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PUBLIC

To: Members of Regulatory - Planning Committee

Thursday, 19 December 2019

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 6 January 2020** in County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written in a cursive style.

Simon Hobbs
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1 (a) s Apologies for Absence

To receive apologies for absence (if any)

1 (b) s Declarations of Interest

To receive declarations of interest (if any)

1 (c) s Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

1 (d) s Petitions

To receive petitions (if any)

2. Minutes (Pages 1 - 8)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 2 December 2019

To consider the non-exempt reports of the Executive Director - Economy, Transport and Environment on:

3 (a) Section 73 Application Seeking Permission for Development without Complying with Condition 1 of Planning Permission CW1/0212/168, to Extend the Duration of the Development at Heathfield Nook Road, Harper Hill, Buxton SK17 9PW. Applicant: Mr Wright. Code No: CW1/0319/104. (Pages 9 - 28)

3 (b) Consolidation of Existing Planning Permissions, Erection of New Canopy Building (to Enclose Existing Storage Operations) and Modular Weighbridge Office Building, Amendment to Site Boundary Treatment, Ratification of the Development Boundary and Installation of Biomass Boiler and Drying Facility (Partially in Retrospect), The Old Ironworks, Crompton Road, Ilkeston. Applicant: Stanton Recycling Ltd. Code No: CW8/0819/41. (Pages 29 - 56)

3 (c) Current Enforcement Action (Pages 57 - 58)

3 (d) Current Appeals/Called in Applications (Pages 59 - 60)

3 (e) s Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers

(to be circulated at the meeting)

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PUBLIC

Agenda Item 2

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
Held at County Hall, Matlock on 2 December 2019.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith and B Wright.

66/19 DECLARATIONS OF INTEREST Councillor J Atkin declared a personal non-pecuniary interest in Agenda Item 3 (1) (Minute 68/19 below refers), as a member of the PDNPA, a consultee in relation to this item.

67/19 MINUTES RESOLVED that the minutes of the meeting of the Committee held on 7 October 2019 be confirmed as a correct record and signed by the Chairman.

68/19 PROPOSED EXTENSION TO HAYFIELD WASTE WATER TREATMENT WORKS, INCLUDING GROUND RE-PROFILING AND LANDSCAPING, IN ADDITION TO TWO NEW CONTROL KIOSKS WITHIN THE EXISTING BOUNDARY OF THE SITE, HAYFIELD WASTE WATER TREATMENT WORKS APPLICANT: UNITED UTILITIES CODE NO: CW1/0619/24 The Executive Director reported that this planning application sought permission for the installation of equipment within the existing waste water treatment works (WWTWs) and within a proposed extension area adjacent north of the existing site. The proposed works formed part of a larger development project where much of the works were permitted development. The proposed development was required in order that the WWTWs could meet modern water quality standards and meet the needs of a growing local population.

The application site was within Green Belt and the proposal was considered to be a departure from the High Peak Local Plan (HPLP). The site was also close to the boundary of the Peak District National Park (PDNP) area. The planning application was supported, however, with a statement which concluded that there were very special circumstances for justifying the proposed development within the Green Belt. The applicant had engaged with the Waste Planning Authority and had reconfigured the site layout, amended the colour finish of the proposed new equipment to a dark recessive colour and amended the landscaping scheme in order to provide the least visual impact. The applicant had also provided further survey work in respect of comments received from Derbyshire Wildlife Trust. The Executive Director considered

that there would be limited impacts on the landscape, amenity, the environment, the Green Belt and the setting of the PDNP.

Following consultations and publicity no objections had been received. The local elected member had also been consulted and no comments had been received.

In conclusion, the Executive Director stated that the proposed development comprised upgrade works and the installation of new equipment at the existing WWTWs and an extension to the existing works in order that modern water quality standards could be met and to accommodate the needs of a growing local population. The site was within Green Belt and in close proximity to the PDNP. The proposed new buildings (kiosks) would constitute inappropriate development when considered against NPPF criteria on development in Green Belts. However, he was satisfied that the applicant had demonstrated very special circumstances so as to excuse the location of the development in the Green Belt. He considered that any limited impact upon the openness of the Green Belt would not be significant, and would be outweighed by the benefits of this proposal. The applicant had worked with the Waste Planning Authority to amend the site configuration, landscaping details and colour finishes such that the proposed development would not impinge upon, nor cause detriment to local visual amenity and the appearance, setting and character of the Green Belt and the PDNP Area.

The application was therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed below.

RESOLVED that planning permission be granted subject to the conditions listed in the Executive Director's report (or conditions to substantially similar effect).

69/19 PROPOSED CONSTRUCTION OF A NEW BUILDING TO PROVIDE TWO ADDITIONAL CLASSROOMS, WITH ASSOCIATED GROUP AND TOILET ACCOMMODATION SPACES AT HIGHFIELD HALL PRIMARY SCHOOL, HIGHFIELD LANE, CHESTERFIELD APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD2/0419/7 The Executive Director reported that the proposal was for the erection of a detached teaching block at Highfield Hall Primary School. The classroom block was proposed to address a shortage of space at the school to accommodate the number of pupils that were currently on roll.

The main school building, Highfield Hall, was originally constructed as a stone built Georgian mansion with records of the building dating back to 1817. The building was converted to be used as a school, which officially opened in

1930. Following conversion, the main building was expanded by the construction of an east wing, kitchen and nursery block. The building was registered as Grade II listed in 1977.

It is considered that this particular development would provide essential infrastructure (in the form of education provision), it would not have a significant adverse impact on the character of the locality or the wider landscape in visual terms and would result in less than substantial harm to the setting of the Grade II listed Highfield Hall. The proposal, however, did not accord fully with certain relevant policies in the adopted Chesterfield Borough local Plan: Core Strategy (CBLP:CS) and in the National Planning Policy Framework (NPPF). One such policy was that concerning listed buildings where it was considered the proposals would result in harm to the setting of the grade II listed building, although such harm would be less than substantial.

Following consultations and publicity a number of comments/responses were received. Objections had been received from a local resident who raised concerns about the potential highway impacts of the proposed development. Chesterfield Borough Council (CBC) had also objected to the proposed development as it did not consider the design of the building to be of an appropriate standard for development within the curtilage of a listed building. The representations made, which raised a number of concerns, had been taken into consideration in reporting on the application. The local elected member had been consulted and no comments had been received.

In conclusion the Executive Director stated that the proposed teaching block would improve the teaching facilities available at the school by providing improved teaching space and group teaching facilities to accommodate pupils that currently attended the school.

The Government also placed great weight on the expansion and improvement of schools and the development would impact on the significance of a heritage asset, although it was considered that this harm would be less than substantial and would be offset by the public benefit of the proposal. A clear justification and statement of need for these teaching facilities had been provided in the application. The public benefit was considered to be of sufficient weight to outweigh the harm to the heritage asset.

He did not consider that the development, would have any adverse visual impact and was satisfied that the highway concerns could be overcome through the provision of the additional five car parking spaces at the school and the production of an updated travel plan.

The application was, therefore, recommended for approval, subject to conditions.

RESOLVED that planning permission be granted subject to the conditions listed in the Executive Director's report.

70/19 PROVISION OF FIVE ADDITIONAL CAR PARKING SPACES AT HIGHFIELD HALL PRIMARY SCHOOL, HIGHFIELD LANE, CHESTERFIELD
APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD2/0919/47 The Executive Director reported that this was an application for the creation of a new parking area within the grounds of Highfield Hall Primary School, Highfield Lane, Chesterfield. The main school building, Highfield Hall, was a grade II listed building. The proposal would create five additional staff car parking spaces.

This application proposed the provision of five parking spaces by installing ground reinforcing plastic pavers over a grassed area adjacent to the school's access road. The proposed car parking spaces would be located within the south-east section of the school site over a grassed area adjacent to the western side of the school driveway. The proposed car parking spaces would be constructed using plastic porous paving grids coloured green with concrete kerb edging to form a parking area for five vehicles. Following installation of the grids, they would be filled with topsoil and seeded with a high wear tolerant grass seed mix.

The proposed car parking spaces would each measure 4.8 metres (m) by 2.4m with the whole parking area measuring 12m by 4.8m with access off the existing access drive.

Following consultations and publicity an objection had been received from Chesterfield Borough Council (CBC) as it considered that there would be insufficient turning space for three of the five proposed car parking spaces and that the access road was not of sufficient width to provide sufficient manoeuvring space. It noted that standard parking spaces had 6m of manoeuvring space but some of the proposed spaces would only have 3.6m-5m of manoeuvring space. The reduced manoeuvring space would result in difficult turning movements that could cause trail backs which could impact on the access and public highway. It also noted that the application did not provide for the charging of electrical vehicles as is required by Policy CS20.

The representations made, had been taken into consideration in reporting on the application. The local elected member had been consulted and no comments had been received.

The Executive Director, stated in conclusion that the proposed car parking spaces were of an appropriate design and scale, and would be positioned so as not harm the significance of the listed main school building.

The development would improve the car parking provision to address the school under provision of parking spaces. He did not consider that this development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms. He was satisfied that the development would comply with the requirements of the policies of the adopted CBLP:CS and the NPPF. The development was therefore recommended for approval.

RESOLVED that planning permission be granted subject to the conditions listed in the Executive Director's report.

71/19 CURRENT ENFORCEMENT ACTION RESOLVED to receive the report on current enforcement action.

72/19 OUTSTANDING APPLICATIONS Consideration of this item was deferred to a future meeting.

73/19 CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED to note that there were currently no appeals lodged with the Planning Inspectorate.

74/19 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS RESOLVED to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on:

17 October 2019

- 1 Renew Flat Roof Covering, Build Up to Increase as Insulation Board. Three Redundant Roof Lights to be Removed, Three Georgian Wire Roof Lights to be Renewed using a Complete Polycarbonate Roof Light at Long Eaton Library, Tamworth Road, Long Eaton, NG10 1JG
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0719/30
- 2 Repair the Existing Cladding and Windows/Decoration Works. New Cladding is proposed to the Two Elevations of the Gym Block at 173 Derby Road, Long Eaton, NG10 4LL
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0819/46

24 October 2019

- 1 Application for Non-Material Amendment to Planning Permission

CW5/0218/89 at Creswell Colliery Lagoons, Frithwood Lane, Creswell
Applicant: Derbyshire County Council
Planning Application Code No: NMA/1019/66

2 Delegated Decisions on Schemes Required by Planning Conditions:

- SM3236
- SM2529

4 November 2019

- 1 Provision of Five Additional Car Parking Spaces at Highfield Hall Primary School, Highfield Lane, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0919/47
Delegated Decision on Schemes Required by Planning Conditions:

- SW3270
- SW3271
- SW3272
- SW3274
- SW3267
- SW3188

6 November 2019

- 1 Proposed Extension to Hayfield Waste Water Treatment Works, including Ground Re-Profiling and Landscaping, in Addition to Two New Control Kiosks within the Existing Boundary of the Site, Hayfield Waste Water Treatment Works
Applicant: United Utilities
Planning Application Code No: CW1/0619/24

21 November 2019

- 1 Delegated Decisions on Schemes Required by Planning Conditions:
- SW3280
 - SW3281
 - SW3282
 - SW3283
 - SW3284
- 2 Enforcement Notice – Land at Park Hills Farm, Mugginton Lane End, Weston Underwood, Ashbourne, DE6 4PP

75/19 DEVELOPMENT MANAGEMENT PERFORMANCE
MONITORING RESOLVED to receive the Planning Services Development
Management Performance Management Statistics for 9 October 2019 to 29
November 2019.

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Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE

6 January 2020

Report of the Executive Director – Economy, Transport and Environment

- 1 SECTION 73 APPLICATION SEEKING PERMISSION FOR DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 1 OF PLANNING PERMISSION CW1/0212/168, TO EXTEND THE DURATION OF THE DEVELOPMENT AT HEATHFIELD NOOK ROAD, HARPUR HILL, BUXTON, SK17 9PW**
APPLICANT: MR WRIGHT
CODE NO: CW1/0319/104

1.524.8

Introductory Summary

This application relates to previously granted planning permissions for the infilling of land with waste materials at Heathfield Nook Road, Harper Hill Buxton. The development has been partly carried out but should have been completed by 4 July 2018. The application is seeking permission to extend the duration of the period allowed for development for a further two years to enable the applicant to complete the development in that time. The site forms part of a wider field parcel which is currently in agricultural use. The site is not situated within a Conservation Area (CA) and the development does not impact upon the settings of any listed buildings. The adjoining land is currently being developed as part of a housing scheme and would potentially be impacted by the proposed. However, the impacts are not considered to be significant and would be for a temporary period. An objection has been received from Network Rail in relation to site drainage, however, I am satisfied that the site drainage system is adequate and would not warrant refusal of the application. I am satisfied that the proposal complies with local and national policies and it is therefore recommended for approval, subject to recommended conditions.

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

(2) **Information and Analysis**

Site and Surroundings

The site has a surface area of 1.26 hectares (ha) and is located on the outskirts of Harpur Hill, off Heathfield Nook Road. The site occupies an elevated and prominent position, and comprises a sloping, rough area of

grassland located within a large field which is used predominantly for pasture/grazing. Further agricultural land lies to the north, a railway forms the eastern boundary, Heathfield Nook Road is located to the south, and further agricultural land lies to the west. The field slopes in a west to east direction down towards the railway line. Part of the application site and land to the west consist of a former landfill site. There are no public rights of way (PRoW) within the site, although there is one 163 metres (m) north of the site. The PRoW (King Sterndale HP18/3/1) runs north from Ashbourne Road (A515) along the existing rail track. No draft or adopted Neighbourhood Plan has been developed as yet for the area. The site is not situated within a CA and the development does not impact upon the settings of any listed buildings.

The nearest residential properties are those situated off Heathfield Nook Road, less than 20m from the access into the site and approximately 50m from the landfilling area. High Peak Borough Council approved an outline planning application (HPK/2014/04103) for residential development for up to 275 dwelling, public open space, crèche, sports pavilion and Access and Associated Infrastructure, on 11 November 2014. Subsequently, a reserved matters application was submitted and approved on 20 July 2018 (HPK/2017/0613). Works under this permission have commenced on site, the new dwellings will become the nearest receptors, once works are completed. A substation has been erected at the original gated access and the site now shares the access of the new housing site.

The Proposal

This is an application made under the provisions of Section 73 of the Town and Country Planning Act 1990 seeking permission to not comply with Condition 1 of planning permission (CW1/0212/168) which states the following:

“All operations authorised or required by this permission shall cease and the restoration of the site shall be complete on or before 4 July 2018. All structures, plant, machinery and access roads shall be removed from the site no later than three months from the date of cessation of the use of the site under this permission.”

The site was originally granted planning permission on 23 February 2006 (code no. CW1/0105/176) for improvements to agricultural land by infilling with inert materials to restore derelict land back into agricultural use. This permission required the importation of waste materials to cease within five years of the date of commencement (4 July 2018) and the final placement of soils within six months of this date. The permission was subsequently amended by an application under Section 73 of the Town and Country Planning Act 1990 (planning permission code no. CW1/0212/168), approved 4 July 2013, which extended the timeframe for completing the restoration operations for an additional five years until 4 July 2018, as the applicant had been unable to import sufficient quantities of material needed within the period

specified by a condition of the permission. At this time, the western section of the void was completed with approximately half of the permitted 20,000 tonnes of material deposited on site and it was estimated that up to 10,000 tonnes of material were still needed to be imported on to the site to complete the works.

However, the operator has not been able to complete the works within the extended timeframe specified in Condition 1 of planning permission code no. CW1/0212/168 and now seeks a further extension to the timeframe for completing the works for an additional two years.

The application details state that the works at the site are now almost complete. Areas identified as Phase 1 and 2 infilling works are complete and requiring landscaping. The submitted details also explain that only 2,250 tonnes of inert materials is now required to complete works on site. The application does not seek to change any other aspects of the approved development at the site. The intended use for the site once restored to agricultural land, is for bale storage.

Relevant Planning History

The application site and the adjoining land, currently being developed for housing, were previously a quarry and used for a railway repair works. The quarry was infilled and partially restored in 1991 using excavated waste materials arising from a large construction project in Buxton.

In June 2001, an application for infilling the site was submitted to the Waste Planning Authority (WPA). This was subsequently withdrawn in September 2001 in order to amend the application, specifically to address concerns raised by residents regarding the scale of the proposal and amenity issues.

In December 2001, an application was submitted for a proposed landfill, CW1/0102/122. This was refused on 27 September 2002. The reason for refusal related to highway issues, and absence of a demonstration of an overriding need for the development, and the proposed development not representing the best practicable environmental option. The applicant appealed against this decision of the WPA and a Public Inquiry was held in September 2003. In January 2004, the appeal was dismissed. The Planning Inspector concluded that there was a conflict with the Development Plan policies, in particular, Waste Management policies 1 and 3 of the Derby and Derbyshire Joint Structure Plan, and likelihood of failure to achieve Best Practical Environmental Opinion.

Other relevant Planning Applications:

- Application Code No. CW1/0105/176 – Improvements to Agricultural land by inert waste materials and demolition of a former industrial building (Approved 23 February 2006).

- Application Code No. CW1/0212/168 – Section 73 not to comply with condition 3 (duration of development) of planning permission CW1/0105/176 for the improvements to agricultural land by infilling with inert materials to restore derelict land back into agricultural use. (Approved 4 July 2013).

Consultations

Local Member

Councillor Grooby has been notified of the application.

High Peak Borough Council – Planning

No objections.

High Peak Borough Council – Environmental Health Officer

Has been notified of the application.

Highway Authority

No objections.

Environment Agency

Had no comment to make on the application. However, the Environment Agency did highlight that the applicant may need to vary its permit, given the proposed change to the duration of the development.

Derbyshire Wildlife Trust

Had no comment to make on the application.

Natural England

Had no comment to make on the application.

Network Rail (Planning)

Network Rail originally placed a holding objection to the proposal and provided the following comments:

“The applicant has stated that the railway line is dismantled adjacent to the proposal.

The railway land in question is owned by Network Rail and therefore asset protection measures must be undertaken by the applicant.

The proposed site plan shows alterations to the land and drainage and therefore the applicant will undertake the following:

(1) Agree all excavation, earthworks including alterations to ground levels with Network Rail.

(2) All surface water drainage must be directed away from the direction of Network Rail land to ensure that the proposal both during construction and as a permanent arrangement does not import a risk of flooding, soil slippage or pollution on to the railway. All drainage proposals on site must be agreed with Network Rail.

(3) Risk assessments and method statements for the works.

(4) Agreement to works to ensure that Network Rail's boundary treatments are not impacted including vegetation and roots."

Network Rail also requested that the applicant complete and submit to it an asset protection form.

Following the submission of further information from the applicant in relation to site drainage, Network Rail provided the following further comments:

"Network Rail's objection could be removed if the proposed soakaway is removed from the application.

The applicant appears to have re-submitted the soakaway design that they sketched.

Again, there are no dimensions on the diagram between toe of embankment and soakaway, so essentially Network Rail's position is completely unchanged."

Lead Local Flood Authority

Given the nature of the scheme and the involvement of Network Rail, the County Council, as the Lead Local Flood Authority (LLFA), has not commented on this application.

Hartington Upper Quarter Parish Council, Peak District National Park, Buxton Mineral Water Co Ltd, Cadent Gas Limited and Western Power Have been notified of the application.

Publicity

The application has been advertised by site notice and press notice (Buxton Advertiser) with a request for comments by 31 May 2019. No representations have been received in response to this publicity.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the saved policies of the adopted Derby and

Derbyshire Waste Local Plan (DDWLP) (2005) and Adopted High Peak Local Plan (HPLP) (April 2016).

Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (February 2019, as amended), the associated Planning Practice Guidance (PPG) and the National Planning Policy for Waste (NPPW) (2014).

This application relates to previously granted planning permissions for the infilling and restoration of an area of a restored quarry to enable the land to be put back into agricultural use. The principle of the waste development at this site was assessed against the provisions of the development plan and relevant Government guidance in force at the time the previous applications were considered which, for the most recent permission comprised of the NPPF (2012), DDWLP, the saved policies of the HPLP (2008), and Waste Planning Policy Statement (PPS 10). Since the determination of the previous application, there have been changes in both development plan policy and national guidance. The HPLP policies were replaced on the 14 April 2016 and PPS10 no longer remains in effect. The NPPF (2012) has been superseded by the NPPF (2019).

National Planning Policy Framework

The NPPF sets out the Government's key economic, social and environmental objectives, and the planning policies designed to deliver them. The NPPF is a material consideration in planning decisions. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant.

The NPPF does not change the statutory status of the development plan as the starting point for decision making. Applications for planning permission must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to '*contribute to the achievement of sustainable development*' and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such within NPPF, however, the document does state that "*the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*". To achieve this, the planning system has three overarching objectives, which are economic, social and environment. The objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

The most relevant paragraphs from the NPPF for this proposal are:

11: The presumption in favour of sustainable development.

38-58: Decision-making.

54-55: Planning conditions.
80, 81, 83: Building a strong, competitive economy.
109: Considering development proposals.
118: Making effective use of land.
148,155, 165: Meeting the challenge of climate change, flooding and coastal change.
170: Conserving and enhancing the natural environment.
180,183: Ground conditions and pollution.

Adopted High Peak Local Plan Policies

S1: Sustainable Development Principles.
S1a: Presumption in Favour of Sustainable Development.
S2: Settlement Hierarchy.
EQ2: Landscape Character.
EQ 3: Rural Development.
EQ6: Design and Place Making.
EQ9: Trees, Woodland and Hedgerows.
EQ10: Pollution Control and Unstable Land.
EQ11: Flood Risk Management.
CF6: Accessibility and Transport.

National Planning Policy for Waste

The NPPW was published in October 2014, and sets out detailed waste planning policies. The NPPW should be read in conjunction with the revised NPPF, the Waste Management Plan for England (2013) and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management. The NPPW identifies that *‘Positive planning plays a pivotal role in delivering this country’s waste ambitions through: ... helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment’*.

The NPPW also emphasises the need to divert as much waste as possible away from landfill. In order to achieve this, the movement of waste up through the waste hierarchy is essential. Appendix A of the NPPW details the waste hierarchy. The prevention of wastes by re-use sits at the top of the waste hierarchy, however, once wastes are actually discarded, recycling is one of the preferred management routes, where value is recovered in terms of secondary materials that can be substituted for virgin resources. Wastes that still remain should be diverted from landfill through processes that recover energy, with disposal of residual waste as a last resort.

In addition to the above, the NPPW also sets out considerations, expectations and guidance for the determination of waste planning applications. An example of this which can be applied to this application is *“waste planning authorities should ... concern themselves with implementing the planning*

strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

Derby and Derbyshire Waste Local Plan

The main development plan policies relevant to this planning application are:

W1b: Need for the Development.
W2: Transport Principles.
W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W8: Impact of the Transport of Waste.
W10: Cumulative Impact.
W11: Need for Landfill.
W12: Reclamation and Restoration.
W13: Sorting of Waste.

This Section 73 application is seeking permission to extend the duration of the works by two years to allow the applicant further time to complete infilling operations on site and restore the land to agricultural use. All other aspects of the development would remain the same as the development which was granted planning permission in 2013, the proposal would not, in my view, would result in a development that is significantly different from the development previously approved, which was considered to be acceptable.

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous applications. However, in the context of the current development plan and national guidance, I have given consideration as to whether the development, as changed, would be likely to give rise to any significantly different or additional impacts to what were previously considered.

The key considerations for this the proposal are:

- The need to extend the duration of the development.
- The impact of the development on Network Rail property.

Need for the Development

The application seeks to extend the period of infilling and restoration operations for an additional two years. The applicant has been unable to complete the works within the time specified in Condition 1 of planning permission CW1/0212/168, however, the site is largely complete, and the applicant has indicated that the works would be able to be finished within a two year period.

Paragraph 38 of the NPPF states “*Local planning authorities should approach decisions on proposed development in a positive and creative way. They*

should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

The applicant has advised that no operations have been carried out on the site, since 4 July 2018, and the Authority has no reason to doubt this. There have been delays to the determination of the application whilst negotiations over the issues raised by Network Rail have taken place, as discussed below. I am also mindful that it may not be possible to recommence infilling and restoration works during the winter period due to weather and ground conditions. Therefore, completing the development by 4 July 2020, i.e. two years from the date specified in Condition 1, is unlikely to now be achievable. Such a short timeframe to complete the operations would mostly likely result in the applicant making a further application in the future for more time to complete the works. It is beneficial for all parties for the restoration works at this site to be completed and this would potentially delay the restoration of the site further. In these circumstances, it is therefore considered reasonable that a further period of two years should be allowed from the date of any grant of planning permission under this application and that this would accord with the principles of Paragraph 38 of the NPPF.

I am satisfied that there is a need to extend the duration of the infilling and restoration works at the site development to complete the works. It is preferable that the site is completed to an acceptable standard, therefore, I do not consider allowing the continuation of operations on site, subject to the recommended conditions, would be unacceptable in context of the NPPF and Policy W11 of the DDWLP.

Impact on Network Rail Property

Network Rail has objected to the application on the basis of the potential impact on a Network Rail Asset located adjacent to the east boundary of the application area. The asset is a mineral freight line used by neighbouring quarries (Hindlow and Dowlow) to the south to transport extracted materials. The freight line connects to the main line at Hogshaw siding in Buxton. Network Rail expresses concern about the impact of surface water run-off flooding/damaging its asset. It is noted that the applicant has supplied, to Network Rail, the asset protection form and ground levels as per Network Rail's request.

The site currently has drainage infrastructure partially installed, the proposal is for the site to be drained via a French drain system which was included in the proposals for the previous application code no. CW1/0212/168 which was subsequently approved. Network Rail was a consultee on the previous application and did not raise any objections to the drainage proposals then.

The French drain installation and its location in the site already has planning approval and, whilst this work is not completed, works on the installation of this drainage system have taken place on site. The French drain is not designed to be a temporary drainage feature and is not restricted by any other conditions. This application is seeking an additional two years to complete the development, no other alterations to the site or operations are proposed. Given that the drainage regime for the site has previously been given due consideration and subsequently approved, I consider that it would be unreasonable to refuse this application on drainage grounds. However, no technical details for the drainage system have been approved and, given the nature of the objection, I suggest the inclusion of a condition requesting a scheme detailing the technical drainage details, as well as a management and maintenance plan, to be submitted and approved prior to the completion of the works on site. A draft condition to this effect has been supplied to Network Rail in an effort to overcome its objection. The Network Rail Asset Protection Engineer, whilst acknowledging that such a condition would allow it an opportunity to review drainage details, stated that the main point they would wish to be taken into consideration in such a condition is that no soakaway should be installed within 20m of the railway boundary. Network Rail maintains its objection to the application.

Network Rail would therefore wish a condition to a new permission to state that there should be “no soakaway within 20m of the railway”. However, using a Geographic Information System (GIS), it is estimated that parts of the French drain already installed are approximately 15m from the railway boundary and, therefore, the applicant would not be able to comply with such a requirement without removing and replacing the existing system. Such requirement is considered to be unreasonable in view of the fact that the drainage details (to which Network Rail did not previously object) were previously duly approved.

I therefore do not consider it would be justified or reasonable, subject to the recommended condition, for the application to be refused for drainage reasons or for its impact on Network Rail property.

Amenity and Environmental Impacts

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous applications and mitigation measures were proposed and planning conditions were imposed to reduce those identified impacts where required. The potential impacts derived from the infilling operation were not considered to be significant enough to warrant refusal. However, in context of the current development plan and national guidance, I have given consideration as to whether the development, as changed, would be likely to give rise to any significant different or additional impact's to those previously considered.

The proposed amendment to the duration of the development would mean the development could potentially create impacts, such as noise from site operations and vehicle movements, dust, odours and visual impacts. The potential impacts could impact upon the existing residential amenity of the area and that of the housing development on the adjoining land should it be occupied during the life of the application site. I acknowledge that the infilling and restoration development has been incomplete for a considerable period of time and the proposed extension to the overall duration of the operations for the development would see potential disturbances highlighted above to continue for an additional two years, as well as the temporary landscape and visual impact of the development.

The current planning permission CW1/0212/168 benefited from Condition 9 which restricts the hours of operation, and noise is controlled by planning conditions 10, 11, 12 and 13. These conditions require silencers and non-audible, ambient related or low tone devices to be used on all vehicles, plant and machinery used on site. In the event that planning permission is granted for this proposal, I recommend that these conditions or similar be applied to any new planning permission. It is noted, since operations originally commenced, no significant concerns have been raised regarding the site operations, and no concerns have been raised by local residents to the extension of time of this development.

The Environment Agency and High Peak Borough Council's Environmental Health Officer both have regulatory responsibilities in relation to the control of noise pollution. They were consulted on the application and neither consultee has raised any objections to the proposal on noise grounds. Paragraph 183 of the NPPF states that the "*The focus of planning ... decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*" Therefore, in compliance with Paragraph 183 of the NPPF in determining this application, it must be assumed that these regimes will operating effectively.

Whilst I accept that the proposed amendment would result in noise emissions from the site over a longer period of time, it is unlikely to result in higher levels of noise being experienced as there are no changes to the operations on site. I consider that the proposal to be preferable for the site to be completed to an acceptable standard and to the approved scheme, particularly in view of the site's location within open countryside. The development, once complete, would provide usable agricultural land and associated landscape and visual improvements. Subject to the imposition conditions of a similar nature to those imposed on the previous planning permission, I consider that permission should be granted. The alternative to approving the time extension would be that the site is left partly restored and therefore partly unusable for agricultural

use. Therefore, I am satisfied that the proposal would accord with policies W6, W7 and W11 of the DDWLP.

Cumulative Impacts

The NPPF (Paragraph 180) states *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. ... and avoid noise giving rise to significant adverse impacts on health and the quality of life”*.

Policy W10 of the DDWLP states that *“Proposals for waste development will be assessed in the light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. Waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.”*

The construction activities on the adjoining site, which is currently being developed for housing, as stated above, could result in the generation of the noise, dust and impacts on the highway which would be temporary. However, these temporary impacts have the potential to have a more significant impact on the local amenity and/or the highway when combined with the impacts of this proposal. HGVs associated within the construction related activities of the housing development, access the site off Heathfield Nook Road via a shared access frequently and would combined with vehicle movements in relation to the infilling operations at the application site. Due to the scale of the operations on the application site, and the restricted vehicle movement of a maximum of 12 traffic movements (6in/6out) per day controlled by Condition 5 (planning permission CW1/0212/168), this impact is not consider likely to be significant. It is also noted that the Highway Authority has not objected to this proposal.

Taking into consideration the housing development, as well as the guidance from the NPPF and the policies highlighted above, I do not consider that the proposed continuation of the site operations would have an adverse cumulative impact on the local amenity or on the transport network. I am satisfied that it would not cause any significant disturbance to the environment, people or communities in respect of traffic or highway safety impacts.

I am satisfied that the proposal would accord with policies W2, W8 and W10 of the DDWLP and the NPPF in this respect.

Conclusion

Having considered the above, I am of the opinion that the extension to the duration of the development is acceptable. It would be beneficial to have the site restored and functioning as agricultural land. The development as amended would not, in my opinion, generate significant amounts of traffic or pollution and related nuisances. Having taken into account the objection and comments made by Network Rail, I do not consider the time extension to the infill and restoration operations on site would have a significant impact on the Network Rail's railway land. I do, however, believe technical drainage details need to be submitted along with a management and maintenance plan to ensure that the French drain is maintained properly to avoid any impact on the railway. Subject to the recommended conditions, I am satisfied that the proposal would accord with the DDWLP and the adopted HPLP, and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application under Part III of the Town and Country Planning Act 1990, which falls to be determined by the County Council as Waste Planning Authority.

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

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

Other Considerations

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

(6) **Background Papers** File No. 1.524.8
 Application documents from Applicant:
 Scaled Location Plan, Location plan, Site Plan Version 2- Phase 3, Cross Section Sheet 1 of 2, Cross Section Sheet 2 of 2, Existing Plan, Existing Plan 2 and Aftercare Treatment Plan received 12 March 2019.
 Application Form received 24 April 2019.
 French Drain Sketch, Letter – Rail Track Boundary and Asset Protection Development Questionnaire received 13 June 2019.
 Site Plan Version 2 received 31 August 2019.
 Statement for DCC received 4 December 2019.

Correspondence

Draft Condition for NWR 07 CW1-0319-104 dated 14 November 2019
Draft Condition response from NWR 05 CW1-0319-104 dated 18 November 2019.

Consultation Responses:

Consultation response from the Environment Agency dated 24 April 2019.
Consultation response from the Highway Authority dated 25 April 2019.
Consultation response from the Derbyshire Wildlife Trust dated 10 May 2019.
Consultation response from the Natural England dated 14 May 2019.
Consultation response from the High Peak Borough Council – Planning dated 19 June 2019.
Consultation responses from the Network Rail dated 09 October 2019, 2 July 2019, 24 April 2019, 13 November 2019 and 14 November 2019.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to conditions based on the following draft conditions:

Duration of Development

- 1) All operations authorised or required by this permission shall cease and the restoration of the site shall be complete on or before 6 January 2021. All structures, plant, machinery and access roads shall be removed from the site no later than three months from the date of cessation of the use of the site under this permission.

Reason: This condition is imposed to prevent further use of the site as described under the application in the absence of further planning consents having been granted, in the interest of the amenity of the area.

Form of Development

- 2) The development shall be carried out in accordance with the details set out in planning permission CW1/0105/176 dated 23 February 2006, as amended by application for planning permission CW1/0212/168 and accompanying documents and drawings dated 4 July 2013, unless otherwise modified or amended by planning permission CW1/0319/104. For the avoidance of doubt the approved plans and documents are:

CW1/0105/176

- Application Form dated 19 January 2005.
- Planning Statement Ref no. 04/2209/PA/W dated January 2005 by Graham Bolton Planning Partnership Limited.

CW1/0212/168

- Application Form dated 20 February 2012.
- Cover letter dated 21 February 2012.
- Existing and Proposed Contours Plan

- Drawing No. 11569/02A entitled 'Site Plan'.
- Aftercare Treatment for land off Heathfield Nook Road- CW1/0105/176.
- Planning Statement ref no. 11569/1 dated February 2012 by The Arley Consulting Company Limited.
- 2012 03 15 Network Rail CW1-0212-168.

CW1/0319/104

- Application Form dated 4 April 2019.
- Drawing No. 11569/02 entitled 'Site Plan (Version 2)'.
- Drawing No. 11569/02 Site Plan Version 2 - Phase 3.
- Scaled Location Plan.
- Location Plan.
- Cross Section Sheet 1 of 2.
- Cross Section Sheet 2 of 2.
- French Drain Sketch.
- Existing Plan.
- Existing Plan 2.
- Aftercare Treatment Plan.
- Letter – Rail Track Boundary.
- Asset Protection Development Questionnaire.

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

- 3) Nothing other than inert waste material, as specified in the application documents, shall be imported and deposited at the site.

Reason: Other types of waste material could raise environmental and amenity issues not considered in the determination of this proposal and could be detrimental to the amenity of the area.

- 4) The site shall not be open to the general public and shall only be used for the deposit of waste by the applicant only.

Reason: The use of the site, other than by the applicant, could raise environmental and amenity issues not considered in the determination of this proposal and could be detrimental to the amenity of the area.

Drainage

- 5) Prior to the completion of works on site, a scheme demonstrating the technical drainage details, as well as a management and maintenance plan, for the drainage shall be submitted to the Waste Planning Authority for its approval in writing. The scheme shall then be implemented as approved. The sustainable drainage system shall

thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: In the interests of minimising the impact of the development on the amenity of the area and on Network Rail assets.

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

Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

Access, Traffic and Highway Protection

- 7) The movement of vehicles associated with the approved operations in to and out of the application site shall be limited to no more than 12 movements (6 in/6 out) per day.

Reason: In the interest of highway safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Location Plan.

- 8) The sole vehicular access into the site shall be via the existing access on to Heathfield Nook Road.

Reason: To restrict the routes for assessing the site, in the interest of highway safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

- 9) Within six months of the completion of the proposed development, the access shall be removed and the site boundary reinstated to its previous condition prior to operations commencing at the site, unless the approval of the Waste Planning Authority for its retention has been received.

Reason: To safeguard the landscape character of the area and in the interest of local amenity of the area, in accordance with Policy W6 of the Derby and Derbyshire waste Local Plan.

- 10) No mud or dirt shall be carried out from the site on to the public highway.

Reason: In the interest of highway safety and in accordance with Policy W8 of the Derby and Derbyshire Waste Local Plan.

Hours of Operation

- 11) Operations authorised by this permission, including vehicles entering or leaving the site, shall only be carried out between:

0800 hours to 1700 hours Monday to Friday;
0800 hours to 1200 hours Saturday.

No operations shall be carried out on Sunday, Bank Holidays or other Public Holidays.

Reason: To clarify the hours of operation and to safeguard the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

Noise

- 12) The operator shall ensure that the noise generated by the development at all times, during the duration of the works, does not exceed 50dB LAeq 1 hour free field measured at the nearest noise sensitive property. In the event that noise levels increase by more than this limit, the operation shall cease until mitigation measures have been introduced which reduce noise levels below the limit specified.

Reason: To ensure minimum disturbance from operations and avoidance of noise nuisance in the interest of the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

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

Reason: To ensure minimum disturbance from operations and avoidance of noise nuisance in the interest of the local amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

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

Reason: To ensure minimum disturbance from operations and avoidance of noise nuisance in the interest of the amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

- 15) No Plant, equipment, or machinery other than that described in the application documents, as referred to in Condition 2 above, shall be brought to and operated on the site, unless the written prior approval of the Waste Planning Authority has been obtained beforehand.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of floodwater is provided.

Dust and Odours

- 16) At all times during the carrying out of operations authorised or required by this permission, water bowsers, sprayers, whether mobile or fixed, or similar equipment shall be used to minimise the emissions of dust from the site. No vehicles used for the movement of materials on the site shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, movements of material shall cease until such time as conditions improve.

Reason: To provide for the control of dust impact in the interest of local amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

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

Reason: To provide for the control of odour impact in the interest of local amenity of the area in accordance with Policy W6 of the Derby and Derbyshire Waste Local Plan.

Environmental Protection

- 18) There shall be no burning of waste on the site.

Reason: In the interest of safety and local amenity.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015.

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

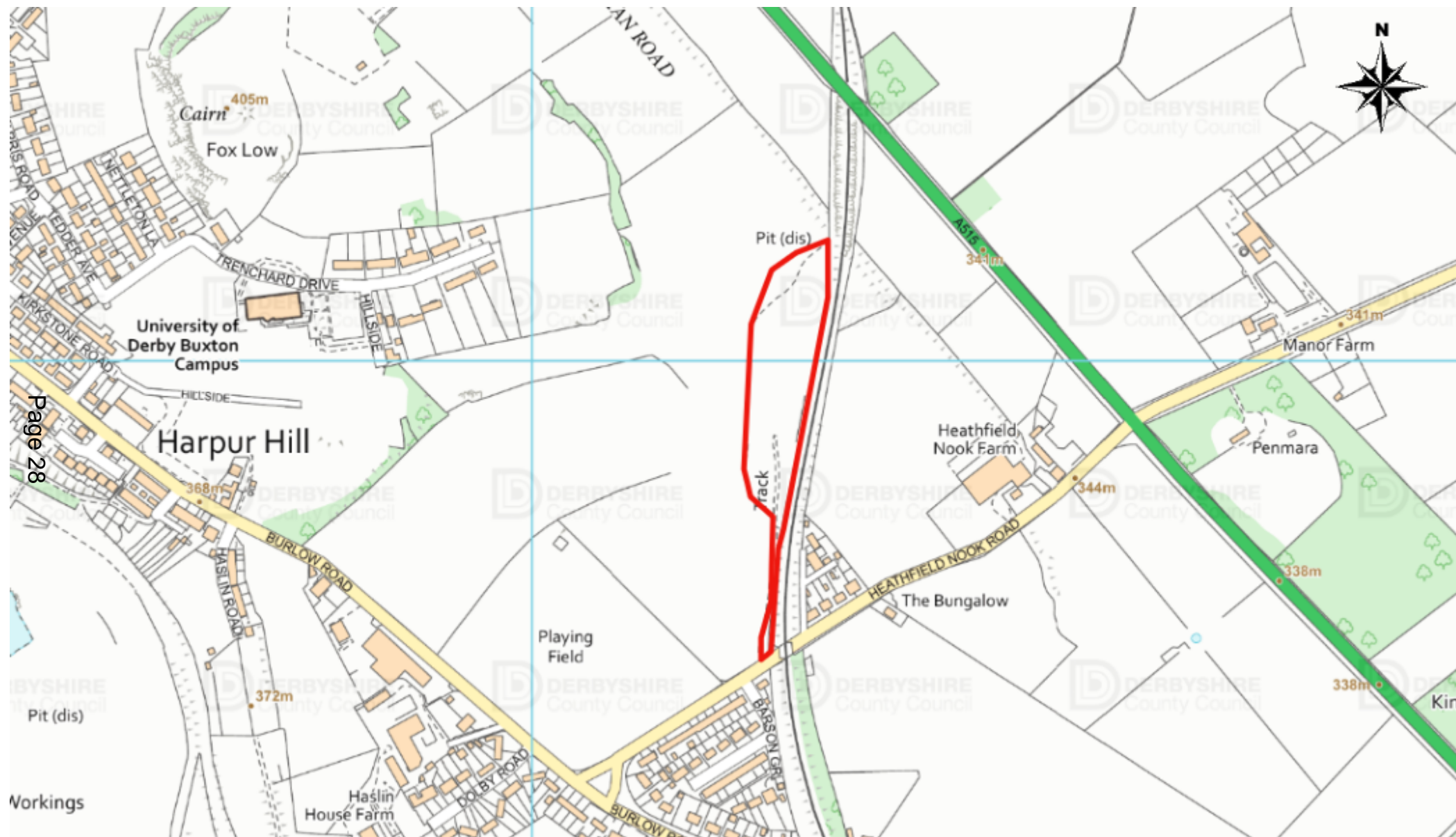
Footnotes

- 1) 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.

- 2) The applicant should ensure they have varied all necessary permits to reflect the change to the duration of the development. Any concerns or queries the applicant is advised to contact the Environment Agency regarding this matter.

Mike Ashworth
Executive Director – Economy, Transport and Environment



Agenda Item No. 3.2

**DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE**

6 January 2020

Report of the Executive Director – Economy, Transport and Environment

- 2 CONSOLIDATION OF EXISTING PLANNING PERMISSIONS, ERECTION OF NEW CANOPY BUILDING (TO ENCLOSE EXISTING STORAGE OPERATIONS) AND MODULAR WEIGHBRIDGE OFFICE BUILDING, AMENDMENT TO SITE BOUNDARY TREATMENT, RATIFICATION OF THE DEVELOPMENT BOUNDARY AND INSTALLATION OF BIOMASS BOILER AND DRYING FACILITY (PARTIALLY IN RETROSPECT), THE OLD IRONWORKS, CROMPTON ROAD, ILKESTON
APPLICANT: STANTON RECYCLING LTD
CODE NO: CW8/0819/41**

8.1019.25

Introductory Summary

This item concerns a partly retrospective application for a planning permission for development that would provide for 1) a new canopy structure for the storage of waste at the applicant's premises at Crompton Road, Ilkeston Adjacent to the Erewash Canal; 2) extension of a concrete retaining wall; 3) waste activities in the area of the applicant's premises which forms the application site (and which are currently regulated by a number of existing planning permissions) being brought under the control of a new overall permission subject to a single set of conditions (referred to as 'consolidation'); 4) a consolidated site boundary that would be extended so as to include further areas of the premises which are also currently used for waste activities; 5) the retention of a biomass boiler to be fed with waste wood including ancillary wood drying equipment and a heat exchanger; and 6) the retention of a modular office building.

I consider that the development covered in the application is acceptable in principle, in terms of landscape, visual and amenity impacts and impacts upon the environment. I have considered an objection raised by Trowell Parish Council in respect of the routeing of heavy lorries via local roads against the submitted HGV routeing details. The County Council, as local highway authority (the Highway Authority) does not object to the development and considers that traffic is unlikely to increase as a result of this application gaining planning permission. I consider that vehicle routeing can be controlled

sufficiently via the submitted HGV Routeing Plan and a planning condition in respect of this is included in my recommended decision.

Subject to the recommended conditions, I do not consider that the proposal conflicts with national or local planning policies and it is recommended for approval.

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

(2) **Information and Analysis**

The Site

Situated at the eastern end of the large area of land formerly occupied by the Stanton Ironworks complex, the site is part of the established Quarry Hill Business Park, located on the southern outskirts of Ilkeston. The site is within an established industrial estate in an area with extensive historic heavy industrial uses. There are other waste uses in the vicinity of the application site. Adjacent to the north of the application site is a waste business that imports and processes domestic, commercial and industrial wastes. To the west is a business that imports, processes and recycles inert construction/demolition wastes and incinerator bottom ash.

To the east of the application site is the Erewash Canal. Public Footpath E6/81/7 follows the canal towpath on the west side of the Canal. The Nutbrook Trail runs south of the application site towards the Canal then follows the towpath southwards. Further east, in between the Canal and the River Erewash, is a large sewerage treatment facility which is 130m from the application site. Beyond this, further north-east, is the village of Trowell which is 600m away. A similar distance to the east/south-east is Stapleford. The village of Hallam Fields is 700m to the north-west of the site. The site is not readily visible from the west, north and south. It is surrounded on these three sides by large industrial buildings which serve to screen the existing and proposed structures.

The site is located within Flood Zone 2 which comprises land having between a 1 in 100 and 1 in 1,000 year probability of river flooding. The culverted Nut Brook is 35m to the south and the River Erewash is 275m to the east of the application site. The site falls in a Coal Authority Development Low Risk Area and, as such, a Coal Mining Risk Assessment is not required to accompany this planning application.

Local Wildlife Site (LWS) ref. ER215 Erewash Canal is adjacent east of the application site. LWS ref. ER201 is 390m to the west of the site. Local Nature Reserve (LNR) Trowell Marsh is 250m to the north. There are no Sites of Special Scientific Interest (SSSI) within the vicinity of the site. The site is within land broadly categorised as Coalfield Village Farmlands Landscape

Character Type in the Derbyshire County Council publication: The Landscape Character of Derbyshire.

There are no statutory and non-statutory cultural heritage and nature conservation designations of any land in the site. There are no Conservation Areas in the vicinity. Grade II Listed Hallam Fields Bridge and Hallam Fields Lock are 200m and 170m to the north of the application site respectively. The Grade II Listed Tower of St. Bartholomew's Church is 460m to the north-west of the site. There are no Scheduled Ancient Monuments (SAMs) or Special Areas of Conservation (SAC), World Heritage Sites, or Registered Parks and Gardens or Registered Battlefields within, or in the vicinity of, the site.

The Application

The development covered by the application comprises the elements of development which are referred to as 1) to 6) in the Introductory Summary.

One of the retrospective elements is extension of the boundary for carrying out waste activities as part of the waste use under the new application, beyond that formed by the existing planning permissions. The submitted site area is 1.484 hectares (ha).

This would provide retrospective authorisation for areas outside the site under the existing permissions, which are currently also in use for similar waste activities. The other clearly retrospective elements in the application are the retention of a portable office building and the retention of a biomass boiler.

Planning permission is also sought for a large new canopy structure to store wastes and an extension to the concrete retaining wall at the east boundary.

The planning statement in support of the application states that the site will accept up to 95,000 tonnes of waste materials per year.

Consolidation of Existing Planning Permissions

A new permission in acceptance of the application would also consolidate, and bring up-to-date as required, the planning controls over those areas which are currently provided by a number of extant planning permissions in a single overall permission. This would facilitate efficient and effective regulation of the permitted waste activities at the site.

The previously granted planning permissions that the applicant seeks to consolidate under a new permission covering the applications site area are:

- CW8/0704/70 - Change of use of a builder's merchants/warehouse and yard to a waste transfer station. Granted 2004.
- CW8/0308/259 - Proposed alteration and extension to an existing building housing a waste transfer station. Granted 2008.
- CW8/0315/148 - Extension of working hours. Granted 2015.
- CW8/0915/90 - Erection of a steel framed building. Granted 2016.

- CW8/0818/39 - Section 73 not to comply with Condition 18 (hours of operation) of planning permission CW8/0315/148 to allow the permitted extended opening times to facilitate the ongoing operations without the three year restriction. Granted 2019.

There is extant planning permission for the Anaerobic Digestion (AD) Plant, which would occupy an area of the premises which adjoins the application site area on its northern side. This was first granted planning permission by the Council in November 2017 by permission CW8/0817/38, and it currently has permission by CW8/0219/95, granted in June 2019 with extended timescales for submission of details required by condition, and a period for commencement up to 14 June 2022. The only part of the AD Plant site overlapping the current application site is the access route for connecting the AD Plant with the highway. The current application does not include the AD Plant, which can be proceeded with separately in accordance with CW8/0219/95.

The northern portion of the area of the premises which is currently in use as an inert material screening and green waste composting plant (originally authorised for construction and use under planning permission CW8/0107/164, and currently operating under permission CW8/0315/149 to allow a greater stockpile height) is outside the current application site. This portion forms part of the AD Plant site. The southern portion of this area is in the current application site.

Permission was granted in 2013, for construction of an additional building to house a waste recycling facility (CW8/0813/81) within the application site. However, this was never proceeded with during the three years provided for its commencement, therefore, that permission is no longer extant. The planning statement has pointed out that it is no longer intended to proceed with this building.

Biomass Boiler

Retrospective planning permission is sought within the application for the installation of a biomass boiler for the combustion of reclaimed timber to produce heat, which is used to dry refuse derived fuel (RDF) in 10 drying skips. The supporting information states that the fuel is derived from the existing waste stream. The biomass boiler is located within one of the existing buildings on site (a relatively modern steel clad Building C on the submitted Site Layout Plan). The throughput of the biomass boiler is 50 tonnes per week of Grade A wood (clean recycled wood) waste.

Heat from the biomass boiler then transfers to a heat exchanger and 10n steel drying containers (skips) (situated adjacent to the southern boundary of the site) within which damp wood is placed for drying out. The flue stack for the biomass boiler is 13.5m high. The flue height is below the ridge height of the adjacent Building B red brick pitched roof structure.

Each drying skip is 6m long x 2.4m wide x 2.45m high and are finished in Juniper Green (colour code BS:12B29). The skips derive heat from the heat exchanger the dimensions of which are 3m long x 2m wide x 1.8m high. The heat exchanger, is enclosed in a purpose built enclosure comprising steel cladding also finished in Juniper Green (colour code BS: 12B29). The dimensions of the enclosure are 5m long x 5m wide x 2.4m high. The enclosure is located adjacent west of the drying skips along the southern boundary of the site.

The biomass boiler feed hopper is located at the east elevation of the main building under a canopy. The east elevation of this canopy is open to the elements. The hopper is loaded via a motorised mechanical loader. The chipped waste wood is stored in a concrete block bay at the south-east corner of the site and the loader makes several runs between the storage pile of chipped waste wood to the feed hopper, tipping into the hopper with its mechanical bucket.

New Canopy

A new canopy structure is proposed at the south-east corner of the site, adjacent to the Erewash Canal. The canopy is proposed for the shelter of stored wastes. The design comprises a mono-pitched roof to be constructed of box profile cladding and finished in Goosewing Grey (colour code: RAL 7038). The north, south and east elevations (the sides and the rear) would comprise of galvanised steel mesh. The west elevation (the front) would remain open. The canopy would be 42m wide and 12m deep. The monopitch roof would be 11.08m high at the west elevation (the front) and 9.15m high at the east elevation (the rear). The canopy roof would overhang the front and rear elevations by 3.2m each. The roof would overhang the sides by 1m each. Adjacent east of the new canopy structure is an existing 3.6m high concrete fence which would separate the new building from the strip of ground which is adjacent west of the Canal towpath. The supporting information confirms that this would be painted Fir Green (colour code: RAL 6009).

Modular Office Building

Planning permission is sought retrospectively for the flat roofed portable type office building. This is located at the south-west of the site. The dimensions are 10.1m long x 3.1m wide x 2.92m high. The building is finished in white. The building is used as a weighbridge ticketing and site sign-in office.

Extension to Concrete Retaining Wall

The existing concrete sectional 'L' block retaining wall, that gained planning permission under planning applications Code No. CW8/0817/38 and CW8/0219/95 (please see Planning History below) for the AD Plant, is proposed to be extended southwards adjacent to the Erewash Canal by a further 17m. As with the permitted retaining wall, it is proposed to finish the wall in Fir Green (RAL 6009), plant Common Ivy at the base of the eastern side of the wall (adjacent to the canal) and retain existing trees and

supplement with additional tree planting plant on the strip of land in between the wall and the Canal as per the planning permissions for the AD Plant.

Hours of Operation

The Site would be open for the receipt and removal of wastes during the following hours:

Monday – Friday 0800 hours – 1800 hours

Saturday 0800 hours – 1300 hours

Sunday/Bank Holidays closed, unless otherwise agreed with the Waste Planning Authority.

Work would take place within the waste buildings during the following hours:

Monday – Friday 0400 hours – 2300 hours

Saturday 0400 hours – 1900 hours

Sunday/Bank Holidays 0400 hours – 1900 hours

Roller shutter doors to the buildings to remain closed during the hours of 0400 hours - 0800 hours and 1900 hours – 2300 hours Monday – Friday and 0400 – 0800 on Saturdays, Sundays and Bank Holidays, except in an emergency.

Biomass boiler operating hours 24 hours per day, seven days per week.

HGV Movements

The supporting information states that traffic movements to and from the site, when completed, are not anticipated to increase. The planning application proposals do not seek any increase in permitted Heavy Goods Vehicle (HGV) movements. The supporting information states that the site currently experiences a maximum 70 movements per day (35 in/35 out) consisting of refuse collection vehicles, roll on-roll off skip trucks and articulated bulk loaders for the importation and removal of waste to/from the site. The supporting information confirms that this level of vehicle movements would suffice for 95,000 tonnes throughput annually.

Employees

The site currently employs 10 full-time staff. It is proposed to increase the number of staff by a further 2 full-time employees.

Consultations

Local Members

Councillor Frudd (Ilkeston South) and Councillor Major (Sandiacre) were consulted and comments were requested by 9 September 2019.

Erewash Borough Council (Planning)

Erewash Borough Council - Planning responded on 30 September 2019 and raised no objection.

Erewash Borough Council (Environmental Health Officer)

Erewash Borough Council - Environmental Health Officer (EHO) was consulted and comments were requested by 9 September 2019.

Environment Agency

The Environment Agency responded on 29 August 2019 and raised no objection subject to the inclusion of a planning condition in respect of the possibility of encountering contaminated land during development.

East Midlands Airport Safeguarding

East Midlands Airport responded on 9 September 2019 and has no objections.

Nottinghamshire County Council

Nottinghamshire County Council responded on 28 August 2019 and has no comments.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust responded on 11 October 2019 stating that it does not consider that there are likely to be any significant adverse ecological impacts associated with the proposed development.

Canal and River Trust

The Canal and River Trust was consulted and comments were requested by 9 September 2019.

Stanton by Dale Parish Council

Stanton by Dale Parish Council was consulted and comments were requested by 9 September 2019.

Sandiacre Parish Council

Sandiacre Parish Council was consulted and comments were requested by 9 September 2019.

Trowell Parish Council

Trowell Parish Council responded on 17 October 2019, expressing concern that, should this planning application gain permission, the applicant will still continue to use the exit from the site leading to Corporation Road and then into the village of Trowell which causes significant issues in the village at all times of the day and night. The Parish Council requests that all access to and from the site is routed via Merlin Way, avoiding the residential roads in the vicinity of the industrial estate. The Parish Council stresses the importance of monitoring this issue as businesses are not adhering to this at present. The

Parish Council states that it would strongly object to this planning application without these conditions being enforced.

Highway Authority

The County Highway Authority responded on 27 September 2019, stating that the proposed development is unlikely to increase traffic generation associated with this site and has no objections.

Lead Local Flood Authority

The County Council, as Lead Local Flood Authority, responded on 25 October 2019 and has no comments to make.

Publicity

The application was advertised by four site notices and a press advert (Derbyshire Times) on 29 August 2019, with a request for observations by 19 September 2019. No responses have been received.

Planning Considerations

Section 38(6) of the Planning and Compulsory Planning Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise.

The development plan consists of the saved policies contained within the Derby and Derbyshire Waste Local Plan (2005) (DDWLP) (adopted 2005), the Erewash Core Strategy (ECS) (2016) and the Saved Policies of the Erewash Borough Local Plan (EBLP) (2005) (Amended 2014). The application site is within Ilkeston (unparished) and is 20m north of Stanton-by-Dale Parish. Neither are yet covered by an adopted Neighbourhood Development Plan. Other material considerations include national policy, as set out in the National Planning Policy Framework (2019) (NPPF), and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE) and within the National Planning Policy for Waste (2014) (NPPW).

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

- W1b: Need for the Development.
- W2: Transport Principles.
- W4: Precautionary Principle.
- W6: Pollution and Related Nuisances.
- W7: Landscape and Other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W9: Protection of Other Interests.
- W10: Cumulative Impact.

Erewash Borough Core Strategy (2014) Policies

- 1: Climate Change.
- 10: Design and Enhancing Local Identity.

Saved Policies of the Erewash Borough Local Plan (2005) (Amended 2014)

R1: Recreational Trails.

EV16: Landscape Character.

National Planning Policy Framework

A revised NPPF was published in February 2019. 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 defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives, economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

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

2: Achieving sustainable development.

6: Building a strong, competitive economy.

12: Achieving well designed spaces.

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

15: Conserving and enhancing the natural environment.

Planning Policy Guidance (Waste)

On-line national planning policy guidance.

National Planning Policy for Waste (2014)

Chapter 7: Determining Planning Applications.

Appendix A: The Waste Hierarchy.

Appendix B: Locational Criteria.

Waste Management Plan for England (2013)

The Waste Hierarchy.

Household Waste.

Construction and Demolition Waste.

Measures to Promote High Quality Recycling.

Biowaste.

Need for and Principle of Development

As reported above, the site contains an established waste facility which has been recycling locally derived green wastes and domestic, commercial and non-hazardous industrial wastes since 2004, when the first of several planning permissions relating to the site was granted. Every part of the land forming the application site area, except for the limited extension areas included in it, has

been the affected by at least one planning permission previously granted by this Authority for waste transfer operations and inert/green waste recycling and composting. The principle of waste development on the majority of this site is therefore established, having been assessed against the provisions of the development plan and Government guidance in force at the times the previous planning applications were considered. The potential environmental and amenity impacts of those developments were assessed, mitigation measures were proposed and planning conditions imposed to reduce those identified impacts where required.

With regard to the anticipated annual throughput of up to 95,000 tonnes overall, the 2004 permission was limited to 20,000 tonnes per year, and the 2007 permission granted for the construction and use of an inert material screening and green waste composting plant was limited to 15,000 tonnes per year. The applicant's agent has reported, by emails in August and November 2019, that the site currently experiences a total throughput of approximately 60,000 tonnes annually, that an annual throughput of 95,000 tonnes would comprise 60,000 tonnes of municipal waste of which 15,000 tonnes would be green waste, and 35,000 tonnes of commercial and industrial wastes of which 2,000 tonnes would be wood waste for the biomass boiler. The agent has also indicated by email that with the development of the AD Plant to the north, the majority of the green waste throughput would be received at the site for processing and transfer to the AD Plant, with only a small amount of it being retained on the site for open windrow composting to create PAS100 compliant compost.

There have been changes in Government guidance since the determination of most of the previous planning applications. The WMPE (2013) states that in England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and, last of all, disposal (e.g. landfill). Planning Practice Guidance similarly supports the priority in driving waste up the hierarchy.

The NPPF has been updated to a third edition, published in 2019, which supersedes the 2018 and 2012 editions. The NPPF advises, in Paragraph 183, that planning authorities should assume that pollution control regimes will work efficiently and effectively. Paragraph 180 advises that planning decisions should ensure that new development is appropriate for its location, taking into account potential effects of pollution on health, living conditions and the natural environment.

Chapter 7: Determining Planning Applications of the NPPW advises waste planning authorities to only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. The advice adds

that, in such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. Data collected as the evidence base for the emerging DDWLP indicates that the future need for waste facilities will predominantly be focussed around the mid-section of the waste hierarchy, specifically transfer, treatment and reprocessing, in driving waste up the hierarchy. In that simple “need” context, this application fits with that requirement. DDWLP Policy W1b: Need for the Development states that waste development will be granted if the development would help to cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management. The consolidation of the extant planning permissions including the ratification of the curtilage, the retention of the biomass boiler and its ancillary equipment, the retention of the office cabin and boundary treatments, represents an opportunity to make a long term local contribution to meeting the requirement to increase recycling around the mid-section of the waste hierarchy.

In principle, therefore, the need for the proposal is considered to be justified. The acceptability of the planning application must be considered further against planning policy and its merits. In the context of the current development plan and national guidance, I have given consideration as to whether the development would be likely to give rise to any significantly different or additional impacts to those previously considered. I consider that the main issues that need to be considered for this planning application are:

- Landscape and visual impacts.
- Highways
- Noise, dust and odour impacts
- Drainage and flood risk.
- Cumulative impacts.

Landscape and Visual Impacts

Appendix B of the NPPW lists locational criteria, the most relevant in respect of landscape and visual impacts being criteria C (i) which considers the potential for design-led solutions to produce acceptable development and C (ii) which recognises the need to protect landscapes. Paragraph 170 of the NPPF advises that planning decisions should protect and enhance landscapes. Policy W7: Landscape and Other Impacts of the DDWLP presumes in favour of waste development where the appearance of the development would respect the character 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 or the appearance of the landscape is improved.

ECS Policy 10: Design and Enhancing Local Identity, expects the design of all new development to make a positive contribution to the public realm, creating an attractive environment with regard to local context. Policy EV16:

Landscape Character of the EBLP states that development should recognise and accord with the landscape character within which it is located, having regard to materials of construction, design, scale, massing and landscaping.

The site is not within, or adjacent to, any designated special landscapes. The proposed new canopy structure is the largest and most prominent element of the proposed development at 9.15m high at the east elevation (where the rear of the structure is adjacent to the Canal), 11m high at the west elevation, 42m wide and 12m deep. The canopy building is proposed to be finished in Goosewing Grey (colour code: RAL 7038) to the roof and galvanised steel mesh to the north-east and south elevations.

This scale and massing of the proposed canopy building could potentially have an adverse impact upon the visual character and appearance of the locality. The site, however, lies within an extensive and established industrial area, largely obscured from views by existing buildings and structures within the estate. When viewed in the context of its surroundings, the proposed new canopy building is considered to be not out of place.

Users of the right of way/cycle trail and the Erewash Canal towpath would be able to view the site from the south and the east. The towpath is set at a lower level than the site level, approximately 2m – 3m lower, with existing trees along the earth embankment that separates the Canal from an existing 3.6m high concrete wall that will form the east boundary of the new canopy building. The applicant has confirmed that this existing wall is to be painted in a recessive green shade (colour code: RAL 6009 Fir Green). It is proposed to retain the trees that are already planted on the earth embankment and supplement them with additional tree planting. This would serve to soften the hard edge of the waste facility and its proposed structures. The applicant was requested to provide more planting at this area and subsequently, submitted a revised site layout plan. It is considered that this would serve to improve the aesthetic quality of this part of the application site.

North-east of the new canopy building, westward views from the Canal towpath would be restricted partially by the proposed extension to the concrete retaining wall, which is proposed to be painted in a recessive green (colour code: RAL 6009 Fir Green) with Common Ivy planted at the base and the retention and provision of new planting.

In terms of massing and scale, it is considered that the proposed new canopy building would not bring a detrimental element to what is a predominantly industrial landscape and the visual impact of the development from views within public land would be relatively minor. I do not consider that material harm to the local landscape would result from the proposed development. As

such, I consider that the proposals accord with national planning guidance (the NPPF), national waste guidance (the NPPW), DDWLP Policy W7, ECS Policy 10 and EBLP Policy EV16.

Highways

Policy W2: Transport Principles of the DDWLP presumes against waste development which would be likely to result in an overall significant increase in the number or distance of waste related journey for people, materials or waste, and would not provide or utilise a choice of transport modes for people, materials or waste, unless there is a practicable, environmentally better alternative. DDWLP Policy W8: Impact of the Transport of Waste seeks that the methods and routes of waste transport will not cause significant disturbance to the environment, people or communities, that the transport network is adequate to accommodate the traffic which would be generated and the impact of traffic generated including access/egress would not be detrimental to road safety.

HGV movements associated with the planning application site are proposed to remain at a maximum of 70 per day (35 in/35 out), and this can be regulated by condition. The planning application does not propose any further car parking than the existing 38 spaces. The objection received from Trowell Parish Council concerning the routeing of lorries via Corporation Road and then into Trowell has been taken into consideration. The planning application is supported by a HGV Routeing Plan (drawing no. 4035/058/09 Revision A) which shows HGV routeing to Quarry Hill Road via Merlin Way only. The applicant has, in response to the objection, clarified that HGVs will not be permitted to use Crompton Road for access to the wider highways network except if accessing properties to the immediate north of the site. The County Highway Authority has not made comments in respect of routeing and considers that the development under the current application is unlikely to increase traffic generation. I am satisfied that granting permission under this planning application would not result in significant disturbance to the environment, people or communities in respect of traffic or highway safety impacts and, as such, I consider that it accords with the requirements of DDWLP policies W2: Transport Principles and W8: Impact of the Transport of Waste.

Noise, Dust and Odour Impacts

Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution and the cumulative effects of pollution on health, living conditions and the natural environment should be taken into account. The NPPF stresses in Paragraph 183 that planning authorities should concentrate more on whether proposed development is an acceptable use of land, rather than the likelihood or potential for environmental pollution and seeks that planning authorities should assume that pollution control regimes will work efficiently and effectively.

Policy W4: Precautionary Principle of the DDWLP seeks to impose or make precautionary measures to prevent or minimise any damage/risk of damage where there is reasonable cause for concern that a proposed development presents a threat of serious or irreversible damage to the environment or to the enjoyment of land. DDWLP Policy W6: Pollution and Related Nuisances presumes in favour of waste development, only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects to people or communities, the site of the development, nearby land uses or the wider environment. DDWLP Policy W9: Protection of Other Interests presumes in favour of waste development if it would not impede or impinge upon the social or economic activities or interests of the community.

EBLP Policy R1 seeks to develop recreational trails for walking, riding or cycling along disused rail lines and canals. The policy specifically refers to the Nutbrook Trail in criterion no. 3 where routes are proposed and are to be protected from prejudicial development. ECS Policy 1: Climate Change expects all development proposals to mitigate and adapt to climate change and to comply with national targets on reducing carbon emissions and energy use. Criterion 4 of this policy is specifically concerned with decentralised energy generation which the Borough Council will seek to promote and encourage. This includes biomass power generation, combined heat and power and micro generation systems.

Users of the Nutbrook Trail cycleway, which runs adjacent south of the site west to east, then turns south along the Erewash Canal towpath, a public right of way (ref. E6/81/7) and users of the towpath would be able to view the proposed new canopy and to a certain degree the heat exchanger and drying skips (connected to the biomass boiler). It is not considered that the enjoyment of the cycleway or the public right of way, however, would be detrimentally affected. The application site is within an area of historic heavy industry and the proposed structures accord with the vernacular in scale, massing and design terms. The applicant has also sought to soften the hard edge of the eastern side of the proposed development with the use of recessive colour finish and planting.

The biomass boiler and its ancillary equipment (drying skips and heat exchanger) accords with ECS Policy 1 on promoting local energy generation. The feedstock operation to keep the biomass boiler running would create some noise. The chipped waste wood is collected from a hardstanding storage area by a mechanical bucket loader and driven a short distance (25m) to a large steel hopper, which is located at the east side of the largest existing building on site where the load of chipped wood is lifted and dropped into the hopper. The hopper would require only periodic refilling, requiring 50 tonnes of waste wood per week. The heat exchanger produces a low whine and, for this reason, is enclosed. It is considered that the noise from the operation/feeding of the biomass boiler and the heat exchanger is acceptable in this industrial

setting. The Borough Council's Environmental Officer Department is the lead permitting authority for the biomass boiler and would monitor and enforce its operation, emissions, etc, where necessary. Erewash Borough Council has issued a Part B Environmental Permit for the biomass boiler and is the lead regulatory authority for this.

The planning application is supported by noise, dust and odour management plans which identify sensitive receptors and detail remediation measures and monitoring procedures. The management plans are risk assessment based and seek to implement action plans to maintain dust, noise and odour emissions at an acceptable level and provide a framework and process for any complaints. Nuisance emissions from the site would be strictly monitored and regulated by the lead permitting authority, the Environment Agency.

It is not considered that the social or economic activities or interests of the local population would be detrimentally impacted. The proposal is considered to accord with the NPPF and the requirements of DDWLP policies W4, W6 and W9, EBLP Policy R1 and ECS Policy 1.

Drainage and Flood Risk

NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change is relevant with regard to flood risk. Paragraph 155 seeks that development is directed away from areas at the highest risk, whether existing or future, of flooding. The locational criteria provided in criterion a) of Appendix B to the NPPW considers the suitability of locations subject to flooding including consequential issues relating to the management of potential risk to water quality. DDWLP Policy W6: Pollution and Related Nuisances presumes in favour of waste development where it would not result in material harm caused by contamination, pollution or other adverse environmental or health effects.

Criterion 5 of ECS Policy 1: Climate Change supports proposed development that avoids areas of current and future flood risk and which does not increase the risk of flooding elsewhere.

The application site is within Flood Zone 2 and a Flood Risk Assessment (FRA) has been submitted. The FRA recognises the potential for surface water flooding from the west along Crompton Road as a result of the Merlin Way and Stanton balancing ponds overflowing in extreme weather episodes. The FRA also concludes, however, that flooding from the nearby Nut Brook to the south and the River Erewash, to the east, is unlikely given the location of the application site adjacent to the Erewash Canal, which would catch and absorb floodwater. No increase in impermeable surface areas is proposed as part of the pending planning application under consideration. As such, there would be no increase in surface water run-off generated at the site during a storm event. Existing surface water discharge methods would be employed i.e. to the sewer beneath Crompton Road. I therefore consider that the

proposal accords with the requirements of the NPPF, NPPW, DDWLP Policy W6 and ECS Policy 1.

Cumulative Impacts

Paragraph 180 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Criterion a) of this paragraph seeks that policies and decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

DDWLP Policy W10: Cumulative Impact seeks to assess proposals for waste development in the light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy concludes that waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.

The site lies within a heavy industrial area within which are several other waste facilities. There are also several logistics businesses in the area which produce significant amounts of HGV movements. The cumulative impact of these developments in combination with other developments is of potential concern. This planning application does not propose any increase in vehicle movements to and from the application site. Together with the planning conditions recommended below, I consider that the proposed consolidation of extant planning consents, the ratification of the site boundary, the retention of the biomass boiler and its ancillary equipment, the new canopy structure, the retention of the modular office building and the boundary treatment would not cause any increase in traffic or associated traffic noise which would have a cumulative impact in conjunction with traffic from other developments. Given the location of the planning application site within this industrial area a degree of noise is unlikely to be distinguishable from other noise sources. With respect to dust and odours, I consider that the procedures in place would address the potential for these and would be monitored by the waste permitting authority.

I am satisfied that, subject to conditions, the proposal would not result in significant detrimental cumulative impact on local communities or the environment and, as such, consider that it accords with DDWLP Policy 10 and the NPPF.

Conclusion

In conclusion, I consider that the proposed consolidation of the existing planning permission conditions, the ratification of the site boundary to

regularise areas of the site which are currently used for waste activities, the proposed new canopy structure, the retention of a biomass boiler and associated drying skips and heat exchanger, the extension of a concrete retaining wall and retention of a modular office building is acceptable in this established industrial setting.

I have considered the objection raised by Trowell Parish Council in respect of lorries using Corporation Street and driving through the village of Trowell. HGV routeing in accordance with the details submitted with this planning application would generally avoid this. The County Highway Authority raises no objection in respect of the application and states that the proposed development under it is unlikely to increase traffic generation. I consider that the issue of adherence by HGV drivers to the routeing would be resolved sufficiently and reasonably by including a suitable condition below.

Subject to conditions, I do not consider that the development covered by the application conflicts with national or local planning policies. I do not consider that there are any material considerations which render the development unacceptable for a grant of permission as sought by the application, subject to appropriate conditions. It is therefore recommended for approval, subject to conditions.

(3) **Financial Considerations** The correct fee of £5,544 has been submitted for this planning application.

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

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

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

Other Considerations

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

(6) **Background Papers** File No 8.1019.25
Application documents received from Mr. Alan Cook, Stanton Recycling Ltd., dated 5 August 2019;
1APP form dated 5 August 2019;

Planning Statement, Version 1.3, ref. 4035-058-A, author: Oaktree Environmental Ltd., dated 5 August 2019;
Flood Risk Assessment, Version 1.1, ref. 4035-058-B, author: Oaktree Environmental Ltd., dated 2 August 2019;
Biomass Boiler Information Note, Version 1.2, ref. 4035-058-C, author: Oaktree Environmental Ltd., dated 23 August 2019;
Dust Management Plan, Version 1.2, ref. 4035-058-DMP, author: Oaktree Environmental Ltd., dated 5 August 2019;
Noise Management Plan, Version 1.2, ref. 4035-058-NMP, author: Oaktree Environmental Ltd., dated 5 August 2019;
Odour Management Plan, Version 1.2, ref. 4035-058-OMP, author: Oaktree Environmental Ltd., dated 5 August 2019;
Site Location Plan, drawing no. 4035/058/02, author: Oaktree Environmental Ltd., dated 20 May 2019;
Site Location Map, drawing no. 4035/058/01, author: Oaktree Environmental Ltd., dated 23 May 2019;
Site Layout Plan, Revision C, drawing no. 4035/058/03, author: Oaktree Environmental Ltd., dated 21 October 2019;
Planning History Plan, Revision A, drawing no. 4035/058/04, author: Oaktree Environmental Ltd., dated 18 June 2019;
HGV Routing Plan, Revision A, drawing no. 4035/058/09, author: Oaktree Environmental Ltd., dated 25 June 2019;
Proposed Canopy Elevations, Revision B, drawing no. 4035/058/05, author: Oaktree Environmental Ltd., dated 9 July 2019;
Retaining Wall Detail, Revision A, drawing no. 4035/058/07, author: Oaktree Environmental Ltd., dated 18 June 2019;
Proposed Canopy Elevations, Revision B, drawing no. 4035/058/05, author: Oaktree Environmental Ltd., dated 9 July 2019;
Site Sections, Revision B, drawing no. 4035/058/06, author: Oaktree Environmental Ltd., dated 9 July 2019;
Weighbridge Office Elevations, Unrevised, drawing no. 4035/058/08, author: Oaktree Environmental Ltd., dated 20 June 2019;
Proposed Canopy Building Construction Details, drawing no. 1119-2, no author, dated 6 February 2019;
Email from Oaktree Environmental Ltd. confirming the external colour finish to the existing concrete wall east of the proposed canopy building, dated 4 November 2019;
Email from Oaktree Environmental Ltd. confirming that the 15,000tpa of green waste would comprise part of the 60,000 tpa total for municipal waste and that the 2,000 tpa throughput of waste wood feed for the biomass boiler would comprise part of the 35,000 tpa total for commercial and industrial waste, dated 11 November 2019.

Internal County Highways Authority response dated 27 September 2019;
Internal County Landscape Officer responses dated 27 August and 4 November 2019;
Internal Lead Local Flood Authority response dated 25 October 2019;

Erewash Borough Council (Planning) response dated 30 September 2019;
Environment Agency response dated 29 August 2019;
Derbyshire Wildlife Trust response dated 11 October 2019;
Nottinghamshire County Council response dated 28 August 2019;
East Midlands Airport Safeguarding response dated 19 August 2019;
Trowell Parish Council response dated 17 October 2019.

No representations received from the public.

(7) **OFFICERS RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially in accordance with the following set of draft conditions:

Commencement

- 1) The development under this permission shall be commenced within three years of the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended, and confirm the date of commencement.

- 2) Notice of the commencement of the proposed elements of this permission shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

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

- 3) The development shall take place in accordance with the details in the 1APP form dated 5 August 2019 and the following documents:
Planning Statement, Version 1.3, ref. 4035-058-A, author: Oaktree Environmental Ltd., dated 5 August 2019;
Flood Risk Assessment, Version 1.1, ref. 4035-058-B, author: Oaktree Environmental Ltd., dated 2 August 2019;
Biomass Boiler Information Note, Version 1.2, ref. 4035-058-C, author: Oaktree Environmental Ltd., dated 23 August 2019;
Dust Management Plan, Version 1.2, ref. 4035-058-DMP, author: Oaktree Environmental Ltd., dated 5 August 2019;
Noise Management Plan, Version 1.2, ref. 4035-058-NMP, author: Oaktree Environmental Ltd., dated 5 August 2019;
Odour Management Plan, Version 1.2, ref. 4035-058-OMP, author: Oaktree Environmental Ltd., dated 5 August 2019;
Site Location Plan, drawing no. 4035/058/02, author: Oaktree Environmental Ltd., dated 20 May 2019;
Site Location Map, drawing no. 4035/058/01, author: Oaktree Environmental Ltd., dated 23 May 2019;
Site Layout Plan, Revision C, drawing no. 4035/058/03, author: Oaktree Environmental Ltd., dated 21 October 2019;

Planning History Plan, Revision A, drawing no. 4035/058/04, author: Oaktree Environmental Ltd., dated 18 June 2019;
HGV Routing Plan, Revision A, drawing no. 4035/058/09, author: Oaktree Environmental Ltd., dated 25 June 2019;
Proposed Canopy Elevations, Revision B, drawing no. 4035/058/05, author: Oaktree Environmental Ltd., dated 9 July 2019;
Retaining Wall Detail, Revision A, drawing no. 4035/058/07, author: Oaktree Environmental Ltd., dated 18 June 2019;
Proposed Canopy Elevations, Revision B, drawing no. 4035/058/05, author: Oaktree Environmental Ltd., dated 9 July 2019;
Site Sections, Revision B, drawing no. 4035/058/06, author: Oaktree Environmental Ltd, dated 9 July 2019;
Weighbridge Office Elevations, Unrevised, drawing no. 4035/058/08, author: Oaktree Environmental Ltd., dated 20 June 2019;
Proposed Canopy Building Construction Details, drawing no. 1119-2, no author, dated 6 February 2019;
Email from Oaktree Environmental Ltd. confirming the external colour finish to the existing concrete wall east of the proposed canopy building, dated 4 November 2019;
Email from Oaktree Environmental Ltd, dated 11 November 2019, specifying maximum annual throughput figures of 60,000 tonnes for municipal (of which 15,000 tonnes would be green waste) and 35,000 tonnes for commercial and industrial waste, and further waste throughput details.

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

- 4) From the date of the commencement of the development, as notified to the Waste Planning Authority under Condition 2 above, a copy of these conditions, including all documents referred to in them shall be available for inspection during working hours, and the terms and conditions of the permission shall be made known to any person(s) given responsibility for the management and control of operations.

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

- 5) The site shall not be available to the general public.

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

- 6) The types of waste received and processed at the site shall be limited to those listed in the planning application details only.

Reason: For the avoidance of doubt.

Hours of Operation

7) During the construction phase all earthmoving and engineering work on the development, including the movement and installation of plant/ machinery, shall only be carried out between the hours of 0730 hours to 1830 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays. Work shall not be carried out on Sundays and public or Bank Holidays.

i) Site open for the receipt and removal of wastes during the following hours:

Monday – Friday 0800 hours – 1800 hours

Saturday 0800 hours – 1300 hours

Sunday/public or Bank Holidays Closed.

ii) Working within the waste buildings during the following hours:

Monday – Friday 0400 hours – 2300 hours

Saturday 0400 hours – 1900 hours

Sunday/ public or Bank Holidays 0400 hours – 1900 hours

iii) Roller shutter doors to the buildings to remain closed during the hours of 0400 hours - 0800 hours and 1900 hours – 2300 hours Monday – Friday and 0400 hours – 0800 hours on Saturdays, Sundays and Bank Holidays, except in an emergency.

iv) Biomass boiler operating hours:

Monday – Friday 0000 hours – 2400 hours

Saturday 0000 hours – 2400 hours

Sundays/Bank Holidays 0000 hours - 2400 hours

Reason: In the interests of minimising the impact on the amenity of the area.

Annual Throughput

8) The amounts in weight of waste imported to the site during the 365 days starting with the date of commencement and during each subsequent 365 day period shall, for each 365 day period neither exceed 95,000 tonnes in total nor exceed:

- 60,000 tonnes of municipal waste (non-hazardous household) of which no more than 15,000 tonnes may comprise of green waste; or
- 35,000 tonnes of commercial and industrial waste and construction, demolition and excavation waste (non-hazardous) of which no more

than 2,000 tonnes may comprise clean waste wood fuel in respect of the biomass boiler.

Reason: For the avoidance of doubt and in the interest of amenity protection

Odours

- 9) Odour management at the site shall be undertaken in accordance with the measures set out in the Odour Management Plan prepared by Oaktree Environmental Ltd, document reference. no. 4035-058-OMP, dated 5 August 2019.

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

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

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

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

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

Dust

- 12) Dust management at the site shall be undertaken in accordance with the measures set out in the Dust Management Plan prepared by Oaktree Environmental Ltd, document reference. no. 4035-058-DMP, dated 5 August 2019.

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

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

Reason: In the interest of protection of local amenity.

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

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

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

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

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

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

- 17) Areas on the application site where vehicular activity takes place must be hard-surfaced and well-maintained and appropriate dust suppression methods, such as the use of water bowsers and/or hosepipes, applied.

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

Noise

- 18) All noise management at the site shall be undertaken in accordance with the measures set out in the Noise Management Plan prepared by Oaktree Environmental Ltd, document reference no. 4035-058-NMP, dated 5 August 2019.

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

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

Reason: In the interest of protection of local amenity.

- 20) At all times, all vehicles, plant and machinery employed on the site shall operate only during the permitted hours.

Reason: In the interest of protection of local amenity.

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

Reason: In the interest of protection of local amenity.

Lighting

- 22) No external lighting shall be installed unless details have been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interest of protection of local amenity.

Environmental Protection

- 23) There shall be no open fires or burning of wood or other materials on the site other than the operation of the biomass boiler.

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

- 24) At all times, all vehicles, plant and machinery employed on the site during the approved construction works shall operate only during the permitted hours.

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

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

Reason: In the interests of local amenity and the environment.

Ecology

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

Reason: To ensure that all existing vegetation is preserved.

Highway Safety

- 27) No mud, debris or other dirt shall be carried from the site on to the public highway.

Reason: On the grounds of highway safety.

- 28) There shall be no discharge of surface water from the site onto the public highway.

Reason: On the grounds of highway safety.

Vehicle Sheeting

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

Reason: In the interests of highway safety and visual amenity

HGV Movements

- 30) The total number of HGV movements associated with the operation of the site hereby permitted shall not exceed the following limits:

- 70 HGV movements (35 in: 35 out) per day

No HGV movements shall take place outside the hours of operation authorised in Condition 7i) of this planning permission.

Reason: In the interests of amenity protection and highway safety.

HGV Routeing

- 31) All journeys by HGVs or other vehicles for transporting materials to and from the site shall be undertaken via the route specified in accordance with the HGV Routeing Plan prepared by Oaktree Environmental Ltd, document reference no. 4035-058-09, dated 25 June 2019, except for any such journeys which cannot practicably be undertaken via this route.

Reason: In the interests of local amenity and highway safety.

Drainage and Pollution Control

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

Reason: To ensure that the site drains efficiently.

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

Reason: To ensure that the site drains efficiently.

- 34) All bunds surrounding tanks containing liquid will be constructed to a minimum height of 45.5 metres Above Ordnance Datum (AOD).

Reason: To minimise the impact of flooding and to facilitate a quicker recovery in the event of a flood.

- 35) Any electrical equipment or cable to be installed shall be no lower than 45.5 metres AOD.

Reason: To minimise the impact of flooding and to facilitate a quicker recovery in the event of a flood.

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

Reason: To prevent contamination of underground water.

Waste Stockpiles

- 37) All external stockpiles of waste, recycled materials and windrows shall not be constructed to a height greater than 5 metres when measured from ground levels at the side of each stockpile.

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

Landscaping Aftercare

- 38) Trees shall be planted during the next planting season (mid-November 2019 to late March 2020) in accordance with the proposed tree planting details shown on plan no. 4035/058/03 Revision C entitled: Site layout Plan, dated 21 October 2019.

Reason: To ensure a satisfactory landscaped setting for the development.

- 39) If, within a period of five years from the date of the planting of any tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the Waste Planning Authority, seriously damaged or defective), another tree of the same species and size, as that originally planted, shall be planted at the same place during the next planting season, unless the Waste Planning Authority gives its written approval to any variation.

Reason: To ensure the satisfactory appearance of the site in the interests of visual amenity.

Potential for Ground Contamination

- 40) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with, has been submitted to, and approved in writing by, the Waste Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

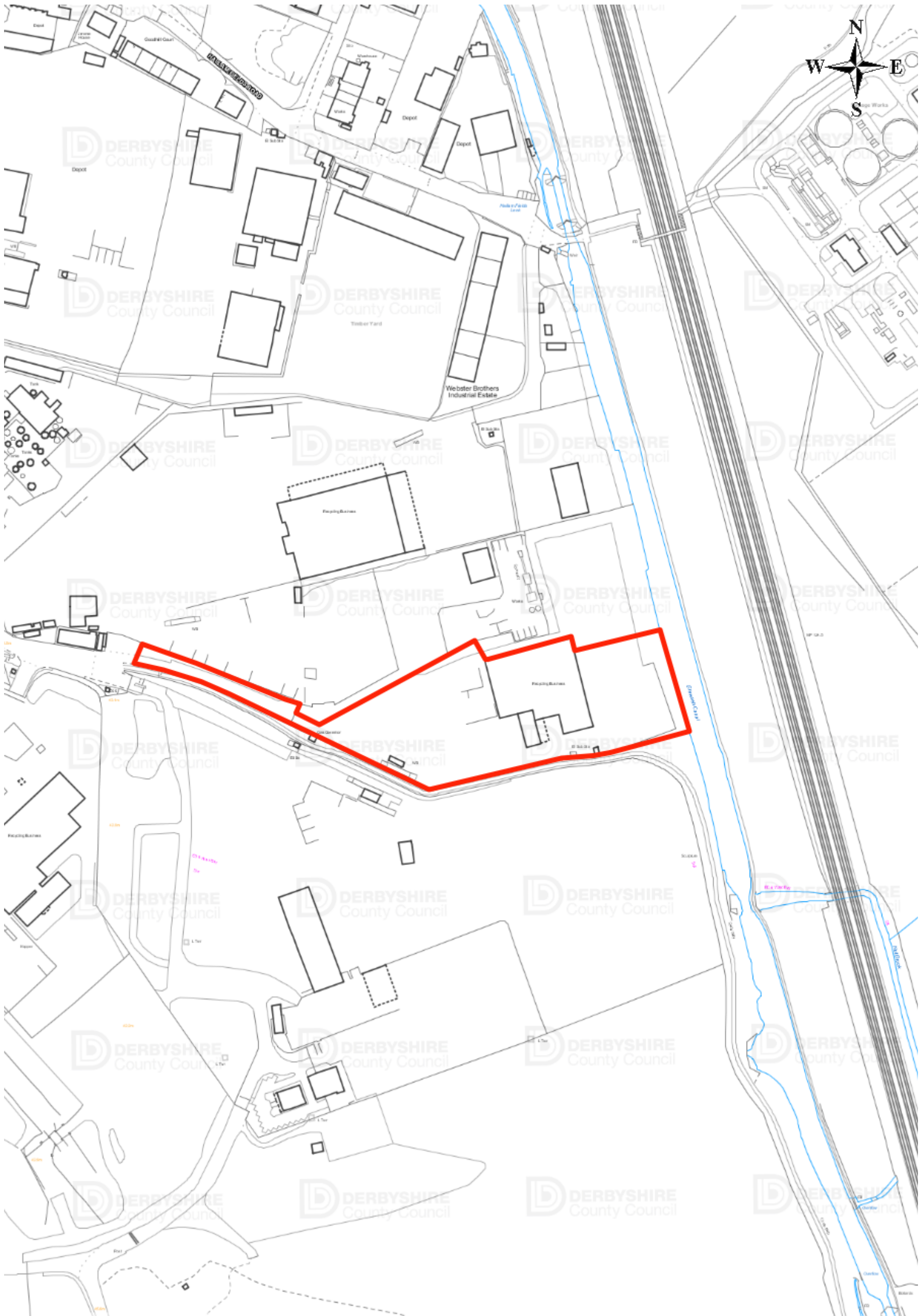
Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Footnote

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

Mike Ashworth
Executive Director – Economy, Transport and Environment



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6-Nov-2019

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

6 January 2020

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

3 CURRENT ENFORCEMENT ACTION

| Site | Breach | Action Taken | Comment |
|--|---|---|---|
| BM Tech, Foston. 9.1564.4 | Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115. | Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building. Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building. | Regularising planning application under consideration |
| Lindrick, Mansfield Road, Corbriggs (formerly MXG) | Unauthorised storage and processing of inert waste. | Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received). Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017. | Site inactive. |

| | | | |
|--|--|---|--|
| Stancliffe Quarry 3.696R | Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme. February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order. | Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017. Interim Injunction Order granted 31 March 2017. | Site inactive. Two planning applications relating to the site under consideration (CM3/0918/48 and CM3/0918/49). |
| Land west of Park Farm, Woodland Road, Stanton | Without planning permission the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material. | Enforcement Notice issued 14 December 2018 | Date notice takes effect – 21 January 2019. Ongoing monitoring of notice requirements. |
| Land at Park Hills Farm, Muggington Lane End, Weston Underwood | Without planning permission the deposit of waste materials onto land. | Temporary Stop Notice issued 29 May 2019 | Ongoing monitoring/review. |
| Land at Lady Lea Road, Horsley | Importation and deposit of material onto land. | Planning Contravention Notice issued 28 October 2019 | |

Mike Ashworth
Executive Director – Economy, Transport and Environment

Agenda Item No. 3.4

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

6 January 2020

Report of the Executive Director – Economy, Transport and Environment

Item for the Committee's Information

4 CURRENT APPEALS/CALLED IN APPLICATIONS

There are currently no appeals lodged with the Planning Inspectorate.

**Mike Ashworth
Executive Director – Economy, Transport and Environment**

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