

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

7 February 2022

Report of the Executive Director - Place

- 1 The Installation of an Anaerobic Digestion (AD) Plant and Associated Buildings, Plant and Machinery (Retrospective) at Stanton Recycling, The Old Ironworks, Crompton Road, Ilkeston, DE7 4BG**
Applicant: Stanton Energy Ltd
Code No: CW8/0721/16

8.9001.18

Introductory Summary

The application is seeking planning permission for the installation of an anaerobic digestion (AD) plant and permission for the associated buildings, plant and machinery at the existing Stanton Recycling waste management facility in Ilkeston. The application does not seek to increase throughput, number of vehicle movements or extend the hours of operation to those already consented at the Stanton Recycling Site. The development described in the application has been commenced after the date of its submission and is now considered to be substantially completed on site.

The site is situated in Ilkeston, off Crompton Road, on the Hallam Fields Industrial Estate, which is part of a larger industrial complex that comprises Quarry Hill and Hallam Fields industrial estates.

The principle of the development has been established through the grant of planning permission for a similar AD facility under code no. CW8/0819/41. This application seeks to increase the site area by a marginal 0.027 hectare over that previously approved for operational purposes. I am satisfied that the development would assist in moving waste up the waste hierarchy, divert waste from landfill, and would provide useful by-products of bio-gas and the solid fraction of the digestate, proposed to be used as a soil conditioner on local farms.

In consideration of potential impacts of the development under this new application, including noise, odour and dust, flood risk, design, ecology, traffic and heritage, and any cumulative impacts, I conclude that these are acceptable, or can be satisfactorily mitigated.

I am satisfied that the development would accord with the policies of the development plans and the National Planning Policy Framework. The application is therefore recommended for approval.

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

(2) **Information and Analysis**

Site and Surroundings

The application site is located at the eastern end of the established Quarry Hill/Hallam Fields Industrial Estates, which are on the southern outskirts of Ilkeston. The application site has an area of 0.66 hectare (ha) and forms part of an established waste recycling facility, which covers approximately 2.05ha. The development is located to the north-east of the existing waste recycling buildings and north of the composing and green waste storage area. The application site forms part of a wider existing waste management site operated by Stanton Recycling. The application site area has recently been in use as a composting site, for the production of compost from green waste imported to the site. Access to the site is gained via Merlin Way/Crompton Road and along a private track.

The Industrial Estates are accessible from the west, primarily via the A6096 and Sowbrook Lane/Ilkeston Road, and from the east via Trowell, the A609 and Low's Lane/Ilkeston Road. Quarry Hill/Hallam Fields Industrial Estates include a number of varied industrial and business uses, among them are several waste recycling operations.

Immediately north and adjacent to the application site, Donald Ward Recycling Ltd operates a waste processing plant. Donald Ward Recycling also operates another site on Griffon Road within the Industrial Estate. Further neighbouring waste operations include Johnsons Aggregates and Recycling, Trust Utilities and Castle Environmental.

The village of Stanton-by-Dale is approximately 1.7 kilometres (km) to the south-west and the settlement of Trowell is 450 metres (m) to the east. Trowell is separated from the application site by the River Erewash, the Erewash Canal, a waste water treatment works, the Nottingham-Loughborough main railway line and the M1 Motorway. Within 1km to the south-east and beyond the M1 Motorway are the towns of Stapleford and Sandiacre. The area of residential properties nearest to the site is in Trowell,

approximately 450m to the north-east. The next nearest residential properties are off Hallam Fields Road, Ilkeston approximately 475m to the north-west. The site, at its nearest point, is approximately 160m south of the Grade II listed Hallam Fields Bridge and Canal Lock on the Erewash Canal. The tower of St Bartholomew's Church is also Grade II listed and lies 428m to the north-west of the site.

The Local Wildlife Site (LWS) ref. ER215 Erewash Canal is adjacent east of the application site. The LWS Quarry Hill Lagoons wildlife site (ER201) is adjacent to Crompton Road, which is the main access route to and from the site and is within 300m of the site entrance. Quarry Hill Lagoons forms part of a larger complex of wildlife sites along the corridor of the Nutbrook Canal, Nutbrook Trail and railway line. ref. ER201 is 390m to the west of the site. Local Nature Reserve (LNR) Trowell Marsh is 250m to the north.

There are no Public Rights of Way (PRoW) within the site, although there are a number close by. One public footpath (Ilkeston E6/79/1) is approximately 175m north of a site and approximately 330m from the entrance to the site off Crompton Road. This public footpath runs along Hallam Fields Road and connects to three others (including the Erewash Canal Towpath) which meet immediately to the east of Hallam Fields Bridge (Ilkeston E6/78/2, Ilkeston E6/81/6 and Ilkeston E6/81/7). In addition to this, PRoW Ilkeston E6/81/7 is within 15m of the application area but is separated from the site by the Erewash Canal. The Nutbrook Trail multi-user route (National Cycle Network Route No. 67) runs along the southern boundary adjacent to the site's existing vehicular access. The Nutbrook Trail forms part of the County's key cycle network.

To the east of the Industrial Estates and 1.4 km from the site is 'Elka's Rise', a significant residential development of 348 dwellings currently under construction to the west of Quarry Hill Road. This development site is opposite the main entrance to Quarry Hill/Hallam Fields Industrial Estates.

The application site is located adjacent to the northern boundary of the Stanton Regeneration Site which has a long industrial heritage dating back 250 years. The Stanton Regeneration Site, which is set out in the Erewash Core Strategy, is proposed to form a new sustainable neighbourhood consisting of 2,000 homes, 10ha Business Park, general industry, employment land and a 20ha wildlife/recreation corridor. Erewash Borough Council is currently considering a planning application for the redevelopment of part of the Stanton Regeneration Site for employment, B2 (Industrial), B8 (Storage and Distribution) and associated infrastructure and open space.

The site is not prominent in the landscape nor is it overlooked. 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 site is also situated within

a Coal Authority Development Low Risk Area. It has an acceptable vehicular access off Crompton Road and is not included within a Neighbourhood Plan Area.

The Development

This application is for planning permission in retrospect for the installation of an AD plant, which consists of three digester tanks and ancillary plant. The three digester tanks consist, in part, of a walled construction, which stand at 8m in height with an upper/outer plastic membrane giving an overall height of 15m. Two of the three digester tanks have an internal diameter of 25m and include a Solid Feeding System. The third, which is identified as an after-digester tank, would have an internal diameter of 22m. In addition to this, two polyester tanks have been installed to one of the digester tanks.

The Anaerobic Digestion Process

AD is a biological process, which breaks down organic matter within biodegradable wastes in the absence of oxygen, through the actions of a variety of micro-organisms. The result of these processes is the production of biogas, which consists predominantly of methane (CH₄) and carbon dioxide (CO₂). The end products include gas for export to the grid the solid fraction of the digestate, for export to be used as a soil conditioner on local farms.

The initial feedstock would consist of the following materials:

- Manure
- Grass and Maize Silage
- Green waste
- Food waste
- Grease

In addition to the above, the application documents states that the site may also accept the following feedstocks, which are additional feedstocks to those which have been approved under the existing planning permission:

- Brewery Waste;
- Filtrate from press process;
- Contraband Material (Tobacco Material);
- Vegetables;
- Dairy waste;
- Bakery waste; and,
- Kerbside food waste

The purpose of including the additional feedstocks is stated in the application to provide vital flexibility to ensure the continual and efficient operation of the AD plant. There will be no increase in annual throughput of wastes/feedstocks

at the site and, therefore, the inclusion of additional feedstocks will not result in any increase in vehicle movements to those permitted under the extant consent.

The site of the AD plant is on part of the wider existing waste management facility used by Stanton Recycling which imports a mixed waste stream for sorting and processing. The area where the AD plant is located has previously been used to produce compost from green waste imported to the site. The intention is to use a portion of this green waste as part of the feedstock throughput for the AD plant.

Planning permission for the installation and use of an AD plant at the Recycling site is already granted under planning permission no. CW8/0817/38 and considered implemented. The AD plant has been erected in the location approved under planning permission CW8/0817/38, which is an area substantially the same as is set out in the application under consideration. However, this retrospective application has been submitted to authorise a reconfiguration to the layout and a minor extension to the site boundary to accommodate a reconfigured layout (net increase of 0.027ha). The application indicates that the site has been extended for design efficiency reasons, which has resulted in the requirement for the reconfiguration of the layout of the site. Since the application was submitted, the applicant has erected the plant equipment on site in the location shown in the submitted Proposed Site Layout Plan. The applicant has confirmed that the development is now substantially complete in accordance with the layout on this plan. The application is therefore now considered to be for retrospective planning permission. The development also includes the installed ancillary plant and machinery, which consists of a heat exchanger, polyester tank, pasteurisation tank, heat container, an oxygen generator, control cabinet, gas unit plant and propane storage which is located to the east of the digester tanks.

A biomass boiler building has been erected to the south of the digester tanks, housing two 500 kilowatt thermal (kWth) biomass boilers with an associated exhaust flues. The building erected is approximately 14.5m in length, 13m in width and 8.6m in height. The flue exceeds the height of the building and is 11m in height from ground level.

To the west of the biomass boiler building, two fraction storage tanks, along with a decanter and a buffer tank, have been erected. The two fraction storage tanks have an approximate height of 5.1m. A grid entry unit and a transformer are also located to the north of the existing waste transfer and recycling building.

A dry feedstock storage area is located to the south-east of the digestion tanks and east of the biomass boiler building. The dry feed storage areas consist of two bunker bays, which have been erected by using interlocking

concrete blocks. Immediately north of this storage area, a safety flare stands at an approximate height of 8.8m.

A retaining wall has been constructed using 'L' shaped concrete blocks along the inside of an earth bund that encompasses the site. A 'bund gate' is located along the southern boundary and another along the south-west to allow access to the wider site. The retaining wall stands at a height of 3.75m and the section facing the canal would be painted Fir Green (RAL 6009). In addition to this, Hendra Helix (Common Ivy) would be planted along at the base of the retaining wall. The planting and the painting of the retaining wall section had not been completed at time of writing this report.

There are no proposed changes to the approved hours of opening and use specified by Condition 24 of planning permission ref. CW8/0817/38. The applicant does not seek to increase annual throughput tonnage of waste at the site. A maximum of 41,250 tonnes of feedstock material would be imported to the site per year; the majority of the imported feedstock would consist of green and food waste. The imported feedstock would be used to fuel the plant.

The supporting information with the application states that silage would be delivered to site by tractor and trailer. The processed green waste/silage and other dry solid wastes/feedstocks would be stored on the dry feedstock storage area prior to being fed into the feeding system. The appropriate amount of digestate would be sourced from the ongoing AD process before being fed back into the system. Liquid feedstocks would be pumped directly into the reception tanks following delivery to the site. Liquid feedstock elements would be tankered to site by HGV."

The operation would also be controlled by an Environment Agency permit.

Planning History

In October 2004, conditional planning permission CW8/0704/70 was granted for the use of the site to change from builders merchants/warehousing and yard to a waste transfer station. The following permissions have subsequently been granted in respect of the site:

- Planning permission CW8/0107/164 (approved July 2007) for "Proposed construction and use of an inert waste material screening and green waste composting plant".
- Planning permission CW8/0308/259 (approved May 2008) for "Proposed alteration and extension to an existing building housing a waste transfer station".
- Planning permission CW8/0813/81 (approved November 2013) for "Proposed construction of an additional building to house a waste recycling facility".
- Planning permission CW8/0315/148 and CW8/0315/149 (both approved

July 2015) for extensions to the previously approved hours of operation and the proposed increase in height of waste stockpiles at the site.

- Planning permission CW8/0915/90 (approved February 2016) for “Proposed replacement of an existing building to house waste recycling facilities”.
- Planning permission CW8/0817/38 (approved 16 November 2017) for “Installation of an Anaerobic Digester and Associated Plant, buildings and Machinery”.
- Planning permission CW8/0818/29 (approved January 2018) “not to comply with condition 18 (hours of operation CW80315/148) to allow extended opening hours to facilitate operations beyond a three year restriction”.
- Planning permission CW8/0819/41 (approved January 2020) for “the consolidation of existing permissions including various incremental changes to infrastructure including a canopy and biomass boiler”.
- Planning permission CW8/0620/23 (approved 15 February 2021) application under section 73 of the town and country planning act for planning permission for Development at Stanton Recycling Ltd, The Old Ironworks, Crompton Road, Ilkeston, Derbyshire, DE7 4BG, without complying with conditions 7 (hours of Operation) and 18 (noise management) subject to which Planning permission CW8/0819/41.

Consultations

Local Members

Councillors Gibson and Major were consulted on the application.

Councillor Gibson provided the following comments:

“On review of planning application CW8/0721/16 at The Old Ironworks Crompton Road Ilkeston DE7 4BG I would like to submit the following objections to the plan and information I have received, in its current guise;

- *Operating noise – I have concerns surrounding noise emanating from the operating of the facility, particular at times in the morning and late afternoon/evenings.*
- *Smell/Odours – I am concerned about potential smells and odours produced as part of the facility operations.*
- *Traffic concerns – I require a greater level of detail for traffic plans to and from the facilities including throughput, type of vehicles and planned routes (preferably daily level).”*

Erewash Borough Council – Planning

No comments received.

Erewash Borough Council – Environmental Health Officer

The Environmental Health Officer (EHO) made the following comments:

“Environmental Protection

The reports submitted demonstrate that there should be no adverse effects on the noise climate and air quality in the area.

In relation to Oaktree Environmental Ltd’s report number 058-003.1 (Odour management plan), table 2.3 refers to the Erewash Canal as being a short time recreational receptor, for information there is a permanent residential mooring in this location.

The proposal will be subject to an environmental permit issued by the Environment Agency which should contain conditions that will control noise, dust and odour.

Contaminated Land

The site is located on the former Stanton Ironworks site, there is therefore considered to be the potential for ground contamination to be present. It is understood that the site will be surfaced in its entirety with hard standing which will significantly reduce/prevent the likelihood of direct exposure to potentially contaminated soils and will significantly reduce infiltration. There is however the potential for direct contact with potentially contaminated soils during any proposed groundworks. The following advisory notes are therefore proposed in relation to contaminated land matters.”

The advisory notes proposed by Erewash Borough Council EHO relate to Potentially Contaminated Soils and Disposal of Excess Soil.

Nottinghamshire County Council

Has no strategic comments to make regarding this application.

Sandiacre Parish Council

Sandiacre Parish Council provided the following comments:

“Councillors remain concerned by any adverse impact construction traffic will have upon the community of Sandiacre when vehicles are travelling to and from a nearby industrial site. This creates issue of air pollution for local residents and has a detrimental impact on the local environment. Sandiacre already faces ongoing and heavy HGV movement through the centre of the village when lorries travel to and from the M1/A52. Consideration should be given to avoiding Sandiacre as a route for HGV accessing major roads and the M1.”

Stanton by Dale Parish Council

Stanton by Dale Parish Council made the following comment:

“The Parish Council had no objection but want the emissions to be closely monitored as there are already a number of industrial premises in the vicinity producing substantial emissions.”

Trowell Parish Council

Trowell Parish Council provided the following comments:

“Trowell Parish Council were consulted on this application in 2016, and were happy with it, we did ask for a couple of points to be added to any permission granted.

- 1. Can vehicles entering/leaving the site and Quarry Hill Industrial Estate use the Main Entrance to the Estate on Quarry Hill Road.*
- 2. Can stringent controls be put in place to endure that odours created on site, do not affect the residents of Trowell Village.”*

The owner Mr Alan Cook has already implemented the traffic management, which is much appreciated, he has also explained the Anaerobic Process in detail to us. Green Feedstock will be processed in a short time frame, meaning that minimal if any odours will be noticed off site.

With this information provided, we would still like to have a control in place that is monitored to ensure that Green Feedstock levels do not exceed the levels needed for efficient operation of the plant.

Such a control should ensure that all odours produced on site are contained and will not affect Trowell Residents.”

Environment Agency

The Environment Agency (EA) has no objections to the development but recommended the flood risk mitigation measures previously imposed by condition should be implemented into the new configuration where relevant. The EA therefore requests a condition is imposed, to require the development to be carried out in accordance with the Flood Risk Assessment and Flood mitigation measures to be fully implemented prior to the occupation of any building and subsequently in accordance with the timing/phasing arrangement embodied within the scheme. In addition to this, the EA has also requested conditions for all bunds surrounding tanks containing liquid to be constructed to a minimum height of 45.5m Above Ordnance Datum (AOD). Any electrical equipment or cable to be installed shall also be no lower than 45.5m AOD.

Derbyshire Wildlife Trust

The Derbyshire Wildlife Trust (DWT) provides the following assessment of the proposed development *“Given that the site largely comprises hard standing and buildings with no vegetation we concur that the proposed development will have negligible ecological impact.” “Derbyshire Wildlife Trust therefore raise no objections to the proposed development.”*

East Midlands Airport

East Midlands Airport raised no aerodrome safeguarding objections to the proposed development but request a condition be imposed to ensure measures are taken to prevent birds being attracted to the site. The reason for this is to reduce the risk of bird strikes to aircrafts using East Midlands Airport.

Lead Local Flood Authority

The Council, as Lead Local Flood Authority (LLFA), has raised no objections to the development, subject to the imposition of conditions. The LLFA requests that use of the development shall not occur until a detailed design, associated management and maintenance plan of the surface water drainage for the site has been submitted and approved by the waste planning authority. In addition to this, the LLFA requests that the applicant submits a verification report for approval prior to occupation of the development.

Canal and River Trust

The Canal and River Trust raise no objections to the development but does request reinstatement of relevant conditions as previously imposed on planning permission ref. CW8/0717/38.

Natural England

No comment.

The Coal Authority

No objection.

Highway Authority

The Council, as Highway Authority, commented that the application does not appear to differ significantly in highway terms from application CW8/0817/38 which benefits from permission and the implementation of which, according to the Planning Statement, has already commenced. As such, there are no objections to the proposal from the highway point of view.

Publicity

The application has been advertised by site notice and press notice (Derbyshire Times) with a request for comments by 3 September 2021. 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 polices of the adopted Derby and Derbyshire Waste Local Plan (DDWLP) (2005), the Adopted Erewash Core

Strategy (2014) (ECS) and the saved policies within the Erewash Borough Local Plan Saved Policies 2005 (Amended 2014) (EBLP).

Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (July 2021), Erewash Borough Council's adopted Stanton Regeneration Site – Supplementary Planning Document (SPD) (2017), the associated Planning Practice Guidance (PPG), Waste Management Plan For England (2021), Resources and Waste Strategy (2018) and the National Planning Policy for Waste (NPPW) (2014).

The main relevant development plan policies that must be taken into account when considering this application are set out below:

Derby and Derbyshire Waste Local Plan (2005)

- W1b: Need for Development
- W2: Transport Principles
- W5: Identified Interests of Environmental Importance
- W6: Pollution and Related Nuisances
- W7: Landscape and Other Visual Impacts
- W8: Impact of the Transport of Waste
- W10: Cumulative Impact

Adopted Erewash Core Strategy (ECS) (2014) Policies

- A: Presumption in Favour of Sustainable Development.
- 1: Climate Change.
- 10: Design and Enhancing Local Identity.
- 11: The Historic Environment.
- 17: Biodiversity.

Erewash Borough Local Plan Saved Policies 2005 (Amended 2014)

- EV6: Listed Buildings
- DC7: Development and Flood Risk

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 development are in:
Chapter 2: Achieving sustainable development.
Chapter 4: Decision-making.
Chapter 8: Promoting healthy and safe communities.
Chapter 9: Promoting sustainable transport.
Chapter 10: Achieving well designed spaces.
Chapter 14: Meeting the climate change, flooding and coastal change.
Chapter 15: Conserving and enhancing the natural environment.
Chapter 16: Conserving and enhancing the historic environment.

Waste Management Plan for England January 2021

The Waste Management Plan for England clearly sets out the Government’s intention to secure greater reuse and recycling rates across all waste streams, moving waste up the hierarchy. The plan recognises that to achieve the goals of increased reuse and recycling, there will be a need to increase the provision of waste recycling facilities, and in particular, those catering for the recycling and preparation of domestic waste for reuse and recovery.

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, and the Waste Management Plan for England (2021). 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 and reuse of wastes sit 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. This includes the following extract, which is applicable to waste processing development such as that which this application relates to: *“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”*.

Stanton Regeneration Site Supplementary Planning Document

The site entrance is adjacent to the area allocated in the ECS for the Stanton Regeneration Scheme. The bulk of the regeneration proposal is separated from the application site by an area of existing industrial uses, and a belt of landscaping and wildlife sites crossed by a multi-user trail network.

As stated above, an application has been submitted to EBC for development located on the land identified within this SPD. Whilst that application remains undetermined, it is of some relevance to the application now for consideration under this report, regarding cumulative impacts. It would generally be inappropriate, having regard to the ECS, the application now before EBC, and other considerations identified in this report, to permit development that may compromise the potential for the wider development of the regeneration site and the benefits to the locality that it may bring.

Need for Development

The Waste Management Plan for England (WMPE) 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, as amended by the Waste (Circular Economy) (Amendment) Regulations 2020. 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). As a result of the Resources and Waste Strategy, there has been a shift towards waste prevention through policies which document set a more circular economy, such as waste prevention through policies to support reuse, repair, and remanufacture activities.

The WMPE acknowledges the need to grow our circular economy by moving waste up the waste hierarchy and minimise the types and amounts of waste reaching the lower tiers of recovery and disposal in order to reduce carbon emissions from the waste sector. Planning Practice Guidance similarly supports the priority in driving waste up the hierarchy.

Paragraph 7 of the NPPW states that, when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

At a local level, saved Policy W1b of the DDWLP presumes in favour of planning permission where a proposed development caters for the needs of the local area, in terms of quantity, variety, and quality, as part of an integrated approach to waste management.

The applicant states that the need for this development is a result of the changes to the previously approved layout and site boundary. The applicant also states that the “... *the proposal would cater for the needs of the local area which is a requirement of this policy. All by-products arising from the digestion process would also be likely to be used locally, including export of gas to the grid and export of the solid fraction of the digestate, to be used as a soil conditioner on local farms*”.

Disposal is at the bottom of the waste hierarchy and is considered to be the worst/last resort. The development would move waste up the hierarchy, the waste would be recycled for use in the AD plant. The applicant identifies within the submitted Planning Statement, that this method has been applied at similar sites in England. This approach is considered to be in line with the WMPE and the Resources and Waste Strategy.

I am satisfied that the need for the development as claimed by the applicant is justified and that the development would assist with diverting waste, from landfill help to meet local demand and accords with the policies identified above.

Noise, Odour and Dust Impacts

Appendix B of the NPPW is concerned with general environmental impacts from waste development, which require consideration including noise, odours and air/dust impacts. Policies W5 and W6 of the DDWLP, and Policy A of the ECS are similarly concerned with these potential impacts.

Policy W6 of the DDWLP states “*Waste development will be permitted 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.*”

It is noted that Councillor Gibson raised an objection to this application due to concerns regarding the operating noise of facility during the morning and late afternoon/evenings. Councillor Gibson has also expressed concerns regarding the potential smells and odours produced as part of the facility operations.

A Noise and Vibration Management Plan (NVMP) and Odour Management Plan have been submitted which are risk assessment based and seek to implement action plans to maintain noise, vibration and odour emissions at an acceptable level, provide a framework and process for any complaints and mitigation measures. A full noise impact assessment has been undertaken for the site which identifies receptors benefiting from existing screening, comprising numerous intervening commercial buildings between the site and the receptors at Hallam Fields Road, Hexham Avenue, Kingston Avenue and Somerleyton Drive. The assessment also acknowledges that the existing changes in topography and the proposed concrete retaining walls would also act as a screen for the receptors at Ilkeston Road. The NVMP highlights that the development would have a low impact based on comparison of the noise levels associated with the plant to the existing background noise levels. However, I would recommend that a condition should be imposed to require the applicant to undertake the noise management of the site in accordance with the NVMP.

The submitted Odour Management Plan states that manure and silage would not be routinely stored on the site but would be brought in as needed and loaded directly into the plant. The applicant is of the opinion that the AD plant would significantly reduce potential for odour compared to that which has potential to arise from the existing open composting facility. The delivery, storage and feeding into the system of solid feedstock, particularly manure and silage, has the potential for odour nuisance. The submitted information stresses that such waste would not be routinely stored on site, being brought in on a need basis and fed directly into the plant.

In respect of dust, I am of the opinion that the nature of the waste to be utilised as feedstock would not in itself give rise to any significant dust. It is, however, noted that the site is hard surfaced and the movements of vehicles are a potential source of dust emissions. The applicant has identified, within the submitted Planning Statement, measures that would be imposed to prevent or mitigate dust emissions. The measures include sheeting of vehicles, use of a mobile bowser on site to damp down vehicle running surfaces, vehicle loads and areas on and around machinery. The Planning Statement further explains that daily inspections would take place, as well as any deposits of material on the access road or public highway would be treated as an emergency and would be cleaned immediately using a brush and shovel or the road sweeper/vacuum tanker if necessary.

No objections have been received from the EA or from the local Environmental Health Officer. As lead permitting authority the EA would monitor any nuisance emissions and enforce the requirements of the permit where necessary.

Subject to the inclusion of a condition for the noise management of the site to be in accordance with the NVMP, and the standard condition to ensure that the development has been undertaken in accordance with all documentation submitted with the planning application, including the Planning Statement (which outlines dust mitigation measures), I am satisfied that the development would be unlikely to result in any unacceptable and significant impacts in regard to noise, dust and odour emissions. The development is therefore considered to be in accordance with the policies outlined above.

Flood Risk

Paragraph 167 of the NPPF states, *“when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Paragraph 169 of the NPPF states, *“Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

ECS Policy 1: Climate change states, that development within Flood Zone 2 will be considered on a sequential basis and where necessary it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. In addition to this, *“all new developments should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.”*

Appendix B of the NPPW states, when determining planning application, considerations should include the proximity of vulnerable surface and groundwater. In addition to this, further consideration must be given to the *“suitability of the locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care”*

As a measure to handle potential surface water flooding, the applicant has submitted a management plan. The water on-site would be contained using the perimeter bunds. The perimeter bunds have been designed with the intention of containing a release of digestate from one of the primary digesters, hence the bund and associated flood gates comprise the secondary containment infrastructure. The main site entrance has also been profiled to allow for the containment of rainfall and drainage back to the containment area of any surface water accumulating on the access road immediately outside the gates.

The LLFA has requested additional drainage details to be submitted by way of condition. This is to ensure that the development does not increase the risk of flooding from surface water and that the proposed development as incorporated the principles of sustainable drainage. As the application is made in retrospect, I would suggest that the condition require these details to be submitted within three months of the date of the decision, should the application be approved. The condition would also require that the development would not be brought into use until these details have been approved with the Waste Planning Authority. Subject to the imposition of this condition I am satisfied that the development would be in accordance with the policies identified and W6 of the DDWLP.

Design and Visual impact

Chapter 10 of the NPPF and Policy 10 of the ECS are concerned with appropriate design of new development in the context of the locality. Policy W7 of the DDWLP is concerned with landscape and visual impact.

Policy W7 of the DDWLP states, *“Waste development will be permitted only if: the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local*

distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.”

The relevant sections of Paragraph 130 of the NPPF states, “*Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) ...”*

I am of the opinion that the changes to the plant, which include a slight extension to the previous planning boundary are not significant from a landscape and visual amenity perspective and I do not anticipate any effects greater than those assessed as part of the previous planning approval. Aspects of the original scheme have already been completed including the installation of the concrete retaining wall. This application includes the wall, which is to be screened through the retention of existing and planting of native vegetation, and the planting of ivy to grow against and up the structure.

The main digestion tanks (primary digester and after digesters) are in the same position as approved under the planning consent no. CW8/0817/38? and of the same maximum height. The application relates to functional plant and structures, and given the industrial setting of the site, I am of the opinion that the design is in keeping with the industrial nature of the locality, and not unacceptably injurious to the wider area. I therefore consider that the development in regard to design and visual impact considerations is acceptable and find it to be in accordance with the planning policies identified above.

Ecology

Chapter 15 of the NPPF Conserving and enhancing the natural environment, Policy W5 of the DDWLP and Policy 17 of the ECS are concerned with the protection of ecological interests.

The site lies adjacent to the Erewash Canal (ER215) and beyond that, the West Hallam Towpath Scrub (ER055), both of which are LWSs. DWT was consulted on the application and raised no objection. The site itself contains no features of ecological interest, having been formerly part of a larger industrial complex and in its present use for many years. The only vegetation on the site is a narrow belt of planting along the eastern boundary and adjacent to the Erewash Canal; this would remain along with the additional planting. I am satisfied that no ecological interests would be significantly

affected by the development, which is in accordance with the planning policies identified. A condition is, however, recommended to be imposed to ensure that the development has been carried out in accordance with the measures identified in the Ecological Appraisal report, in particular, the mitigation proposals and recommendations in the report.

Traffic, Highway Safety and Public Rights of Way

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

Policy W2 of the DDWLP states, *“Waste development which would be likely to result in an overall significant increase in the number or distance of waste-related journeys for people, materials or waste or would not provide or utilise a choice of transport modes for people, materials or waste will not be permitted if there is a practicable, environmentally better alternative.”*

Policy W8 of the DDWLP states, *“Waste development will be permitted only if: the methods and routes of waste transport will not cause significant disturbance to the environment, people or communities; the transport network is adequate to accommodate the traffic which would be generated; and the proposed access arrangements and the impact of the traffic generated will not be detrimental to road safety.”*

Sandiacre Parish Council has expressed concern with regard to construction traffic on the community of Sandiacre. Any issues arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working are considered to be temporary, and much of the works given the retrospective nature of the application are now complete.

The development would be restricted to the existing number of vehicular movements for the delivery of green waste to the site. Vehicle movements generated by the development would not increase from those approved under planning permission no. CW8/0817/38. Under that permission (CW8/0817/38), the number of movements consisted of 20 additional Heavy Goods Vehicle movements per day.

Trowell Parish Council requested that the vehicles associated with this development entering and egressing the Quarry Hill Industrial site do so via Quarry Hill Road. In response to these comments, a routing plan has been submitted by the applicant, which requires HGV traffic to travel to and from the site via Merlin Way and Quarry Hill Road. This routing avoids passing the tower of St Bartholomews Church. Hallam Fields Bridge and Hallam Lock are at the end of Hallam Fields Road and cannot be accessed via vehicle. It is

noted that the routing plan is the same as the one previously submitted under planning permission CW8/0817/38.

The Highway Authority has not objected to the application subject to the inclusion of a condition to require HGV movements to comply with the Routing Plan submitted; an appropriate condition is included in the recommendation to this effect. I am satisfied that compliance with this plan would not cause any significant disturbance to the environment, people or communities in respect of traffic or highway safety impacts. The application is considered to accord with the NPPF and policies W2: Transport Principles and W8: Impact of the Transport of Waste of the DDWLP.

Heritage Impacts

Chapter 16 of the NPPF Conserving and enhancing the historic environment, Policy W5 of the DDWLP and Policy EV6 of the EBLP are concerned with the protection of heritage assets.

The site is not within a conservation area. The nearest listed buildings are Hallam Fields Bridge (Grade II) and Hallam Fields Lock (Grade II), both some 150m to the north. The tower of St Bartholomews Church (Grade II) is located at the junction of Crompton Road and Hallam Fields Road, over 500m from the site entrance.

Given the industrial nature of the locality, I do not consider the site to be within an area that is sensitive with regard to the location of heritage assets and am satisfied that the development would accord with the policies identified.

Cumulative Impacts

Paragraph 185 of the NPPF 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. ... 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 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.”

There are a cluster of waste facilities in this area and the cumulative impact of these developments in combination is recognised. I am also mindful of the proposed development at the Stanton regeneration site as referred to above, which, if consented, would introduce further HGV movements into the wider area. While it is accepted that there are HGVs using the site, not all HGV movements on the local road network can be attributed to the applicant's site. In addition to this, the application for this development does not seek to increase the number of vehicular movements or extend its existing permitted hours.

The site lies within a large industrial estate, near to the M1 motorway, main line railway and less than 1km north of a number of other industrial and distribution uses on the former Stanton Iron Works site which has been in heavy industrial use since the 1780s. Given the location of the application site within this predominantly industrial area, a degree of noise and dust emissions must be anticipated. As addressed earlier within this report, the noise and dust issues benefit from mitigation measures and management plans. Taking into consideration of the nature of the development I am satisfied that it would not result in any significant cumulative impacts in respect of noise and dust.

Overall, I do not consider that the development would result in a significant and detrimental cumulative impact on the environment and local communities. I am satisfied that the application would accord with the Policy W10 of the DDWLP and the NPPF in this respect.

Conclusion

I am satisfied that the development would assist in moving waste up the waste hierarchy, divert waste from landfill, and would provide useful by-products of bio-gas and the solid fraction of the digestate, to be used as a soil conditioner on local farms.

The principle of the development has been established through the grant of planning permission for a similar AD facility under application code no. CW8/0819/41. This application seeks retrospective planning permission to increase the site area by a marginal 0.027ha to that previously approved for operational purposes and an amended site layout. In consideration of potential impacts of the development now proposed under this new retrospective application, including noise, odour and dust, flood risk, design, ecology, traffic and heritage, and cumulative impacts, I conclude that these are acceptable, or can be satisfactorily mitigated, and that the development is in accordance with national and local planning policy.

The application is therefore recommended for approval subject to conditions.

(3) Financial Considerations The correct fee of £1,638 has been received.

(4) **Legal Considerations** 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 Recommendation.

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

(6) **Other Considerations**

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

(7) **Background Papers** File No. 8.9001.18

Application Form, Landscape and Visual Impact Assessment (LVIA) and Addendum, Ecological Appraisal, Supporting Planning Statement, Odour Management Plan, Noise & Vibration Management Plan Noise & Vibration Management Plan Noise & Vibration Management Plan, Site Location Map, Site Location Plan' Pre-Development Layout, Proposed Layout Plan, Proposed (New) Plant Elevations, Retaining Wall Detail, Boiler Building Details and Side Views' received 27 July 2021.

Environtech letter dated 6 November 2021.

Additional information by email correspondence dated 14 September 2021, 15 September 2021, 4 October 2021, 17 December 2021, 21 December 2021 and 17 January 2022.

Flood Risk Assessment received 16 November 2021.

HGV Routing Plan received 14 December 2021.

EH Point rainfall FEH2013_AM_447998_339328, Surface Water Management Plan and Risk Assessment report reference 010-058-E dated 21 December 2021, Host Overlay received 22 December 2021.

Agent correspondence dated 20 January 2022.

Consultation Responses from:

Derbyshire Wildlife Trust dated 24 September 2021 and 3 November 2021.

The Lead Local Flood Authority dated 6 September 2021, 10 December 2021 and 17 December 2021.

Erewash Borough Council dated 5 August 2021.

The Highway Authority dated 29 October 2021.

The Canal and River Trust dated 14 September 2021.

Stanton by Dale Parish Council dated 6 September 2021.

Sandiacre Parish Council dated 19 August 2021.

Nottinghamshire County Council - Planning Policy dated 2 August 2021.

Trowell Parish Council dated 10 August 2021.
The Environment Agency dated 9 September 2021.
The Lead Local Flood Authority dated 19 January 2021 and 20 January 2022.

(8) **OFFICER'S RECOMMENDATION** That the Committee resolves to **grant** planning permission for the development described in the application under code no: CW8/0721/16, subject to conditions substantially to the effect of the following draft conditions:

Form of Development

1) The development must take place and be completed in accordance with the details in the 1APP form dated 22 July 2021, Landscape and Visual Impact Assessment (LVIA) and Addendum dated July 2021, Ecological Appraisal document reference 3906 dated 2 April 2016, Odour Management Plan document reference 058-003-I dated 18 May 2021, Supporting Planning Statement document reference 010-058-A dated 22 July 2021, Noise & Vibration Management Plan document reference 009-058-A dated 16 March 2021, Envirotech Letter dated 04 October 2021, Flood Risk Assessment dated 6 November 2021, email entitled 2021 09 14 AGT Clarify Feedstock Tonnages CW8-0721-16 dated 14 September 2021, FEH Point rainfall FEH2013_AM_447998_339328, Surface Water Management Plan And Risk Assessment report reference 010-058-E dated 21 December 2021, Additional information by email correspondence dated 14 September 2021, 15 September 2021, 4 October 2021, and 17 December 2021, and 21 December 2021 and 17 January 2022 and the following drawings:

Drawing reference no. 058-010-01 entitled 'Site Location Map'.
Drawing reference no. 058-010-02 entitled 'Site Location Plan'.
Drawing reference no. 058-010-03 entitled 'Pre-Development Layout'.
Drawing reference no. 058-010-04 entitled 'Proposed Layout Plan'.
Drawing reference no. 058-010-06 entitled 'Proposed (New) Plant Elevations'.
Drawing reference no. 058-010-07 entitled 'Retaining Wall Detail'.
Drawing reference no. 058-010-08 entitled 'Boiler Building Details'.
Drawing reference no. 058-010-11 entitled 'HGV Routing Plan'.
Drawing reference no. 4812-tek02-04 entitled 'Side Views'.
Drawing reference no. 058-011-03 entitled 'Host Overlay'.

Reason: To ensure conformity with the details of the application that is approved and to clarify its scope.

Availability of Plans

2) A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission, shall be kept available for inspection at the

site during the prescribed working hours for the duration of the development.

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

Hours of Operation

- 3) Other than operation of the AD plant (which may run for 24 hours a day), all operations associated with the importation of feedstock to the site, the sorting and processing of waste and the exportation of digestate from the site shall only take place between the following hours:

Mondays to Fridays 07:00 hours to 18:00 hours.

Saturdays 07:00 hours to 12:00 hours.

No [such] operations shall take place on Sundays, Bank Holidays or other National Holidays.

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

East Midlands Airport Aerodrome Safeguarding

- 4) Cleaning of the site shall be carried out sufficiently frequently and thoroughly to ensure that the standard of cleanliness of the site is at all times high enough prevent any birds of species that are hazardous to aircraft from scavenging at the site or otherwise being attracted to the site (for example by detritus or spilt waste, particularly food waste). The site shall be kept free of any pools of water.

Reason: Flight safety – to prevent birds being attracted to the site, for Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport (EMA) that would increase the risk of a Birdstrike to aircraft using EMA.

Flood Risk

- 5) The development shall not be taken into use place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Flood Risk Assessment, Oaktree Environmental Ltd., ver-1.1, 6-Nov 2021; Surface Water Management Plan and Risk Assessment, Oaktree Environmental Ltd., ref: 010-058-E, ver-1.1, 17-Jan 2022 including any subsequent amendments or updates as approved by the Flood Risk Management Team.
 - b. and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015).

has been submitted to and approved in writing by the Waste Planning Authority. The details shall be submitted to the Waste Planning Authority within three months of the date of this permission. The development shall be completed and maintained in accordance with the details as approved.

Reason: To ensure that the development does not increase flood risk and that the principles of sustainable drainage are incorporated into this development, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the County Planning Authority, This is in line with Paragraph 167 of the National Planning Policy Framework 2021.

- 6) The development shall not be taken into use, until a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the Waste Planning Authority. The report must verify and demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753. This is in line with Paragraph 169 of the National Planning Policy Framework 2021.

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

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

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

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

Ecology

- 9) There shall be no removal at any time of vegetation that may be used by breeding birds during the bird breeding season (i.e. March to September inclusive), unless a recent survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird

interest on the site have been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: In the interest of the protection of breeding birds.

- 10) The development hereby approved shall be completed in accordance with the measures identified in the Ecological Appraisal prepared by Envirotech, in particular, Section 7: (Mitigation/Recommendations) setting out the compensatory planting and habitat enhancement relating to protected species.

Reason: To ensure that suitable mitigation is given to any ecological interests on or close to the site.

Environmental Protection

- 11) The height of the imported or processed waste stockpiles shall at no time be constructed at a height of more than 4.0 metres when measured from the concrete base.

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

Odours

- 12) The development shall be undertaken and operated in accordance with the Odour Management Plan prepared by Oaktree Environmental Limited, dated 18 May 2021 reference 058-003-I.

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

- 13) Any non-inert odourous wastes brought onto 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 practical.

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

Noise

- 14) The noise management of the site shall be undertaken in accordance with the measures set out in the Noise and Vibration Management Plan prepared by Oaktree Environmental Limited, dated 16 March 2021 reference 009-058-A.

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

Lighting

- 15) No new 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 the local amenity.

Highway Safety

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

Reason: On the grounds of Highway Safety.

HGV Routing

- 17) The site operator shall provide and maintain signage at the weighbridge and at the site exit to inform drivers egressing the site of the route to be used to and from the site by HGV drivers, in accordance with the HGV routing plan approved under Condition 19 for the duration of the development. A copy of the routing plan shall also be issued to all drivers.

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

- 18) 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 routing plan prepared by Oaktree Environmental Ltd, document reference no. 058-010-11, dated 13 December 2021 except for any such journeys which cannot practicably be undertaken via this route.

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

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.

Footnotes

1. The East Midlands Regulated Industry Team and Groundwater & Contaminated Land Team are aware of the development which is also subject to a new environmental permit application being considered by the Environment Agency's National Permitting Team. The location of this development is on a portion of the land currently permitted for use as a waste transfer and waste composting operation. As this

development appears to be a revision in the configuration of a previously approved planning authorisation, the Environment Agency does not have any further comment.

The environmental risk assessment, noise and vibration plan, odour management plan and comments on risks to controlled waters will be assessed as part of the permitting determination.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide the Environment Agency with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

2. Potentially Contaminated Soils

Given the history of the site there is the potential for contaminated soils to be present. Where sub soils may be disturbed as part of the proposed development Erewash Borough Council advise that appropriate risk assessment and method statements are in place in relation to ground contamination which detail relevant mitigation measures for any proposed groundworks. In addition, ground workers should ensure that they wear appropriate PPE to protect them from exposure to contaminated soils. Typically, within the wider Stanton site contaminants such as heavy metals, cyanide, asbestos and hydrocarbons have been recorded as being present.

3. Disposal of Excess Soil

Given the potential for the presence of contaminated soils, where excess soils may be generated via any groundworks for the proposed development these will need to be disposed of off-site in a responsible manner to a suitably licensed landfill facility. Appropriate Duty of Care information/ waste transfer notes should be forwarded to the Waste Planning Authority as evidence that material/ soil has been disposed of in an appropriate manner.

4. A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8 metres of an ordinary watercourse and a minimum 3 metres for a culverted watercourse (increases with size of culvert). It should be noted that Derbyshire County Council have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Waste Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

G. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

H. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Typical inspection chamber, silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

I. On Site Surface Water Management

The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated.
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

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

Volume Control

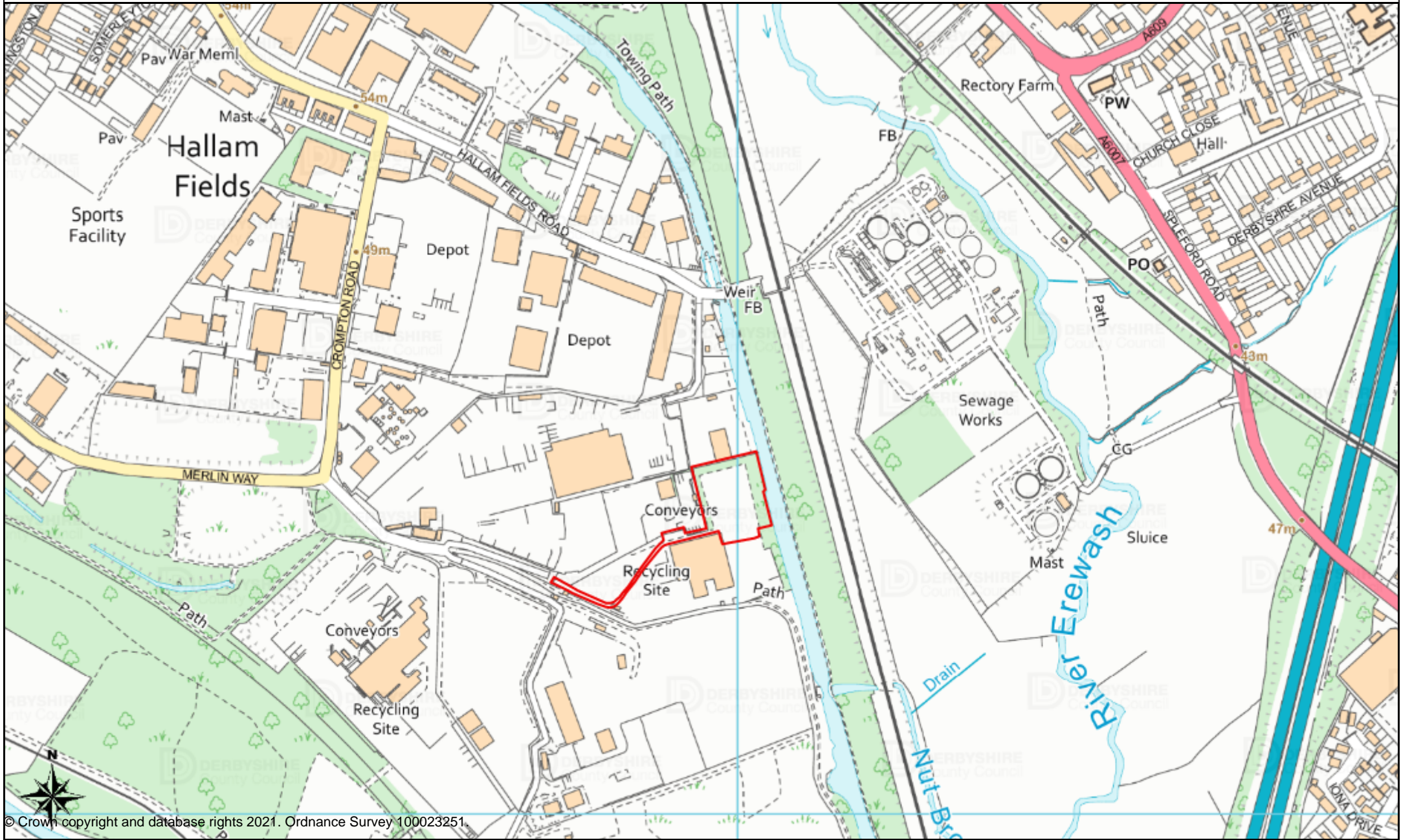
- For developments which have been previously developed, the run-off volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield run-off volume for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

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

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Guidance on flood pathways can be found in BS EN 752.

J. All Micro Drainage calculations and results must be submitted in .MDX format, to the Waste Planning Authority. (Other methods of drainage calculations are acceptable.)

Chris Henning
Executive Director - Place



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