLP presumes in favour of waste development catering for the needs of the local and wider area where it would satisfy a need that could not realistically be met closer to the source of the waste and would contribute to an integrated system of waste management.

4.49 Policy W4: Precautionary Principle, of the DDWLP presumes against development where there is reasonable cause for concern that a proposed waste development presents a threat of serious irreversible

damage to the environment unless conditions can be imposed or legal agreements made to ensure that precautionary measures are taken to minimise and seek to prevent such damage.

- 4.50 Policy W6: Pollution and related Nuisances, of the DDWLP seeks to allow development if there is not any material harm caused by contamination, pollution or other adverse environmental or health effects to local communities, the wider environment, and nearby land uses and the application site.
- 4.51 Policy W7: Landscape and Other Visual Impacts, of the DDWLP presumes in favour of waste development where the appearance of the development would respect the character of and local distinctiveness of the area, would not materially harm the local landscape and would be located and designed to be no larger than necessary. This policy also seeks that the visual impact of the proposed development is minimised and or the appearance of the landscape improved.
- 4.52 Policy W8: Impact of the Transport of Waste, of the DDWLP states that waste development will be permitted where the methods and routes of transport would not cause significant disturbance to the environment, people or communities, the transport network is adequate to accommodate the traffic generated by the proposal and where the access arrangements and the generated traffic impact would not be detrimental to road safety.
- 4.53 Policy W9: Protection of Other Interests, of the DDWLP presumes in favour of waste development where it would 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.
- 4.54 Policy W10: Cumulative Impact, of the DDWLP seeks to assess proposed developments in light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. The policy presumes in favour of development that would not result in significant and detrimental cumulative impact on the environment of those communities.

**4.55 North East Derbyshire District Local Plan**

SS1: Sustainable Development.

SS2: Spatial Strategy and the Distribution of Development Land.

SS9: Development in the Countryside.

WC2: Principal Employment Area.

SDC2: Trees, Woodlands and Hedgerows.

SDC3: Landscape Character.  
SDC4: Biodiversity and Geodiversity.  
SDC11: Flood Risk and Drainage.  
SDC12: High Quality Design and Place Making.  
SDC13: Environmental Quality.  
SDC14: Land potentially affected by Contamination or Instability.  
ID3: Sustainable Travel

4.56 It is considered that the following policies are of particular relevance.

4.57 Policy SS1: Sustainable Development, sets out the economic, social, and environmental dimensions of sustainable development and what this means in North East Derbyshire. For this proposal the following parts of the policy are considered to be relevant:

*“In order to contribute to sustainable development in North East Derbyshire, development proposals will:*

- b. Promote the efficient use of land and the re-use of previously developed land (including the remediation of contaminated land) buildings and existing infrastructure in sustainable locations.*
- l. Play a positive role in adapting to and mitigating the effects of climate change, including through the use of sustainable drainage systems, to contribute to the health and wellbeing of communities and the environment through the location, design and operation of development.*
- M. Take account of any coal-mining related land stability and / or other public safety risks, and where necessary, incorporate suitable mitigation measures to address the risk).”*

4.58 Policy SS2: Spatial Strategy and the Distribution of Development, considers *“land which lies outside a Settlement Development Limit and is not allocated for development, will be treated as ‘countryside’ where development will only be permitted in accordance with Policies SS1 (Sustainable Development) and SS9 (Development in the Countryside).”*

4.59 Policy SS9: Development in the Countryside, seeks to restrict development to land within the defined Settlement Development Limits unless it can be demonstrated to fall within a specific category contained in the policy. For this proposal the following parts of the policy are considered to be of some relevance.

*“1. Development proposals in countryside locations outside the Settlement Development Limits will be approved where it can be demonstrated to fall within one or more of the following categories:*

*f. It involves the change of use, re-use, limited infilling or redevelopment of vacant, derelict or previously developed land which would not have a greater impact on the character of the countryside than the existing development.*

*2. In all cases, where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.”*

4.60 Policy WC2: Principal Employment Areas, seeks to protect such allocated land for employment use within the general industrial uses (Use Class B2), storage and distribution uses (Use Class B8) and office, industrial and research and development uses (Use Class E(g)) use classes. The NEDLP policies map identifies sites protected for these uses which includes the Corbriggs Industrial Estate, Mansfield Road. A large part of the application site is located in this designated Principal Employment Area.

#### **National Planning Policy Framework**

4.61 The NPPF provides guidance on material considerations in the context of determining planning applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined as such but is said to have economic, social and environmental aspects. The economic aspect is to provide sufficient land for the right type of development, in the right place at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

4.62 Relevant parts of the NPPF include:

Chapter 2: Sustainable Development.

Chapter 6: Building a strong, competitive economy.

Chapter 11: Making effective use of land.

Chapter 12: Achieving well designed places.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

Chapter 15: Conserving and Enhancing the Natural Environment

### **Planning Practice Guidance**

- 4.63 The PPG repeats the message of the NPPF that the main purpose of the planning system is to deliver sustainable development to support the needs of society. It provides practical guidance on many potential environmental impacts, such as noise and dust impacts, which are of relevance to this proposal.

### **National Planning Policy for Waste**

- 4.64 The NPPW was published in 2014. The 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.
- 4.65 In the context of the above policies the main topics for consideration for this proposal are:

- principle of the development;
- location;
- amenity impacts (noise, air quality and dust and traffic);
- highway considerations;
- ground conditions;
- landscape and visual impact;
- Biodiversity and ecology; and
- Flood risk and drainage.

### **Principle of the development**

- 4.66 The planning application is for the development of a wood waste recycling facility on land that has in part previously been in use for waste recycling operations, through a planning permission for waste recycling on most of the land.
- 4.67 The proposal would meet the Government's aim of encouraging increased capacity for the processing of waste wood materials. Information from the applicant indicates that the waste wood it would take in this case would otherwise be subject to energy recovery (which is lower in the waste hierarchy). The processing of waste wood materials would result in the production of recycled products which would be used in the manufacture of goods, potentially replacing primary raw timber materials and thus avoiding loss of woodland and forest.

- 4.68 The largest capacity for the diversion of waste wood in the UK currently is via energy recovery in biomass power stations. The applicant states that the proposed development has a guaranteed supply agreement for recycled woodchip to be used in the manufacture of panel board, to support growth of UK production capacity. This is preferential in terms of both the waste hierarchy and contributing towards the UK's commitments to achieve Net Zero.
- 4.69 The applicant considers that the proposed development would bring with it economic, social and environmental benefits.
- 4.70 In terms of the economic role, it is recognised that new development can provide a range of economic benefits, which the applicant considers would include:
- creation of new jobs during the construction period;
  - creation of economically active residents;
  - new expenditure in the local area; and
  - increased demand for and use of local services and businesses.
- 4.71 In social terms, the development proposal is stated to generate 20 new full-time jobs.
- 4.72 The applicant states that there would not be any significant environmental harm arising from the proposed development. The environmental impacts are considered further below.
- 4.73 In principle the proposal accords with the aims of the NPPF, the NPPW, Policy W1b of the DDWLP as there is a need for this type of waste recovery facility to meet the expectations of the waste hierarchy and it would contribute to sustainable development objectives set out in the policies referred to above.

#### **Location**

- 4.74 A large part of the application site is located on land in a Principal Employment Area under Policy WC2 of the NEDLP. Although a waste facility of this sort is a unique ("Sui Generis") land use which does not fall within any general use class such as B2, B8 or E(g) use, it is the type of use which is generally considered to be acceptable in existing industrial locations.
- 4.75 However, some of the site, principally the area referred to as the paddock area, is within open countryside. Representations have been received regarding the use of the land, both inside and outside the Settlement Development Limits. In particular, NEDDC, in its

consultation response, has raised an objection to the proposal as the development would extend beyond the defined employment area, into open countryside. NEDDC considers this would irreversibly alter the character of the site and the surrounding area and would therefore, in its opinion, be contrary to policies SDC2, SDC3 and SS9 of the NEDLP.

- 4.76 The proposed development does indeed extend outside the identified Principal Employment Area. Representations received comment on the availability of alternative industrial sites that may be more suitable for this development. The applicant has provided information on their site search and selection process. The applicant had a target location around the M1 junction 29 and efforts to find a suitable site had been ongoing for several years. The Corbriggs site was the only appropriate and available site within this locality that met the applicants' commercial criteria. The applicant has advised that the other land within the Corbriggs Industrial Area was considered but is in private ownership and therefore unavailable to them. The paddock area is presumably referred to as such to reflect some use of it in the past for horses. The paddock adjoins the public highway, the proposed waste site and open countryside land. The paddock is screened from the public highway and open countryside fields by mature hedges and trees. This part of the site would be further screened by soil bunding and planted up to provide further screening. Inside this would be storage bays. No shredding would take part in this area.
- 4.77 Whilst this area is referred to as a paddock, it was, at one time, in use as part of the previous coal mining industry in the area. Whilst there is no obvious evidence of this to be seen nowadays, the historic maps reflect this previous use. The applicant has stated that this land is required, and the site is unable to operate efficiently on a smaller site available within the Principal Employment Area.
- 4.78 This site has historically been used for industrial purposes. Waste uses are often found in rural localities. Paragraph 4 of the NPPW states that waste planning authorities should consider a broad range of locations for waste facilities including industrial sites and give priority to previously developed land. Given the information provided by the applicant regarding limited availability of land elsewhere and within the Principal Employment Area and the operational area required, I am satisfied that there is an operational need to extend into the adjacent "Countryside".
- 4.79 It is acknowledged however that the proposed development would be contrary to Policy SS9 of the NEDLP. Further consideration is given below to the impact of the development on trees, hedgerows, and the

landscape and policies SDC2 and SDC3 of the NEDLP in the Landscape, Biodiversity and Ecology section of the report.

### **Amenity Impacts**

- 4.80 Amenity impacts would relate to vehicle movements, noise, dust and lighting concerns. These matters have been identified in the objections to the application (see above). The application is supported by technical reports relating to noise, transport, air quality and dust and lighting. Policies W6, W8, W10 of the DDWLP and Policy SDC13: Environmental Quality, of the NEDDLP seek to ensure that new development does not have adverse environmental effects regarding water, air, noise, light and land, and are all relevant to the consideration of amenity impacts.

### **Transport**

- 4.81 Impacts arising from transport would include noise, dust and frequency of movements. Noise and air quality (including dust impacts) are considered later in this report. Regarding traffic generated, it is identified that the proposed parking arrangements comprise 17 car parking spaces for staff and visitors. Access to these spaces would be via the non-commercial site entrance directly onto Mansfield Road.
- 4.82 The proposed development is estimated under the applicant's Transport Statement to generate a net increase of five vehicular movements in the AM peak hour when compared with the theoretical fallback position of full operation under the previous planning permission for a waste use that was implemented at the site. In the PM peak hour, the proposed development would generate a net reduction of nine vehicular movements. Some movements of HGVs are proposed to occur in the night-time hours. This is expected to be limited to a maximum of two two-way movements per night, between 19.00 and 07.00.
- 4.83 These transport impacts must be considered against the existing position. Residential properties adjoin the public highway therefore, residents would be subject to the amenity impacts associated with traffic using the Mansfield Road. The volume of traffic increase associated with the proposed waste site would not be considered significant. The nature of the transport amenity impacts and any cumulative impact, associated with the proposed waste development, would not, in my opinion, cause a significant detrimental impact.
- 4.84 In respect of transport-related amenity impacts, I have concluded that the proposed development would not cause any material impact on residential amenity. As such, the proposed development accords with policies W6, W8 and W10 of the DDWLP and policy SDC13 of the NEDLP.



## **Noise**

- 4.85 Regarding noise impacts, these would be generated by transport arriving and leaving the site and the wood waste material being processed on site. The applicant proposes to use a shredder and other plant to process the wood waste. The application is supported by a Noise Impact Assessment (NIA) and a supplementary technical note which has been assessed by NEDDC EHS.
- 4.86 The assessment of the operational noise impact was undertaken in accordance with British Standard 4142:2024 and considers the potential noise impact on nearby residential receptors. Background noise levels were taken at representative monitoring points for the receptors.
- 4.87 It was identified that existing ambient noise levels at the nearest noise sensitive receptors are dominated by the noise from Mansfield Road and the A617 dual carriageway. A computational noise model was undertaken for the proposed development including noise propagation calculations used to predict the site operation noise levels at the nearest residential receptors. Assessment was undertaken for both weekday and weekend operations.
- 4.88 The NIA predicts that sound levels generated by the site during the daytime period would result in a low adverse impact at the nearest residential receptors. Whilst noise would be present, it would not be intrusive. The assessment concluded that the noise impact of the site operation would be below the Lowest Observed Adverse Effect Level (LOAEL) at the nearest residential receptors, and that the operational traffic generated by the development would have a negligible noise impact.
- 4.89 NEDDC EHS have advised that they are satisfied with the conclusion of the noise assessment and recommended conditions be imposed to restrict the hours of the wood processing activities and regarding reversing alarms.
- 4.90 Residents are understandably concerned about the proposed working hours and the impact this may have on their amenity. The applicant wishes to be allowed to operate with the ability to have one or two HGV vehicles entering and leaving the site during night-time hours and with servicing and maintenance operations being carried out beyond the waste processing hours of 07.00 to 19.00.
- 4.91 The previous waste use on this site was not a 24 hour a day operation, however, the WPA is aware of other occasional night-time HGV movements from adjoining businesses. The local member in his

consultation response has commented that he would like to see the main core operations moved an hour later at weekends. Whilst I acknowledge the conclusions of the noise assessment and the EHS are not raising objection, in the interest of minimising the potential for impacts on amenity, I would recommend that the processing hours on Sundays and on Bank Holidays are limited to 08.00 to 18.00. I would also recommend that a noise management plan is required by condition to minimise and manage noise from the development.

- 4.92 In respect of noise impacts, subject to the recommended conditions, it is concluded that the proposed development would not cause any significant impact on residential amenity. As such, the proposed development accords with policies W6, W8 and W10 of the DDWLP and policy SDC13 of the NEDLP.

### **Air Quality and Dust**

- 4.93 Regarding impacts from dust and air quality issues, the applicant has undertaken an Air Quality Assessment and has provided a dust management plan with the application.
- 4.94 Impacts upon air pollutant concentrations in the area surrounding the site during the construction phase and operational phase of the proposed development have been assessed. The assessment concludes that impact of emissions to air from the proposed site would not be significant. The cumulative air quality and dust impact of this development, the adjoining businesses and that from the adjoining public highway, is not considered to generate an adverse air quality and dust impact to nearby residents.
- 4.95 The Air Quality and Dust report states that it is highly recommended that mitigation measures are implemented on the site during construction and operation. The EHS agrees with the report and recommends that the DMP is covered by planning condition. In respect of air quality and dust, I am satisfied that the development accords with policies W6, W8 and W10 of the DDWLP and Policy SDC13 of the NEDLP.
- 4.96 Consideration has also been given to cumulative impacts. The proposed development would reintroduce a waste use on the site for which planning permission was previously approved and remains extant. This proposal is for another waste use on the site which processes wood waste only. The existing business (heavy industry) uses have operated in the past with a waste use adjoining or nearby. It is not considered that the cumulative impact of the proposed

development on neighbouring businesses and nearby residential amenity would be significant.

4.97 Overall, the potential impacts of noise, air quality and dust, including impacts arising from the transport of waste, have been assessed and the application is supported by technical reports. Consultation responses have been received from the EHS at NEDDC and the EA who do not raise any objections to the proposed development, subject to planning conditions. The EA has confirmed that the applicant has applied for a bespoke non-hazardous waste treatment facility permit for the site. It is concluded that there would be no adverse impacts that cannot be controlled by planning condition and/or the environmental permit to be issued by the EA. The concerns raised by residents nearby, whilst acknowledged, cannot be substantiated given the technical evidence available. Impacts from noise, air quality and dust would not in my opinion be sustainable reasons for refusal of the application.

#### **Lighting Impact**

4.98 Consideration of Policy WCS13 of the NEDLP and policies W6 and W10 of the DDWLP are relevant. Representations have been made regarding the adverse effect of permanent lighting at the site.

4.99 The applicant has submitted a lighting plan and Lighting Report identifying the location and types of lighting proposed. This includes nine building mounted downward facing lights and six post mounted pointing back into site and away from highway, anti-back spill lights. All lighting levels are as per EN 12464-2:2021 which is a European Standard specifying lighting requirements for outdoor workplaces, which meet the needs for visual comfort and performance.

4.100 The applicant has confirmed that the proposed lighting would be lit during operating hours and that the European Standard still applies in the UK. The red labelled (post mounted lights) would be passive infrared sensor (PIR) controlled and those on the buildings (blue label) would be sensor operated and only come on during the hours of darkness for security. In addition to the submitted lighting plan, a Lighting Report was also submitted in support of the application which indicates the positions and general lighting levels including spill on to surrounding areas. I am satisfied that given the location, design, orientation and European Standard control that lighting would not cause amenity concerns. Having said this, it is proposed to attach a planning condition regarding lighting at the site ensuring that the proposed detailing, or otherwise, is agreed by the WPA and retained in perpetuity.

4.101 Overall, it is considered that, subject to an appropriately worded planning condition, the proposed development complies with policies W6 and W10 of the DDWLP and Policy SDC13 of the NEDLP.

### **Highway Considerations**

4.102 It is considered policies W8: Impact of the Transport of Waste and W10: Cumulative Impact of the DDWLP are relevant.

4.103 The application is supported by a Transport Statement (TS). The report identifies the vehicular access strategy for the proposed development. HGVs would use the existing junction with Mansfield Road to the south of the application site and cars would use a reopened vehicular access off Mansfield Road. The TS has assumed that the proposed facility would be able to accept and process up to 75,000 tonnes per annum. Accident statistics indicate that there has been one serious accident (2018) in the vicinity of the junction in the last five years.

4.104 It is proposed that all HGV arrival and departure movements would be via a new access formed from the concrete road located immediately to the south of the application site. The concrete road also serves Clee Hill Plant, CA Fields International and a separate vacant site (via the gated access). The concrete road forms a priority-controlled T junction with Mansfield Road.

4.105 An accessibility appraisal was undertaken for the proposed development concluding that the site is accessible by walking cycling and public transport. The access arrangements, shown by plan, demonstrate that visibility standards are satisfied, and the site can accommodate the tracking movements of HGVs.

4.106 The proposed parking arrangements include 17 car parking spaces for staff and visitors. Five cycle parking spaces are proposed with opportunity to increase if demand requires. Two parking areas for HGVs are also proposed.

4.107 An estimate of the AM and PM peak hour traffic generated by the extant waste use and that of the proposed waste use was undertaken. The proposed development is estimated to generate a net increase of five vehicular movements in the AM peak hour when compared with the fall-back situation.

4.108 In the PM peak hour, the proposed development would generate a net reduction of nine vehicle movements. The TS concluded that the change in traffic resulting from the proposed development and the permitted waste use in the AM and peak hours is not material. It is also

noted that an Air Quality Assessment was submitted which considered traffic implications. The EHO did not raise any concerns regarding air quality impact arising from vehicle emissions.

4.109 The NPPF at Paragraph 111 advises that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

4.110 Policy W8 states that waste development will be permitted where the methods and routes of transport would not cause significant disturbance to the environment, people or communities, the transport network is adequate to accommodate the traffic generated by the proposal and where the access arrangements and the generated traffic impact would not be detrimental to road safety.

4.111 The HA has considered the proposed development. The HA notes that the site has an extant permission for a waste transfer station and a Transport Statement has been submitted. Subject to the recommended condition regarding the provision of parking and turning areas the HA has no objections to the proposal.

4.112 Cumulatively, the traffic movements would not be significantly different to those approved under the extant waste planning permission. I do not consider that there would be an adverse significant cumulative impact from traffic movements.

4.113 The HA has no objections to the proposed development. Overall, I consider that the highway impact associated with the proposed development is acceptable and that it accords with policies W8 and W10 of the DDWLP.

### **Ground Conditions**

4.114 It is noted that the application site has been previously developed. The applicant has commissioned a technical ground investigations report which has been submitted with the application and considered by consultees.

4.115 The report submitted with the application identifies the planning history of the site via historic OS maps. These indicate that the site between 1918 and 1968 contained a railway line cutting, an “Old Colliery” (1918 map) and various buildings. The railway line was in the area now known as the paddock area and outside the employment area in the NEDDC development plan. In summary, the site originally comprised agricultural land prior to its development by 1898, with a section of railway in the

north and part of a colliery in the south. Two mine shafts were present on site as part of the colliery. The colliery was disused by 1918, and the railway was dismantled around 1962. The layout of the site has remained unchanged since 1992. More recent uses have involved waste management.

- 4.116 A Coal Mining Risk Assessment (CMRA) identified that there were two mine entries reported to be present on site. These would require further investigation, should planning permission be issued and implemented, in order to determine their condition prior to development of the site. There was also a low risk of unrecorded mine entries on the site. The CMRA report indicated a negligible risk assessment rating relating to underground mining (recorded and unrecorded probable at shallow depths), mining geology (fissures), record of past mine gas emissions and surface mining (opencast workings).
- 4.117 A previous “Phase II Environmental Assessment, dated February 2020” identified that an area immediately to the east and south of the site revealed asbestos across the site within Made Ground, alongside localised elevated concentrations of Polycyclic Aromatic Hydrocarbons (PAHs). It stated that remediation was required, via hotspot removal or the installation of a capping layer. A negligible risk to controlled waters was identified and no risk of hazardous ground gases.
- 4.118 The Preliminary Risk Assessment and Geo-Environmental Assessment (Phase I and II) report recommends further assessment of the site to include:
- following demolition of the building on site, investigation of the second mine entry under the supervision of a suitably qualified person;
  - measures relating to mine entry one, although not found on site through trial excavations, include a permanent cap suitable for passing of HGVs; and
  - no remediation is required, however, any temporary structures are required to be raised to allow sufficient ventilation. Should permanent buildings be constructed in the future, CS<sub>2</sub> ground gas protections would be required.
- 4.119 The report concludes that, for the areas of the site assessed, the Phase I and Phase II Assessment and the recommendations contained within them illustrate that the proposed development of the site for industrial use would not pose a risk to end users of the site or the environment.

- 4.120 The separately submitted Phase II Geo-Environmental Assessment considered the remainder of the site and illustrated that areas of the site would pose a risk to end users of the site or the environment.
- 4.121 A further Remediation Method Statement dated 16 May 2022 has been provided. Elevated PAHs (Benzo(a)pyrene) were detected in made ground (WS2) along with asbestos fibres in four out of seven samples within made ground and is considered widespread across the site. Remediation of these contaminated areas is required to reduce risk to human health.
- 4.122 The recommended remediation scheme identifies that the primary contaminant of concern is the possible release of asbestos fibres in dust from the underlying “made ground” caused by general “wear and tear” of surface materials from repeated HGVs and other operational activities. A permanent cap is recommended to prevent the release of asbestos fibres.
- 4.123 It is recommended that a minimum permanent cap (tarmac or concrete) be placed in all operational areas where heavy machinery or vehicles operate, however, a full cap is preferable.
- 4.124 Outside areas requiring capping (where only light traffic such as car parking is proposed), annual inspections and repairs, in perpetuity, would be necessary to prevent the release of asbestos fibres. The remediation would be supported by a validation report.
- 4.125 Objections to the application have raised concerns regarding contamination with reassurances sought that contamination is dealt with appropriately. The technical reports submitted with the application have identified areas of contamination and recommended remediation by way of capping. It is noted that the CA has raised no objection subject to pre-commencement conditions. Similarly, the EA has also raised no objections subject to appropriate authorisations.
- 4.126 The relevant technical consultees have considered the submitted technical reports and raised no insurmountable concerns; recommending planning conditions and authorisations. I am therefore satisfied that contamination on site has been appropriately addressed at this stage, and subject to compliance with planning conditions, allowing the proposed development is considered acceptable in planning terms regarding this issue. Given this, it is considered that the proposed development, regarding contamination, is in accordance with policies W4, W6 and W8 of the DDWLP and policies SDC13 and SDC14 of the NEDLP.

## **Landscape, Biodiversity and Ecology**

4.127 The application is supported by an ecological assessment and an Arboricultural Statement.

## **Ecology and Biodiversity**

- 4.128 Regarding ecology, the ecological assessment comprised an extended Phase 1 habitat survey, a desk study, bat surveys, an assessment of the likely impacts on the ecological value of the site (BNG calculations) and recommendations for further survey and/or mitigation measures to be implemented.
- 4.129 The assessment concluded that the application site was found to be of low ecological value, but the proposed development [per se] was likely to result in an overall reduction in biodiversity value, primarily as a result of the loss of 0.47ha of modified grassland in the northern section (paddock area) of the site. To minimise the level of biodiversity loss the Ecological Assessment sets out recommendations to protect and enhance retained habitats and for their long-term management with the aim of maximising their biodiversity.
- 4.130 Policy SDC4: Biodiversity and Geodiversity of the NEDLP seeks to protect and enhance the districts natural environment and to increase the quantity and quality of biodiversity.
- 4.131 The applicant is proposing both on site and off site enhancement (on land controlled by the applicant near the HGV site entrance and opposite the terraced dwellings on Mansfield Road) to mitigate the reduction in biodiversity value and to provide BNG. The proposals include the retention, protection and long-term management of hedgerows and woodland habitats. Onsite biodiversity value has been maximised within current proposals and an offsite area has been identified to offset the remaining losses. An overall net gain of +0.07 habitat units (+1.35%) and +0.55 hedgerow units (+350.14%) is predicted.
- 4.132 The consultation responses from DWT conclude that the proposed development would be acceptable subject to planning conditions relating to nesting birds, reptiles, and long-term management of the proposed on and off site BNG in the form of a LBEMP to include management prescriptions and funding mechanism for at least 30 years.
- 4.133 It is considered that such a detailed LBEMP can only be secured through a planning obligation. Relying on a condition to require the performance of the LBEMP it would not ensure that it would carry on for



its full term (30 years in this case), because the full lifespan of the development could always fail to outlast the full LBEMP term.

### **Trees**

- 4.134 The application is supported by an Arboricultural Assessment. The trees on site are not subject to a Tree Preservation Order or within a Conservation Area.
- 4.135 The Assessment recorded eight individual trees (T1 to T8), 13 groups of trees (G1 to G13), two areas of trees (A1 and A2) and three groups of shrubs (S1 to S3).
- 4.136 G13 was considered “high quality” A category. T6, T7, G1, G2, G4, G5, G7, G8, G10 to G12 and A2 were considered to be of “moderate quality” B category. T1 to T5, G6 and G9 were considered to be “low quality” C category. T8, G3 and A1 were considered to be “unsuitable” U category.
- 4.137 T7, G2 and G13 were considered to have “high visual prominence”. T6, G1, G4, G7, G8, G10 to G12 and A2 were considered to have “moderate visual prominence”. T1 to T5, G3, G6, G9 and A1 were considered to have a “low visual prominence”.
- 4.138 No category A trees have been identified to be removed. Those to be removed, to allow for the proposed development, include the eastern sections of Category B groups G2 and G10 and the south-western section of G4. Those of Category C trees to be removed are identified as trees T1 to T5 and Group 9. Of the hedges/shrubs, S1 and S3 are to be retained and protected and S2 would be required to be removed.
- 4.139 Overall, the assessment identified that implementing the development would require the removal of some moderate and low quality trees and shrubs, whilst all of the retained trees could be protected during construction. A detailed protection methodology was included in the report.

### **Landscape and Visual**

- 4.140 Policy SDC3: Landscape Character of the NEDLP states that *“Proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity.”*
- 4.141 Policy SDC2: Trees, Woodland and Hedgerows of the NEDLP requires proposals for development to provide for the protection and integration

of existing trees, woodland and hedgerows for their wildlife, landscape, and/or amenity value. Where trees, woodland or hedgerow is lost, and it is considered acceptable, suitable replacement planting will be required. Development that results in unacceptable loss should not be permitted.

- 4.142 Some trees and hedgerow would be lost as part of the development, largely within the interior of the site, as indicated above, and the paddock area would be stripped and replaced by hard surfacing and concrete storage bays. However, the majority of the existing vegetation around the site boundary would be retained and protected during the redevelopment and the methods of the protection are outlined in the Arboricultural Method Statement which are acceptable. New planting is proposed to enhance the natural screening to the roadside and on the “set back” bund surrounding the site to the north, and partially to the west and east. In this regard, the paddock area would be screened by new planting. There is also potential for planting to be strengthened through the LBEMP.
- 4.143 Whilst the character of the landscape would change, I do not consider it would be significant. The objection from NEDDC is noted, however, on balance I do not consider the impact on landscape character or the impact on trees and hedgerow so significant and would not warrant a recommendation for refusal. Given the overall site context and the established use on the land, I am satisfied that the redevelopment of the site as a Wood Processing facility would be acceptable in Landscape protection terms and would not be contrary to policies SDC2 and SDC3 of the NEDLP.
- 4.144 However, I am concerned about the visual impacts of the proposal on local people and nearby residents passing the site, who would be able to gain relatively open views into an operational site of generally low design quality; views likely to be more open than they are at the present time. The vegetation clearance and the removal of the office block would open up views into the wider site from Mansfield Road although views from the wider area would remain largely screened by existing vegetation. I would therefore not recommend that a permission for the proposal be granted without a condition being imposed to require the appropriate landscaping of the site frontage adjacent to Mansfield Road, so that the operational site is better screened. It is considered this could be achieved by various mechanisms including the planting of a hedgerow with hedgerow trees and/or possibly through the erection of a solid fence finished in an appropriately recessive colour including solid gates at entrances that also screen views into the site.

4.145 Overall, subject to the recommended conditions and a planning obligation regarding landscape, biodiversity and ecology matters, I consider the proposed development accords with the NPPF, policies SDC2, SDC3 and SDC4 in the NEDLP and policy W7 in the DDWLP.

#### **Flood Risk and Drainage**

4.146 NEDLP **policy** SDC11 relates to flood risk and drainage and DDWLP policy W6: Pollution and Related Nuisances would also apply.

4.147 The application is supported by a Flood Risk Assessment and Drainage Strategy. The LLFA was consulted and requested clarification regarding technical information.

4.148 The EA 'Flood Map for Planning' shows that the site is located within an area outside of the extreme flood extent (Flood Zone 1), meaning it has a less than 0.1% annual probability of flooding. The EA surface water flood mapping shows that the southernmost extent of the proposed development area is within the low risk flood extent, meaning it has between a 1% and 0.1% annual probability of flooding. The flood risk is associated with a surface water flow route originating in the golf course west of the site. Flood depths are estimated to be less than 300mm. The surface water flood extent identified by EA mapping is limited to the southernmost extent of the proposed developable area. No buildings or material stockpiles are proposed within the flood extent.

4.149 The applicant has stated that *"In respect of Drainage, and in order to comply with the non-statutory standards for sustainable drainage systems and local policy, surface water runoff will be managed on site to accommodate the 1 in 100 year plus 40% climate change event."*

4.150 Discharge of surface water would be made to the Calow Brook to the south-east of the site as per the existing situation. Attenuation storage would be required on site in order to restrict surface water discharge to 42.3 l/s. Attenuation would take the form of an attenuation tank located in the lower southern extent of the site.

4.151 Surface water run-off would pass through interceptors/separators and it is also proposed to collect water for re-use within the Site's dust and fire suppression systems.

4.152 The existing foul drainage system serving the site flows east, crossing adjacent industrial land, and connects to the 300mm public combined sewer approximately 115m east of the site. The existing foul drainage system would be retained to accommodate foul flows from the development.

4.153 The LLFA has considered the further information provided by the applicant. It has advised that there is no objection in principle subject to planning condition(s).

4.154 Overall, it is considered that regarding flood risk and drainage matters that the proposed development accords with policy SDC11 of the NEDLP and policy W6 of the DDWLP.

#### **Other representations**

4.155 Representations have raised concerns regarding health and wellbeing, along with risk of fire at the site from timber storage.

4.156 Regarding health and wellbeing, there is no evidence to suggest that the health and wellbeing of nearby residents would be adversely affected. Technical consultees have raised no matters that cannot be controlled through planning conditions or raised any health concerns that would be an impact of the proposed development.

4.157 The risk of fire from the waste timber operation has been considered by the EA. The EA has confirmed that the applicant has applied for a bespoke non-hazardous waste treatment facility permit for the site. The application has been submitted with a full fire prevention plan (FPP) and a DMP. The FPP will have to comply with the EA FPP guidance.

#### **Conclusion**

4.158 The application seeks to reintroduce a waste use to the site. The previous waste use could be reintroduced on part of it, under the previous permission CW4/0620/21 (see planning history above). The proposed use would extend into open countryside outside the Principal Employment Area.

4.159 Whilst it is acknowledged that the proposed development is not in accordance with NEDLP policy SS9, there is considered to be limited harm, and the non-compliance is considered to be outweighed by the suitability and sustainability of the site and the proposal's benefits. It is therefore considered that the proposed development in this location is acceptable in principle. A grant of planning permission (subject to necessary conditions and planning obligations) is considered to be justified and is accordingly recommended, based on a general planning weight balancing exercise taking in all the 'material considerations' that are addressed in this report as per section 38(6) of the Planning and Compulsory Purchase Act 2004.

4.160 Representations and objections have been received from members of the public and NEDDC (see above). The concerns raised have been

considered and addressed in the report and/or through planning conditions or would be regulated as part of a bespoke waste permit submitted to the EA. There are no technical consultee objections subject to planning conditions.

4.161 It is therefore recommended that a planning obligation be entered into to secure the requirements of the LBEMP and that the application be granted subject to the planning conditions in Part 8 of this report.

## **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **6. Background Papers** File No. 4.1997.16

6.1 Application documents and correspondence received from Caulmert Limited, acting as Agent for Silva Recycling Limited. All consultation correspondence received with regard to the application.

### Documents

- Application form and certificate(s) dated 24 October 2022.
- Planning Application Supporting Statement, Caulmert Limited dated October 22.
- Arboricultural Statement, Cheshire Woodlands, dated 12 October 2022.
- Air Quality Assessment, Bureau Veritas UK Limited, dated October 2022 (Version 03 dated 18/10/22).
- Ecology Report, Etive Ecology Ltd, dated October 2022.
- Biodiversity Net Gain (BNG) Assessment by Etive Ecology dated 4 May 2023
- Biodiversity Metric 3.1 Calculation Tool results received under cover of email dated 3 July 2023.
- Flood Risk Assessment & Drainage Strategy, Waterco, dated February 2023. (Revision 03 dated 08/02/2023)
- Phase II Environmental Assessment, Ivy House Environmental, dated February 2020 (Version 3.0).
- Preliminary Risk Assessment and Geo-Environmental Assessment (Phase I and II), Ivy House Environmental, dated August 2022.
- Remediation Method Statement; Ivy House Environmental, dated 16 May 2022 (Version 2.0).
- Noise Impact Assessment; Bureau Veritas UK Limited, dated October 2022. (Version 02 dated 21/10/22).
- Noise Technical Note by Bureau Veritas dated May 2023
- Transport Statement, Ashley Helme Associates, dated October 2022;

- Lighting Report, Silva, dated 28 November 2022.
- Dust Assessment & Management Plan, Caulmert Limited, dated December 2022.
- Site Search and Selection document.

## 6.2 Plans

- Drawing No. 12800\_007 Index A, entitled OS Tile with application boundary, dated 10.10.22 (Index A Modification date – 08.11.2022)
- Drawing No. 12800\_004 Index D, entitled G.A. Stockpiles -Phase 1, dated 31.05.2022 (Index D Modification date 17.10.2022).
- Drawing No. 12800\_004 Index E, entitled G.A. Stockpiles - Phase 2, dated, 31.05.22 (Index E Modification date 17.10.2022).
- Drawing No. CW/10888-P-TP-1, entitled Tree Protection Plan, dated 20 October 2022.
- Drawing No. 1674/03 Rev B, entitled Proposed Access Arrangements, dated September 2022 (Rev B dated 27.09.222).
- Drawing No. 12800\_009, entitled Lighting Proposal Phase 2, dated 18.11. 2022.

## 6.3 Emails from the applicant/agent dated 13 February 2023, 10 March 2023, 13 March 2023, 14 April 2023, 5 May 2023, 9 May 2023, 12 June and 13 June 2023.

Letters from the applicant/agent dated 14 April 2023.

## 6.4 Consultation responses from:

North East Derbyshire District Council dated 14 February (and accompanying copy of the NEDDC delegated officer report), 8 June and 28 June, 29 June, 3 July 2023.

Derbyshire Wildlife Trust dated 28 February ,14 June and 11 July 2023

Temple Normanton Parish Council dated 31 January 2023.

The Coal Authority dated 10 January 2023.

The Environment Agency dated 20 January 2023.

The Highways Authority dated 29 December 2023.

County Conservation, Heritage and Design dated 11 January and 28 June 2023

The Lead Local Flood Authority dated 19 January and 29 June 2023.

Public Rights of Way dated 31 January 2023.

Councillor J Woolley dated 2 February 2023

## 7. Appendices

### 7.1 Appendix 1- Implications.

### 7.2 Appendix 2 – Site Plan

## 8. Recommendation

That the Committee resolves that planning permission for the development proposed under Application Code No. CW4/1022/27 be **granted** subject to:

(A) prior completion of an agreement under section 106 of the Town and Country Planning Act containing a planning obligation by the relevant landowner(s) to require the carrying out of a comprehensive scheme of works for Landscape and Biodiversity Creation and/or Enhancement and Management (LBEMP) covering (a) the Woodland and (b) those areas of the property within the Site Plan that will not be directly affected by the development under the Planning Permission, to be undertaken over a period of 30 years (in accordance with the relevant recommendations by Derbyshire Wildlife Trust in the letter dated 14 June 2023 in respect of this application), to include:

- measures and actions to achieve and secure Biodiversity Net Gain and objectives for habitat enhancements for wildlife in conformity with British Standard BS 42021:2022 and to take reasonable endeavours to enhance the contribution of the Woodland and those areas to public amenity through enhanced landscape and visual amenity (not including any right of entry to the public);
- preparation of schedules of detailed activities for approval by the LPA;
- monitoring to assess the success of the measures actions and activities carried out under the scheme to date at intervals of 1, 2, 3, 4, 5, 10, 20, and 25 years;
- provision for reporting the results of monitoring to the LPA, and for substitution or modification of the measures actions and activities to be carried out under the scheme, if the LPA, following the end of each such monitoring interval, considers that any of the measures, actions or activities either (a) is not succeeding or has not succeeded or (b) conflicts with any biodiversity creation or enhancement objective in relation to any statutory function that is then in force for the LPA area; and
- a certification provision to ensure completion of the scheme to the satisfaction of the LPA.

(B) conditions substantially similar to the following draft conditions:

### **Commencement**

- 1) The development hereby permitted shall be commenced before the expiry of three years from the date of this permission. Written notification of the date of commencement of the development shall be

sent to the Waste Planning Authority within seven days of such commencement.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans and Documents**

- 2) The development shall be carried out in accordance with the details set out in the application for planning permission dated 24 October 2022, received as valid on 5 December 2022, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:

#### **Documents**

- Application Form and Certificate dated 24 October 2022.
- Planning Application Supporting Statement by Caulmert dated October 2022.
- Flood Risk Assessment & Drainage Strategy by Waterco dated February 2023. (Revision 03 dated 08/02/2023)
- Dust Assessment & Management Plan by Caulmert dated December 2022.
- Noise Impact Assessment by Bureau Veritas dated October 2022 (Version 02 dated 21/10/22).
- Noise Technical Note by Bureau Veritas dated May 2023.
- Transport Statement by Ashley Helme Associates dated October 2022.
- Lighting Report by Silva dated 28 November 2022.
- Phase II Environmental assessment by Ivy House Environmental dated February 2020 (Version 3.0).
- Preliminary Risk Assessment & Geo-Environmental Assessment (Phase I & II) by Ivy House Environmental dated August 2022.
- Remediation Method Statement by Ivy House Environmental dated 16 May 2022 (Version 2.0).
- Aboricultural Statement by Cheshire Woodlands dated 12 October 2022.
- Air Quality Assessment by Bureau Veritas dated October 2022 (Version 03 dated 18/10/22).
- Ecology Report by Etive Ecology Ltd dated October 2022.
- Biodiversity Net Gain (BNG) Assessment by Etive Ecology dated 4 May 2023
- Biodiversity Metric 3.1 Calculation Tool results received under cover of email dated 3 July 2023.



### **Plans and Drawings**

- Drawing No. 12800\_007 Index A entitled OS Tile with application boundary, dated 10.10.2022 (Index A Modification date – 08.11.2022)
- Drawing No. 12800\_004 Index D entitled G.A. Stockpiles - Phase 1, dated 31. 05. 2022 (Index D Modification date 17.10.2022).
- Drawing No. 12800\_004 Index E entitled G.A. Stockpiles - Phase 2, dated 31. 05. 2022 (Index E Modification date 17.10.2022).
- Drawing No. CW/10888-P-TP-1 – Tree Protection Plan by Cheshire Woodlands dated 20 October 2022.
- Drawing No. 1674/03 Rev B entitled Proposed Access Arrangements, dated September 2022 (Revision B dated 27.09.22).
- Drawing No. 12800\_009 entitled Lighting Proposal, Phase 2 dated 18.11.2022.

**Reason:** To ensure that the development is carried out in accordance with the details in the submitted planning application.

### **Permitted Development**

- 3) Notwithstanding that certain types of development could otherwise be carried out at the site as permitted development under the provisions of Part 7, Class L of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), there shall be no extension or alteration of a building, or installation of replacement plant or machinery, on the site without the prior written approval of the Authority.

**Reason:** To enable the Authority to adequately control, monitor and minimise the impacts on the amenities of the local area.

### **Cessation**

- 4) In the event of cessation of use of the site as a Waste Transfer Facility for a period in excess of six consecutive months, the site shall be cleared of all residual waste materials and processed materials within 6 weeks of the end of that period of six consecutive months. All items of plant or machinery, structures, other installations, tanks, and temporary buildings shall be dismantled and removed from site, within 6 months from the end of that period of six consecutive months.

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

### **Availability of Approved Documents**

- 5) From the commencement of the development authorised under this permission, a copy of this permission, including all the documents referred to in it, and any compliance with planning conditions approved by the Waste Planning Authority, shall be displayed 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 the operations.

**Reason:** To ensure that the operators of the facility and their agents are fully aware of the requirements of the permission and for site and condition monitoring by the Waste Planning Authority.

### **Hours of operation**

6) Activities under this development shall only take place between the following hours:

- 06:00 – 07:00 for Pre-start inspections, greasing machines, maintenance/ servicing.
- 07:00 – 19:00 for Waste processing and HGV movements except on Sundays and Bank Holidays.
- 08:00-18:00 for Waste processing and HGV movements on– Sundays and Bank Holidays.
- 19:00 – 20:00 for Housekeeping – machine movements
- 20:00 – 22:00 for End of Shift inspections, refuelling plant, maintenance/ servicing.
- 19:00 – 07:00 for up to 4 HGV movements in any such single period which involve an, articulated HGV exchanging an empty trailer for a preloaded trailer.

**Reason:** To protect the amenity of the area.

### **Stockpile Heights**

7) Stockpiles of processed and unprocessed wood waste shall not exceed 4 metres in height as measured from ground level immediately adjacent to the stockpile.

**Reason:** In the interest of visual amenity

### **Tonnage**

8) In any 12 month period the amount of wood waste imported and processed at the site shall not exceed 75,000 tonnes and no more than 6,000 tonnes of wood waste shall be stored on site at any one time. Records of the amounts of wood waste imported and exported from the site shall be maintained and made available to the Waste Planning Authority upon request.

**Reason:** To safeguard the amenity of users of nearby land and the nearest residential occupiers and to ensure the continuation of the waste management facility.

### **Vehicle Movements**

- 9) Daily records of Heavy Goods Vehicle movements into and out of the site shall be maintained on site and be made available for inspection by the Waste Planning Authority upon request.

**Reason:** In the interests of the amenity of users of nearby land and the nearest residential occupiers

### **Access, Traffic and Protection of the Public Highway**

- 10) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Waste Planning Authority. The approved plan shall be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of goods vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic signing or restrictions and commercial vehicle routing to and from the site. The development shall then be carried out in accordance with the CTMP as approved.

**Reason:** In the interests of the safety of the users of the highway and to protect the amenity of the area. It is considered that compliance with these requirements would only be effective if the CTMP is found to be acceptable and approved as such, prior to the commencement of the development.

- 11) No commercial or heavy goods vehicles shall enter or exit the site other than via the proposed access point shown on Drawing No. 1674/03 Rev B, entitled Proposed Access Arrangements, dated September 2022 (Revision B dated 27.09.22).

**Reason:** To avoid heavy goods vehicle journeys to or from the site, in association with the development, from using any alternative access in the interests of the safety of the users of the highway and to protect the amenity of the area.

- 12) Prior to the importation of waste to the site, any accesses, either temporary or permanent, into the site from Mansfield Road shall be laid out and constructed in accordance with a scheme that has first been submitted to and approved in writing by the Waste Planning Authority. The development shall then be carried out in accordance with the scheme details as approved.

**Reason:** In the interests of the safety of the users of the highway and to protect the amenity of the area.

- 13) No mud, dirt or other debris shall be carried from the site onto the public highway.

**Reason:** To ensure the site access is kept clean, in the interests of highway safety and local amenity.

- 14) No loaded vehicles shall enter or leave the site unsheeted.

**Reason:** In the interests of highway safety and dust minimisation.

### **Lighting**

- 15) No external lighting shall be installed except in accordance with details contained within the Lighting Report by Silva dated 28 November 2022 and Drawing No. 12800\_009, entitled Lighting Proposal, Phase 2 dated 18.11. 2022 and email from Caulmert dated 13 June 2023. The external lighting shall be maintained throughout the lifetime of the development.

**Reason:** To minimise the nuisance and disturbance to neighbours, the surrounding area and the ecology of the area.

### **Environmental Protection**

- 16) There shall be no burning of waste or any other materials on site.

**Reason:** To enable the Authority to control the emission to air from the development, in the interests of amenity of the area.

### **Air Quality and Dust**

- 17) Dust management shall be undertaken in accordance with the Dust Assessment and Management Plan (DMP) by Caulmert dated December 2022.

The operator shall give prior notification to the Waste Planning Authority of any proposed revisions to the dust management measures and submit a revised version of the Dust Assessment and Management Plan to the Waste Planning Authority for its written approval.

The measures set out in the Dust Assessment and Management Plan shall be implemented as approved.

**Reason:** To enable the Authority to control the emission to air from the development, in the interests of amenity of the area.

### **Noise**

- 18) No development shall be begun until a noise management plan has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include:

- Details of noise suppression to be employed on the site;
- Methods to monitor emissions of noise arising from the development; and
- Procedures to be followed in the event of a complaint being received by the Waste Planning Authority or the operator regarding noise arising from the development.

The operator shall give prior notification to the Waste Planning Authority of any proposed revisions to the noise management plan and submit a revised version of the noise management plan to the Waste Planning Authority for its written approval.

The noise management plan shall be implemented as approved for the duration of the development.

**Reason:** To ensure that the waste management facility and the related operations do not have an adverse impact on local amenity. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 19) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions, on all vehicles, plant and machinery used on site. Other than for maintenance no machinery shall be operated with the covers open/removed.

**Reason:** To control the impact of noise generated by the development in the interests of local and residential amenity.

- 20) The reversing warning system on all vehicles on the site, and visiting the site, shall be non-audible, ambient related or low tone devices.

**Reason:** To control the impact of noise generated by the development in the interests of local and residential amenity.

### **Contamination/Stability conditions**

- 21) No development shall commence until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by recorded mine entry 440368-004 (shaft), and;
- b) any remediation works and/or mitigation measures to address land instability arising from the mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

**Reason:** To ensure that any coal mining legacy/ground stability has been adequately investigated and recorded prior to the development taking place. It is considered compliance with these requirements would only be effective if found to be acceptable and approved as such, prior to the commencement of development.

- 22) The development shall not be taken into beneficial waste use before a statement or declaration signed by a suitably competent person in which he/she confirms that the site is, or has been made, safe and stable for the approved development and which sets out the methods and findings of the intrusive investigations and any remedial works and/or mitigation carried out as necessary to address the risks posed by the mine entry, has been submitted to the Waste Planning Authority and approved by it in writing.

**Reason:** To ensure that the site has been appropriately remediated to minimise risks to site workers and visitors.

- 23) The construction development shall be carried out in accordance with the Remediation Method Statement by Ivy House Environmental, Project No: IV.95.22 dated 16 May 2022. The requirements of the Remediation Method Statement shall be completed before the development is brought into beneficial use.

**Reason:** To protect and reduce risk to human health.

#### **Landscaping and Boundary Treatment**

- 24) Prior to commencement of development, a scheme for landscaping and boundary treatment, in particular along the site frontage of the B6039, Mansfield Road, shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall be fully implemented as approved and maintained throughout the life of the development, as approved.

**Reason:** In the interests of public safety, landscape impact and visual amenity. It is considered that to be sufficiently effective, compliance with this scheme is an essential requirement from the commencement of the development.

### **Ecology**

- 25) No soil stripping or vegetation clearance shall take place between 1 March and 31 August inclusive, unless preceded by a nesting bird survey undertaken by a suitably qualified and experienced professional no more than 48 hours before clearance. If nesting birds are present, an appropriate exclusion zone as advised by a suitably qualified and experienced professional will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

**Reason:** In the interests of nesting birds.

- 26) The development shall be undertaken in accordance with the recommendations and mitigation measures detailed in the Ecology Report (Etive Ecology, October 2022). In respect of reptiles, the site clearance shall be undertaken in accordance with mitigation measures for reptiles detailed in Sections 4.3.9, 4.3.10 of the Ecology Report (Etive Ecology, October 2022) and a statement of compliance, by an appropriately qualified person, shall be submitted to the Waste Planning Authority upon completion of the works.

**Reason:** In the interests of protected species and ecology.

### **Water Protection and Pollution Prevention**

- 27) No development shall take place until a detailed design, including a comprehensive review of the discharge rate, and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Waterco. (8 February 2023). Flood Risk Assessment & Drainage Strategy, 14866-FRA & Drainage Strategy-03 and Arbon, N. (2023) Email to Jo Crawshaw-Moore, 13 June 2023 including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team"; and
  - b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

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

**Reason:** To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Waste Planning Authority, in advance of full planning consent being granted. It is considered that compliance with these requirements would only be effective if they are found to be acceptable and approved as such, prior to the commencement of the development.

- 28) Prior to commencement of the development, the applicant shall submit for approval to the Waste Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the WPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

**Reason:** To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development. It is considered that compliance with these requirements would only be effective if they are found to be acceptable and approved as such, prior to the commencement of the development.

- 29) Prior to beneficial use of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Waste Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

**Reason:** To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753. It is considered that compliance with these requirements would only be effective if they are found to be acceptable and approved as such, prior to the commencement of the development.

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

The Council, as Waste Planning Authority (the “Authority”), worked with the Council as applicant (the “applicant”) in a positive and pro-active



manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. In accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant was provided with a draft schedule of conditions attached which included pre commencement conditions, requiring the submission of detailed schemes.

## **Notes to the applicant**

### **Planning Obligation**

1. The development approved is subject to a planning obligation to secure ecological benefits.

### **Flood and Drainage**

2. Site Specific LLFA Comments

A discharge rate has been proposed which is a 30% betterment on the brownfield discharge rate. To comply with national standards (DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015)) and in the interests of improving flood risk for the wider catchment, accounting for climate change and reducing the impact on culverted sections of the watercourse, to satisfy Condition 27 above the discharge rate should be reviewed to be as close to the greenfield rate as possible.

Advisory/Informative Notes (It should be noted that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the WPA):

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or near an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information

- pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.
- E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.
- F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.
- G. Surface water drainage plans should include the following:
- Rainwater pipes, gullies and drainage channels including cover levels.
  - Inspection chambers, manholes and silt traps including cover and invert levels.
  - Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
  - Soakaways, including size and material.
  - Typical inspection chamber/soakaway/silt trap and SW attenuation details.
  - Site ground levels and finished floor levels.
  - On Site Surface Water Management.
  - The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
  - The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 30 year + 35% climate change and 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
  - Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
  - A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

### **Peak Flow Control**

- For greenfield developments, the peak run-off rate from the

development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.

- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

### **Volume Control**

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

*Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).*

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces – houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system

and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

- H. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365.
  - Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
  - Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
  - Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
  - Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
  - Drawing details including sizes and material.
  - Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.
  - Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.
- I. All Micro Drainage calculations and results must be submitted in .MDX format, to the WPA. (Other methods of drainage calculations are acceptable.)
- J. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.
- K. The applicant should manage construction activities in line with the CIRIA Guidance on the Construction of SuDS Manual C768, to ensure that the effectiveness of proposed SuDS features is not compromised.

### **Highways**

3. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping)

are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting the Place Department at County Hall, Matlock ([highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
5. The applicant is advised to contact Derbyshire County Council ([highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)) giving at least 6 weeks' notice prior to commencing should any works be necessary with the existing public highway.
6. The applicant is required to contact Derbyshire County Council ([highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)) regarding permission for and to establish what temporary traffic management may be necessary throughout the duration of the works.
7. The applicant is advised to contact the Traffic and Safety Team in the Place Department at County Hall, Matlock for advice regarding any temporary traffic management measures required at any time during the period of construction.

### **Environment Agency**

1. The need for an Environmental Permit (<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>).
2. The proper classification of the wood waste (<https://www.gov.uk/how-to-classify-different-types-of-waste>).
3. The Duty of Care in handling wastes (<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>).
4. Registering as a carrier of waste (<https://www.gov.uk/register-renew-waste-carrier-broker-dealer-england>).

**Implications**

**Financial**

1.1 The correct fee of £7,854 has been received.

**Legal**

2.1 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 report.

**Human Resources**

3.1 None.

**Information Technology**

4.1 None.

**Equalities Impact**

5.1 Not applicable.

**Corporate objectives and priorities for change**

6.1 None.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 **Environmental and Health**  
As indicated in the report

Site Plan



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