

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.

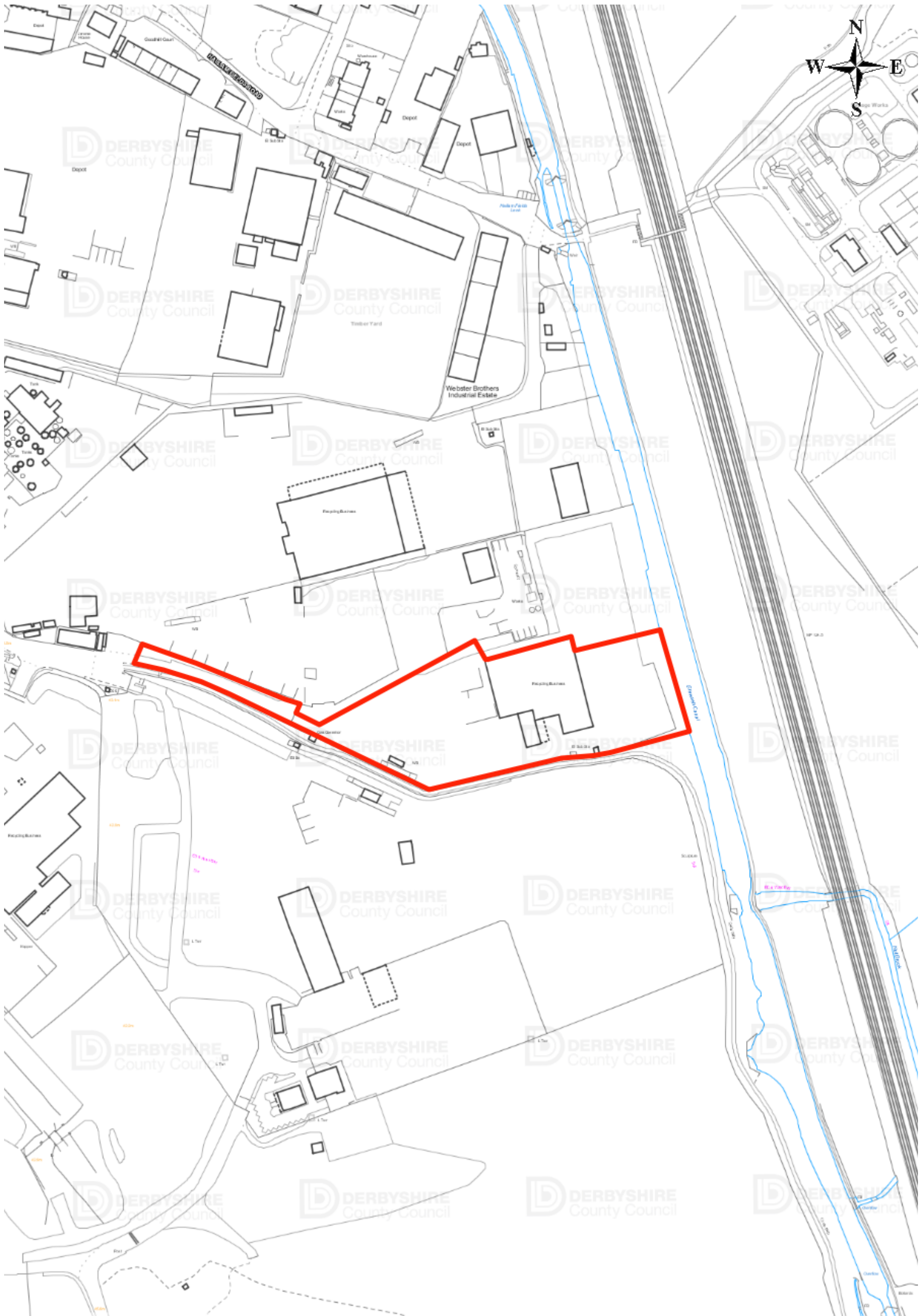
### **Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

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