



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY - PLANNING COMMITTEE**

**17 June 2024**

**Report of the Executive Director - Place**

- 1 Change of Use of Part of a Commercial Transport Yard to Accommodate an Inert Material Recycling and Storage Facility at Bridgehouse Garage, Sheffield Road, Barlborough, S21 3WA  
Applicant: Mr David Johnson  
Planning Application Code No. CW5/1023/32**

**5.1261.2**

**1. Introductory Summary**

- 1.1 Planning Permission is sought for a change of use of part of an existing transport yard to use for inert waste recycling to produce secondary aggregate and associated temporary storage of waste and secondary aggregate that would be re-used off site and associated minor works.
- 1.2 The area of the transport yard to be utilised for the processing of waste would be cleared and an area close to the north-east boundary set aside for the temporary location of a mobile screener that would be positioned onto site when sufficient material had been imported for recycling. It is anticipated that the screening would be undertaken once a month for approximately two days, with an estimated tonnage of 5,000 tonnes to be screened annually.
- 1.3 The site is within an established transport yard with adjoining industrial building utilised for maintenance of Heavy Goods Vehicles and as a garage with an adjoining fuel filling station. The site is not within a sensitive locality with regard to landscape, heritage, or ecological designations. The site is located within designated countryside, within the North East Derbyshire Green Belt and in a High Risk area as defined by the Coal Authority.

- 1.4 A screening opinion produced on the change of use development proposed by the application has concluded that it would not constitute 'EIA development' under the Environmental Impact Regulations (EIA) 2017.
- 1.5 Operations at the site would also be controlled through an Environmental Permit as regulated by the Environment Agency.
- 1.6 Whilst representations have been received expressing concerns over potential amenity impacts, I am satisfied that any amenity impacts resulting from the development, as proposed, could be mitigated via imposition of the proposed conditions, with the development to now be limited to an initial period of two years so that the impact of the development can be fully assessed.
- 1.7 All waste management processes at the site would be controlled effectively through the environmental permitting regime, regulated by the Environment Agency.
- 1.8 The application is in accordance with the development plan and national planning guidance and is therefore recommended for approval subject to conditions.

## **2. Divisions Affected**

- 2.1 Barlborough and Clowne.

## **3. Purpose**

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

## **4. Information and Analysis**

### **The Site**

- 4.1 The existing transport yard is located to the north-east of the Bridgehouse filling station and garage at Renishaw Hill, between the villages of Renishaw and Barlborough with access off the A6135 Sheffield Road. The application site is a rectangular shaped area covering the eastern half of the enclosed transport yard which comprises a roughly level hard surfaced area.
- 4.2 The application site currently forms part of premises used as a commercial transport and haulage business which corresponds to use class B8 (storage and distribution). The site covers approximately 0.2

hectare (ha) of the current transport yard. The remaining section of the yard, the garage building and the additional access under the applicant's ownership together cover approximately 0.3ha.

- 4.3 The site is bounded to the north and east by solid metal fencing beyond which is open agricultural fields. To the south of the site is a two-storey building which comprises the Bridge House Garage filling station shop and the access onto the A6135 Sheffield Road. To the west is the remaining section of the transport yard which is boarded by 2 metres (m) high boarded wooden fencing and a single storey pitched roof industrial building. Some of the building is used by the applicant in connection with the transport yard for the servicing and repairs of Heavy Goods Vehicles (HGVs). The remainder of it (the eastern half) is utilised by Bridgehouse Garage, with MOT testing bay and vehicle service area.
- 4.5 The nearest residential property to the site is the flat located on the first floor above the filling station shop which is approximately 5m from the site boundary gates. The flat provides staff accommodation and welfare facilities for the filling station workers. There are also two residential properties to the south-west of the site: Bramley House and Green Acres, positioned off the A6135, that are approximately 40m and 80m from the application site boundary.
- 4.6 Existing access to the site is via the A6135 Sheffield Road using the established access on the eastern side of the filling station, and a second access point to the south-west, to the western side of the filling station. Both access points would be shared by traffic for the fuel filling station and garage.
- 4.7 The site is situated within land designated as Green Belt (North-East Derbyshire) and within a High-Risk Area as defined by the Coal Authority and within Flood Zone 1.

#### **Proposed Development**

- 4.8 This application proposes the change of use of the application site to be used for the temporary inert waste recycling to produce secondary aggregate and associated storage of waste and secondary aggregate that would be re-used off site.
- 4.9 To facilitate the proposed change of use to use for processing of waste, the site would be cleared of existing vehicles and machinery, and an area close to the north-east boundary would be set aside for the temporary location of a mobile screener that would be used when sufficient material had been imported onto the site for recycling. It is anticipated that the screening would be undertaken once a month for

approximately two days, with an estimated tonnage of 5,000 tonnes to be screened annually.

- 4.10 The waste materials to be screened on site would comprise inert excavated stone, rock and soils, arising from one of the applicant's businesses which involves the removal of excavated materials from household developments including excavations for driveways, foundations for houses/extensions, drainage and services. It is advised that the waste materials to be imported onto the site, would only be by the applicant's company vehicles.
- 4.11 It is envisaged that the inert waste materials delivered to site would be unloaded and then, depending on the type of material, transferred by loading shovel to storage bays, with material to be screened to be stored separately. The material to be screened would be processed by a mobile screen (Keestrack K3 Screen) that operates at low speeds and reduces materials down to various consistencies that would be suitable for reuse within the construction industry.
- 4.12 it is proposed that whilst the site is in operation, the following items of mobile plant would be also utilised on site (temporarily during screening): a JCB L150 to load the screener and a JCB L150 with screening bucket.
- 4.13 For the storage and stockpiling of the materials (before and after processing) it is proposed that bays would be constructed with pre-cast concrete interlocking blocks along the eastern boundary up to a height of 1.8m.
- 4.14 Access to the site would be via the established access point from the A6135 Sheffield Road. It is estimated that approximately 6 to 8 HGVs would deliver and remove materials from the site per day, generating 12 to 16 vehicle movements.
- 4.15 Site operations are proposed to be undertaken during the following working hours: 0800 hours to 1700 hours on weekdays, and 0800 hours to 1200 hours on Saturdays with no operations to take place on any Saturday afternoons, Sundays or Bank Holidays. In respect of the screening operations, these are proposed to be undertaken between 1100 hours to 1300 hours on weekdays only. No lighting installation is proposed because the use of the site during the winter months would be typically limited to daylight hours.
- 4.16 All current vehicle parking places would be retained, with parking provision to be available for site staff, contractors and site visitors, with

the existing vehicle access and manoeuvring spaces unaffected by the proposed development.

## **Consultations**

### **Local Member**

- 4.17 Councillor Hoy (Barlborough and Clowne) has been notified.

### **Bolsover District Council – Planning**

- 4.18 No objections to the proposal.

### **Bolsover District Council – Environmental Health Officer**

- 4.19 The Environmental Health Officer (EHO) was consulted and provided the following draft conditions and Noise Management Plan:

*“1. A temporary planning permission for an initial term of two years (the two calendar year term to commence from the introduction and commencement on the application site of the screening operations: (The Waste Planning Authority shall be given 7 days prior notice of this date in writing).*

*2. The erection of acoustic fencing (fencing details including type, height, design and location) to be agreed in writing with the Waste Planning Authority (in consultation with the Environmental Health Officer), prior to any screening operations being implemented.*

*3. Restriction of hours of operation (screening operations only) to weekdays only and only between the hours 10am until 3pm*

*4. The submission of a site noise management plan to be agreed and subsequently approved in writing by the Waste Planning Authority (in consultation with the Environmental Health Officer).*

*5. The submission of a list of all screening and associated equipment to be used in the screening operations on the site*

*6. Plan showing location of screening equipment when in use on the site.*

*Reason: To enable the Waste Planning Authority to review the development and in the interests of protection of residential amenity.”*

### **Barlborough Parish Council**

- 4.20 Barlborough Parish Council has been consulted and has not provided a response.

### **Highway Authority**

- 4.21 Derbyshire County Council, in its statutory role as Highway Authority, has no objections.

### **Public Rights of Way**

- 4.22 The Council’s Public Rights of Way Section has raised no objections.

### **Lead Local Flood Team**

4.23 The Lead Local Flood Team raised no objections.

### **Environment Agency**

4.24 The Environment Agency (EA) has no comments to make on this application.

### **The Coal Authority**

4.25 The Coal Authority has been consulted and has not provided a response.

### **Derbyshire Wildlife Trust**

4.26 The Derbyshire Wildlife Trust (DWT) has been consulted and has provided the following comments:

*“I have reviewed the proposed development site in relation to biodiversity datasets held by DWT and the Derbyshire Local Records Centre. We are not aware of any features of nature conservation value including designations, habitats and species directly associated with this site. The wider locality does support a range of protected species, but there are no records within 400m of the site. There is an ancient woodland 340m to the north, but I would not expect the proposed change of use likely to affect the ancient woodland or its flora and fauna. The nearest non-statutory Local Wildlife Site is 140m to the south-west and impacts on this site are very unlikely.*

*I have reviewed the letter from Estrada Ecology and the Design and Access Statement and seen the photographs included as part of these documents. The current biodiversity value of the site is negligible as there are no habitats present. There could be minor indirect impacts on the land immediately adjacent, but as the site is already in use these are probably not going to be significantly different to current levels of disturbance. Measures for dust control should be secured as this will reduce any deposition on nearby vegetation.*

*No further surveys are thought to be necessary, but the Council is advised that if it wants to secure a biodiversity net gain the following condition could be attached:*

#### *Biodiversity Enhancement*

*Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:*

- external bat box x 2*
- external bird box x 2”*

### **National Grid (National Network)**

4.27 National Grid has been consulted and has not provided a response.

### **National Grid (Network Service East Midlands/Distribution)**

4.28 National Grid East Midland has been consulted and has provided the following comments:

*“Our records show there is a Low Voltage overhead line in the vicinity, which may impact your works.*

*Prior to any proposed works or excavations NGED should be consulted for a copy of the latest network records. Consideration should also be given should any excavation works be required. Your attention is drawn to the Health and Safety Executive (HSE) documents HSG (47)*

*Avoiding Danger from underground services and GS6 – Avoidance of Danger from Overhead lines. Further documentation can be found on the NGED website. Should you require a diversion of any NGED*

*apparatus, this will need to be applied for at [nged.newsuppliesmids@nationalgrid.co.uk](mailto:nged.newsuppliesmids@nationalgrid.co.uk)”*

### **Cadent Gas Limited**

4.29 Cadent Gas Limited has been consulted and has not provided a response.

### **Seven Trent Water**

4.30 Seven Trent Water has been consulted and has not provided a response.

### **Yorkshire Water**

4.31 Yorkshire Water has been consulted and has not provided a response.

### **Publicity**

4.32 The application has been advertised by site notices and a press notice, in the Derbyshire Times on the 7 December 2023 with a request for comments by 31 December 2023.

4.33 Three Representations have been received, objecting to the proposed development, and raising the following concerns:

- Close proximity to residential properties.
- Noise and Dust emissions from the screening operations.
- Highway impacts
- Impact on local wildlife and ecology
- Noise emission from the transportation and delivery of waste.
- Depreciation of residential property values.
- Location being within the Green Belt and not suitable for a waste facility.

- Impact on adjoining fields

4.34 The concerns, where they raise material planning considerations, are addressed below. A change in the value of property is not generally regarded as being a material planning consideration.

### **Planning Considerations**

4.35 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the saved policies of the adopted Derby and Derbyshire Waste Local Plan (DDWLP) (2005), , and the Bolsover District Local Plan (BDLP) (2020).

4.36 Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (revised 2023), the associated Planning Practice Guidance (PPG), Waste Management Plan for England (WMPE) (2021), Resources and Waste Strategy (2018) and the National Planning Policy for Waste (NPPW) (2014). The application site is within the Parish of Barlborough and is not covered by a Neighbourhood Plan.

4.37 The main relevant development plan policies to be considered when considering this proposal application are set out below:

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

W1b: Need for the Development.

W2: Transport principles.

W3c: Other development in Green Belts.

W5: Identified interest of Environmental Importance.

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.

#### **Emerging Derbyshire and Derby Minerals Local Plan**

SP3: Supply of Secondary and Recycled Aggregates

#### **Bolsover District Local Plan (2020)**

SS1: Sustainable Development Policy.

SS9: Development in the Countryside.

SS10: Development in the Green Belt.



SC5: Change of Use and Conversions in the Countryside.

SC8: Landscape Character.

SC9: Biodiversity and Geodiversity.

SC11: Environmental Quality (Amenity).

ITCR11: Parking provision.

### **National Planning Policy Framework (revised 2023)**

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 paragraphs from the NPPF that are most relevant for this proposed development are contained in:

Chapter 2: Achieving sustainable development.

Chapter 4: Decision-making.

Chapter 6: Building a strong, competitive economy.

Chapter 9: Promoting Sustainable Transport.

Chapter 13: Protecting Green Belt land.

Chapter 15: Conserving and enhancing the natural environment.

### **Waste Management Plan for England (January 2021)**

The WMPE 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 is a need to increase the provision of waste recycling facilities, (particularly but not exclusively those catering for the recycling and preparation of domestic waste for reuse and recovery).

### **National Planning Policy for Waste (2014)**

The NPPW sets out detailed waste planning policies. The NPPW should be read in conjunction with the revised NPPF and the WMPE. 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.

### **The Need for and Principle of Development**

- 4.38 As the WMPE states, 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, then other types of recovery (including energy from waste) and, last of all, disposal (e.g. landfill).
- 4.39 PPG 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.”*
- 4.40 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.
- 4.41 The proposed change of use of a section of the existing transport yard to be used for the temporary inert waste recycling to produce secondary aggregate and associated storage of waste and materials, would facilitate the diversion of from landfill of waste that is generated from the applicant’s ground works business that cannot currently be reused without further processing.
- 4.42 The processing of waste on site would be limited to the temporary mobile screening of stockpiled material once a month for a two-day period with a relatively small amount of waste 5,000 tons to be processed annually with all the material to be processed generated by the applicant’s companies.
- 4.43 This proposal would produce secondary and recycled aggregates, with benefits from maximising their use that are two-fold. Firstly, the use of these aggregates reduces the need to extract primary material in the first instance, leading to a reduction in the need for new quarries. Secondly, the re-use of material reduces the amount of waste that needs to be disposed of, thereby reducing the need for landfill sites. Such a reduction in the need for quarry and landfill sites has clear environmental and social benefits.
- 4.44 The proposed production of secondary aggregates would have some positive impact on the Council’s recorded levels of recycled aggregates

and could result some reduction of aggregate land-won sand and gravel requirements. In this respect, the proposal would facilitate the sustainable use of minerals in accordance with both Policy SP3 of the emerging DDMLP and National Guidance. Significant positive weight is attributed to this.

4.45 I am satisfied that the need for the development has been demonstrated, that the development would assist with diverting waste from landfill and in meeting local demand for secondary aggregates and that the proposal accords generally with the policies identified above. The acceptability of the development in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Noise, Dust and Air Quality, and Odour Impacts
- Highway Impacts
- Landscape and Visual Impacts
- Ecology
- Ground Conditions and Pollution
- Development in the Countryside
- Development in the Green Belt

#### **Noise, Dust and Air Quality Impacts**

4.46 Policy SC11: Environmental Quality (Amenity) of the BDLP, policies W6: Pollution and Related Nuisances and W10: Cumulative Impact of the DDWLP, Section 15 of the NPPF: Conserving and Enhancing the Natural Environment and Appendix B of the NPPW are the relevant policies to assess the amenity impact of the proposed development.

4.47 Policy SC11 of the BDLP requires that development likely to cause loss of amenity as a result of noise, dust, odour or vibration, must be supported by relevant assessments with appropriate mitigations to be put in place and requires the applicant to demonstrate that there would not be significant loss to the amenity as a result of the operation of the development.

4.48 Policy W6: Pollution and Related Nuisances of the DDWLP, states “*that 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.*”

4.49 Policy W10: Cumulative Impact of the DDWLP, seeks to assess proposals for waste development in light of cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy presumes in favour of waste

development where there is no significant and detrimental impact on the environment of those communities.

- 4.50 Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia “e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.....*”
- 4.51 Paragraph 194 of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where they are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 4.52 Appendix B of the NPPW is concerned with general environmental impacts from waste development, which require consideration including noise, odour and air/dust impacts.

### **Noise**

- 4.53 The application includes a noise impact assessment that has been considered by the EA and EHO.
- 4.54 The noise assessment indicates the likely noise impacts of the proposed waste processing operations on the closest noise sensitive receptors. It concluded that noise from site operations and the operation of a screening bucket would be at, or above the existing background noise levels but below the adverse impact level, in accordance with BS 4142 at the closest noise sensitive receptors.
- 4.55 The EA raised no concerns with regard to either noise impacts or any other considerations.
- 4.56 The EHO initially raised the following concern with the noise impact assessment:

*“I have concerns in regards the potential amenity impacts from noise arising from the proposed operations of the crushing and screening device and associated plant. The noise report concludes that the impacts will be marginally below that defined using the BS4142 rating method ‘adverse’ impact. The report does not in my opinion consider the uncertainty that exists in the assessment process sufficiently, and as a result it is possible that were this assessment to fully account for uncertainty the impacts could be significant and adverse.*”

*I have outlined my concerns below, and would appreciate further consideration of these items by the applicant prior to finalising my comments;*

- 1. Crusher/screener and excavator operations are highly variable noise sources, depending upon the equipment set up, operator behaviour and the nature of the material being handled/crushed. Consideration of the uncertainty this introduces is requested.*
- 2. The property distances (gardens) appear much closer than that quoted in table 2.*
- 3. Garden amenity noise levels in 2.13 reference a standard that relates to anonymous noise.*
- 4. Effectiveness of barrier – please confirm what relative heights have been assumed of noise source and noise receiver.*
- 5. The noise report section 4.4 states that no acoustic correction has been applied as the noise from operations on site will not differ significantly for the current situation. Operations of the screening device will be intermittent and include percussive noises from the excavator handling and loading material, this will create maximum noise levels that will be clearly audible at neighbouring receptors. Acoustic correction should be included as the new noise source will be incongruous with its surroundings.”*

4.57 Following this initial concern regarding of the noise assessment report, a revised noise impact assessment was submitted, along with a response to the points raised by the EHO, from the applicant’s noise consultant. The EHO subsequently revised its comments but still raised the following concerns:

*“Further to the additional information submitted in regards my queries in regards noise, my further response is provided below to each point*

- 1. Unless a condition can be agreed limiting crusher make, model and material to be crushed then the assessment is not sufficiently robust. The following variables will impact on noise levels: Materials being crushed (rock, concrete), manner of loading, type of crusher, make of crusher, orientation of crusher and maintenance.*
- 2. The BS4142 standard includes worked examples where assessments of garden impacts are included. Please provide further clarification.*
- 3. Noted.*
- 4. Noted.*
- 5. Impulsivity will also be a feature of loading and crushing and should be accounted for given the relative proximity of the proposed operations.”*

4.58 To address the outstanding concerns raised by the EHO, the agent for the application suggested conditions including limiting this permission to an initial two-year period, requiring the erection acoustic fencing, restricting the hours of the screening operations, and requiring the submission of a site noise management plan.

4.59 The EHO subsequently confirmed that:

*“On the basis of the conditions outlined below, which include a temporary permission, I am satisfied that my concerns are adequately addressed. The draft conditions/noise management plan we have agreed is provided below for your consideration.*

- 1. A temporary planning permission for an initial term of two years (the two calendar year term to commence from the introduction and commencement on the application site of the screening operations: (The Waste Planning Authority shall be given 7 days prior notice of this date in writing)*
- 2. The erection of acoustic fencing (fencing details including type, height, design and location) to be agreed in writing with the Waste Planning Authority (in consultation with the Environmental Health Officer), prior to any screening operations being implemented.*
- 3. Restriction of hours of operation (screening operations only) to weekdays only and only between the hours 10am until 3pm*
- 4. The submission of a site noise management plan to be agreed and subsequently approved in writing by the Waste Planning Authority (in consultation with the Environmental Health Officer).*
- 5. The submission of a list of all screening and associated equipment to be used in the screening operations on the site.*
- 6. Plan showing location of screening equipment when in use on the site*

*Reason: To enable the Waste Planning Authority to review the development and in the interests of protection of residential amenity.”*

4.60 The expressions of concern regarding noise impacts in the other representations received are acknowledged. Whilst the recycling process, as proposed, would create some additional noise above the base level, in view of the EHO comments, this could be successfully mitigated through the restriction in the hours of operation and the inclusion of a noise reduction measure and the provision of a Site Noise Management Plan to be agreed, with the two-year temporary permission proposed to demonstrate the sustainability of the proposed waste processing facility in this location.

4.61 Subject to the inclusion of conditions providing a consented period for the new use of two years, restricting the hours of waste processing

operations, requiring the submission of a Noise Management Plan and associated information, I am satisfied that granting permission for the development, as proposed, would be unlikely to result in any unacceptable and significant impacts in respect of noise emissions.

- 4.62 The application is therefore considered to be in accordance with policies SC11 of the BDLP, W5 and W6 of the DDWLP, Chapter 15 of the NPPF and Appendix B of the NPPW.

### **Dust and Air Quality**

- 4.63 The application includes a dust and air quality impact assessment that has been considered by the EA and EHO.
- 4.64 The dust and air quality assessments indicate that the potential dust impact on the closest dust sensitive receptors, the filling station flat and residential properties to the south-west, would be limited. The report considered that, in respect to potential dust impacts, a more detailed assessment would not, in this instance, be required.
- 4.65 The report sets out dust mitigation measures within Appendix C to be complied with to minimise dust impacts from this low to medium risk development. Dust management measures are also set out within the Design and Access Statement and these have been conditioned to ensure that dust control measures are put in place for this development.
- 4.66 In respect to air quality, the report details that the predicted pollution concentrations for Nitrogen Dioxide and Particulate Matter were well below the annual mean levels for each pollutant. The site would fall below the criteria for the submission of air quality assessment and given the low predicted pollution concentrations, would not have a significant impact on air quality.
- 4.67 The EA raised no concerns in respect of dust or air quality impacts.
- 4.68 The EHO has raised no concerns in respect of dust or air quality impacts.
- 4.69 The expressions of concern regarding potential dust impacts within the representations received following publicity are acknowledged. In view of the EA and EHO responses, I consider that any dust impacts could be successfully mitigated through the mitigation measures set out in Appendix C of the Dust and Air Quality report and in the Design and Access Statement, which can be required by condition. With a condition limiting the new use as a waste processing facility use to two-years, if there were, however, reports to and observations by the Council of any noticeable impacts on local amenity from the site following

commencement, then they could be relevant for determining any application yet to be made for permission to continue the use beyond that period.

- 4.70 I am satisfied that the development, as proposed and subject to appropriate conditions as outlined, would be unlikely to result in any unacceptable and significant impacts in respect to dust emissions or impact on air quality. The application is therefore considered to be in accordance with policies SC11 of the BDLP, W5 and W6 of the DDWLP, Chapter 15 of the NPPF and Appendix B of the NPPW.

### **Odour**

- 4.71 The application details that the site would only process relatively small quantities of dry odourless inert materials comprising stones, soils and naturally excavated materials that are considered would not give rise to any odours.
- 4.72 Given that odours would be effectively controlled through an Environmental Permit that would need to be issued for the waste processing operation from the EA and, given the EHO and EA have raised no concerns regarding the significance of potential odour emissions, I do not consider it necessary to require conditions to control odour at the site.
- 4.73 It is therefore considered that, in regard to potential odour impact issues, the application would be in accordance with policies SC11 of the BDLP, W5 and W6 of the DDWLP, Chapter 15 of the NPPF and Appendix B of the NPPW.

### **Highway Impacts**

- 4.74 Policy ITCR10: Supporting Sustainable Transport Matters of the BDLP, policies W2: Transport Principles and W8: Impact of the Transportation of Waste of the DDWLP and paragraphs 115 of the NPPF are the relevant policies to assess the impact the development may have on the public highway.
- 4.75 Policy ITCR10 of the BDLP requires all development proposals, which are likely to have significant amounts of movements, need to be supported by either a Transport Statement or Transport Assessment to understand the impact on the existing transport network and a Travel Plan in order to demonstrate how these impacts would be mitigated by prioritising the use of sustainable transport modes.
- 4.76 Policy W2 of the DDWLP states that waste developments, which would likely result in 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, would not be permitted.

- 4.77 Policy W8 of the DDWLP states that waste development will only be permitted if 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 would not be detrimental to road safety.
- 4.78 Paragraph 115 of the NPPF states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.79 The proposal is considered to be a small-scale operation which would only generate a limited number of vehicle movements per day, with the applicant estimating that it would be up to 16 two-way trips per day.
- 4.80 The site is presently used as a haulage yard used by large vehicles with unrestricted movement pattern. The proposed change of use would lead to a reduction in trip generation terms from and to this site.
- 4.81 The existing access would be unaffected by the proposed change of use and is shared with the service station. The Highways Authority has confirmed that the access has very good levels of visibility and there are no recorded accidents associated with this access.
- 4.82 The Council as Local Highway Authority does not consider that the application would have an adverse impact on the capacity or safety of the highway network. Given the physical constraints and current level of activity at the access, it does not consider that it would be proportionate to require to control the proposed development and have no highways objection to the proposed development.
- 4.83 I am satisfied that the proposal would not cause any significant disturbance in respect of traffic or highway safety impacts. The application is considered to accord with policies ITCR10 of the BDLP, W2 and W8 of the DDWLP, and the NPPF.

#### **Landscape and Visual Impacts**

- 4.84 Policy SC8: Landscape Character of the BDLP and paragraph 135 of the NPPF are the relevant policies to assess the development's impact on the landscape character of the area.

- 4.85 Policy SC8 states that new developments will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views unless the benefits of the development clearly outweigh the impacts. Developments should contribute, where appropriate, to the conservation and enhancement of the local landscape.
- 4.86 Paragraph 135 of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 4.87 The new use of the application site would occupy a section of a commercial transport and haulage yard that forms part of a wider business complex including transport garages and filling station, positioned to the north of the A6135 Sheffield Road in the countryside between the villages of Renishaw and Barlborough.
- 4.88 The views of the site from the wider countryside are limited by the existing boundary fencing and boundary hedgerow, with the site being set back from the road, further limiting views into the site.
- 4.89 The proposed stockpiling of waste and processed materials would be within bays, with materials stored up to a height of between 1.5m and 1.8m below the height of the existing boundary fencing and the use is unlikely to have any impact on the landscape than the current use as a transport yard.
- 4.90 The nearest residential properties positioned immediately to the west of the garage do not appear to have a clear view of the site and any view would be within the context of the existing filling station and garage workshops.
- 4.91 I am satisfied that, subject to a condition to restrict stockpile heights, the development would not have any unacceptable landscape or visual amenity effects and consider that the development would comply with the requirements of Policy SC8 of the BDLP and the NPPF.

### **Ecology**

- 4.92 Policy SC9: Biodiversity and Geodiversity of the adopted BDLP, Policy W5: Identified Interest of Environmental Importance of the DDWLP and paragraphs 180 and 186 of the NPPF are the relevant policies to assess the impact of the development on ecology.
- 4.93 Policy SS9 states that development proposals should seek to conserve and enhance biodiversity and provide net gains where possible.

Proposals must include proportionate information to enable a proper assessment of the implications for biodiversity, with development proposals supported where significant harm to biodiversity, resulting from the development, can be avoided or adequately mitigated.

- 4.94 Policy W5 of the DDWLP states that proposals for waste development, which might affect identified interests of environmental importance, will be assessed in light of the level of protection merited by the character and status of the interests and the likely impact of the development on the interests. Waste development will be permitted only if, in the context of the assessment, the development would not materially harm the identified interests.
- 4.95 Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural or local environment by minimising impacts on and providing net gains for biodiversity.
- 4.96 Paragraph 186 of the NPPF states that in determining an application, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 4.97 The Ecological Statement indicated that a Biodiversity Net Gain (BNG) assessment may not be appropriate for the site as the baseline collected scored 0 units, with the site being dominated by hardstanding and no mappable form of vegetation being present within the site, which could increase the baseline assessment and, with the site to be retained in its current form, any on site provision would be unviable, given the movements and storage of materials within the site.
- 4.98 The statement, based on these findings, deemed that the site may benefit from the implementation of a Biodiversity Enhancement Plan to incorporate ecological enhancements.
- 4.99 Acting on behalf of the Council, DWT confirmed that the development is unlikely to impact on any sensitive designated sites in the vicinity of the development. It considers that the biodiversity value of the site is negligible with no habitats present, although there could be minor indirect impacts on the adjoining land, but as the site is already in use as a transport yard, these would not be significantly different to the current levels of disturbance, with dust control measures set out put in place to prevent any deposition on nearby vegetation.
- 4.100 DWT has advised that no further surveys would be necessary but has recommended a condition to secure a BNG through the submission of a Biodiversity Enhancement Plan.

4.101 I therefore consider that, subject to the inclusion of a condition requiring the submission of a Biodiversity Enhancement Plan, the proposal would be acceptable in terms of ecology impacts, and I am satisfied that the development would accord with the requirements of Policy SC9 of the BDLP, Policy W5 of the DDWLP and the NPPF.

#### **Ground Conditions and Pollution**

4.102 Policy SC14: Contaminated and Unstable Land of the adopted BDLP and paragraphs 189 and 190 of the NPPF are the relevant policies to assess the risk to the development from land instability and contamination.

4.103 Policy SC14 of the BDLP states that development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure the site is suitable for the proposed use and does not result in unacceptable risks that would adversely impact on human health and the built and natural environment, with proposals demonstrating that they will not cause the site, or the surrounding environment, to become contaminated and/or unstable.

4.104 The policy notes that, where necessary, developers will be required to carry out further investigations and undertake any necessary remediation measures to ensure that contaminated or unstable land issues are addressed prior to the commencement of the development.

4.105 Paragraph 183 of the NPPF requires that decisions should ensure that a site is suitable for its proposed use, taking into consideration ground conditions and risks arising from land instability and contamination, including risks from natural hazards or former activities, such as mining and any proposals for mitigation. It requires that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.106 Paragraph 184 of the NPPF notes that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

4.107 The existing transport yard is located within a development high risk area as defined by the CA and development within high-risk areas would normally necessitate the submission of a coal mining risk assessment for the proposed development. However, in this instance, as no ground disturbance or ground works are proposed as part of this development, the CA, at pre-application stage, noted that a coal mining risk assessment would not be required for the development proposed.

4.108 In view of the CA's previous comments and the absence of any further comments having been received from the CA through the formal consultation stage in respect to this application, I am satisfied that the development would be compliant with Policy SC14 of the adopted BDLP and the NPPF.

### **Development in the Countryside**

4.109 Policy SS9: Development in the Countryside of the adopted BDLP and Paragraph 89 of the NPPF are the relevant policies to assess the impact of the development on the countryside.

4.110 Policy SS9 states that development proposals in the countryside, outside development envelopes, will only be granted planning permission where it can be demonstrated that they fall within one of the categories listed in the policy.

4.111 In this instance, I consider that category (a) listed within the policy, would be relevant to the proposed development. Category (a) includes a change of use or the re-use of previously developed land, provided that the proposed use is sustainable and appropriate to the location. The policy states that where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful location, design, and use of materials.

4.112 Paragraph 89 of the NPPF states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.

4.113 Whilst the site is within the countryside, it is positioned within an industrialised and commercial hub that has operated with HGVs entering and leaving the site, together with the adjoining industrial building containing workshops, a MOT garage and the filling station that operates on a 24-hour basis.

4.114 The application area is currently part of a transport yard and this and the wider premises have been used continually as an HGV transport and vehicle repair yard for the last 40 or more years. This development would change the use of approximately half of the yard to be utilised for the inert waste recycling and temporary storage of material.

- 4.115 The proposed new use of the previously developed transport yard as a waste treatment facility and for the temporary storage of materials, would have a limited impact on the countryside surrounding the development with the development effectively screened from view by the existing boundary fences.
- 4.116 The development would be a relatively small-scale waste operation, processing approximately 5,000 tonnes of material each year with all the material sourced from the applicant's family business that undertakes various ground works. The development would enable the re-use of materials processed in construction projects.
- 4.117 I consider that the development proposed would utilise previously developed land within the countryside and the proposed waste use is sustainable and appropriate for the locality. The development would meet the needs of a local business and would not have an unacceptable impact on the local road network.
- 4.118 I am, therefore, satisfied that the principle of the proposed waste facility would be acceptable in this location and that the development would comply with the requirements of Policy SS9 and the NPPF in this regard.

#### **Development in the Green Belt**

- 4.119 Policy SS10: Development in the Green Belt of the BDLP, Policy W3c: Other Developments in Green Belt of the DDWLP and paragraphs 142, 143, 153 and 155 of the NPPF are the relevant policies to assess the impact of the development on the Green Belt.
- 4.120 Policy SS10 of the BDLP states that the main purposes of the North East Derbyshire Green Belt are supported and shall be maintained with the openness of the land within the Green Belt to be preserved. Certain forms of development may not be inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it.
- 4.121 Policy W3c of the DDWLP states that the other forms of waste development in Green Belt will not be permitted unless the development would provide small-scale, essential facilities for the maintenance or improvement of waste management facilities, would preserve the openness of the Green Belt and would not conflict with the purpose of including land within it.
- 4.122 Paragraph 142 of the NPPF notes that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently

open with the essential characteristics of Green Belt and their openness and their performance.

4.123 Paragraph 143 of the NPPF sets out the five purposes of the Green Belt as:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.124 Paragraph 153 of the NPPF requires that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, be reason of appropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.125 Paragraph 155 of the NPPF states that other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the material change in the use of land.

4.126 The proposed change of use of the transport yard, to be used for a waste processing and storage facility, would not require any additional buildings or permanent structures to be erected within the application area that would impact on the openness of the site.

4.127 In respect to the scale of the waste processing operation, this would be a relatively small-scale facility with the stockpiled waste, processed materials and other materials to be stored in bays at a height of between 1.5m and 1.8m, well below the existing boundary fencing.

4.128 The site is screened from the main viewpoints by the existing boundary fencing and hedgerows that surround the site, and the screening equipment proposed to be utilised on site would only be on site for temporary periods of time.

4.129 Subject to a condition to restrict the height of stockpiles to no more than 1.8m, the development would not lead to any significant alterations to the existing appearance of the transport yard from outside of the site and would adequately preserve openness. The development would therefore be considered to not represent an inappropriate form of development in the Green Belt and would comply with the requirements



of policies SS10 of the BDLP, W3c of the DDWLP and the NPPF in this respect.

### **Conclusion**

- 4.130 The development sought in this application would, by the production of secondary aggregates, assist the continuation of the operation on this site, moving waste up the waste hierarchy by diverting waste from landfill and accords with waste management objectives set out in national and local planning policies. Significant positive weight is given to these benefits. It is also considered that the facility would provide employment opportunities bringing social and economic benefits and further positive weight is attributed to this benefit.
- 4.131 In view of the small-scale of the waste operations, that the development proposed would utilise previously developed land and would not have an unacceptable impact on the local road network, the principle of the proposed waste facility in the countryside outside development envelopes is considered acceptable in this location in accordance with both local and national policy.
- 4.132 Considering the scale and appearance of the proposed development, the change of use, subject to condition to restrict the height of any stockpiles, would not represent an inappropriate form of development in the Green Belt.
- 4.133 Consideration has been given to the potential impacts of the development which include the noise and dust impacts, highway impacts, landscape and visual impacts, ecological impacts, ground stability and impacts on countryside. Subject to the inclusion of the conditions that have been set out below, I can conclude that these are acceptable, or can be satisfactorily mitigated, and that the development is in accordance with national and local planning policy in this respect. The absence of harm in these respects is neutral in the overall planning balance.
- 4.134 Taking into account all material considerations and subject to the proposed mitigation measures, it is considered that the proposed secondary aggregates plant provides benefits by driving waste up the 'Waste Hierarchy' and enabling production of secondary aggregates within the District. The site is considered to be appropriately located in respect to its use for managing wastes and represents a sustainable form of development in accordance with the provisions of the Local Plan and that of national guidance. The application is therefore recommended for approval subject to conditions.



## **5. Implications**

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

## **6. Background Papers** File No. 5.1261.2

6.1 Application documents received from Derbyshire Planning Agency, acting as agent for Mr David Johnson.

### **6.2 Documents**

- Application Form and Certificates dated 23 November 2023.
- Design and Access Statement, document ref: DPA/DAS/1/2023, dated October 2023.
- Planning Statement, document ref: DPA/PS/1/2023, dated September 2023.
- Environmental Statement dated 10 August 2023.
- Dust & Air Quality Assessment, document ref: R23.1707-A-3-AG, dated 2 October 2023.
- Noise Impact Assessment, document ref: R24.1707-N-4-AG, dated 17 January 2024.
- Suggested Planning Conditions to Address Environmental Health Officers Concerns, dated 27 February 2024.

### **6.3 Plans**

- Drawing No. DPA/BH/LP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.
- Drawing No. DPA/BH/SP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.

### **6.4 Correspondence from:**

- Nation Grid (email) dated 28 November 2023.
- The Environment Agency (email) dated 28 November 2023.
- County Highway Authority (email) dated 12 December 2023.
- Bolsover District Council (Planning) (email) dated 18 December 2023 and 12 March 2023.
- Bolsover District Council (Environmental Health) (email) dated 18 December 2023, 30 January 2024, and 29 February 2024.
- Derbyshire Wildlife Trust (email) dated 7 March 2024.
- Lead Local Flood Team (email) dated 30 April 2024.

## 7. Appendices

7.1 Appendix 1 - Implications.

7.2 Appendix 2 – Site Plan.

## 8. Recommendation

8.1 That the Committee resolves to **granted** planning permission subject to the conditions substantially in accordance with the following draft conditions:

### Commencement

1) The development shall commence 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) The date of commencement of the operational development under this permission (bay construction) shall be notified to the Waste Planning Authority within seven days of that commencement.

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

### Duration

3) The new use of the application site arising through the change of use under this permission shall cease not later than the expiration of two years from the date of the commencement of the use . The date of the commencement of the use shall be notified to the Waste Planning Authority within seven days of that commencement.

**Reason:** To enable the Waste Planning Authority to review the development and in the interests of protection of residential amenity.

### Approved Development

4) The development shall be carried out in full compliance with the details contained in the planning application incorporating Application Form and Certificates dated 23 November 2023, Design and Access Statement, document ref: DPA/DAS/1/2023, dated October 2023, Planning Statement, document ref: DPA/PS/1/2023, dated September 2023, Environmental Statement dated 10 August 2023, Dust & Air Quality Assessment, document ref: R23.1707-A-3-AG, dated 2 October 2023, Noise Impact Assessment, document ref: R24.1707-N-4-AG, dated 17 January 2024, and:

- Drawing No. DPA/BH/LP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.
- Drawing No. DPA/BH/SP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.

**Reason:** To clarify that the development must be carried out in full conformity with the documents and details submitted.

- 5) Waste materials imported onto site shall be limited to inert materials comprising, stone, soils and naturally excavated materials.

**Reason:** To clarify that the only waste materials to be imported onto site shall be in conformity with the submitted application.

### **Stockpile Hights**

- 6) The hight of imported unprocessed waste stockpiles and processed material stockpiles shall be limited to no more than 1.8m in height as measured from existing ground levels.

**Reason:** To ensure that the development does not lead to any significant alterations to the existing appearance of the transport yard from outside of the site and would adequately preserve the openness of the Green Belt.

### **Hours of Operation**

- 7) No activities or operations to be carried out on the site through the change of use under this permission or as otherwise authorised or required by this permission, including vehicle movements to and from the site, or within the site, shall be carried out except between the following times:

0800 hours and 1700 hours Mondays to Fridays; and  
0800 hours and 1200 hours Saturdays.

Screening activities shall be further limited to take place only between 1000 hours and 1500 hours Monday to Friday.

No activities/operations shall be carried out on Saturday afternoons, Sundays, Bank Holidays, or other Public Holidays.

**Reason:** To control the hours of use and operations in the interests of local amenity.

### **Noise**

- 8) No waste processing shall commence on site until a Noise Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Noise Management Plan shall include details of the erection of acoustic fencing (fencing details including type, height, design and location), list of all screening and associated equipment to be used in the screening on the site and a plan demonstrating the location of screening equipment when in use on site.

No crushing equipment shall be used on the site at any time.

All measures shall be implemented in full prior to the first operation of the site and shall be maintained thereafter.

**Reason:** In the interest of protecting residential amenity.

### **Dust**

- 9) The waste processing shall be undertaken in accordance with the dust control measures set out in the Dust & Air Quality Assessment, document ref: R23.1707-A-3-AG and the Design and Access Statement, document ref: DPA/DAS/1/2023. All measures shall be implemented in full prior to the first operation of the site and shall be maintained thereafter.

**Reason:** In the interest of protecting residential amenity

### **Ecology**

- 10) No waste processing, hereby approved, shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been first submitted to and approved in writing by the Waste Planning Authority. The BEMP shall include details of environmental protection measures to ensure the adjacent hedgerow is not impacted during the construction and operational phase of the development; this should include best practice pollution measures and dust management strategies. The BEMP shall also include details of the biodiversity enhancements to be incorporated into the development, including bird and bat boxes. Enhancement features, such as bird and bat boxes, do not have to be limited to the site itself, and can be placed on the adjacent hedgerow to further enhance this linear feature. The BEMP shall also detail the management activities to be undertaken to ensure the biodiversity enhancements achieve favourable condition and are maintained.

All approved enhancement and protection measures within the BEMP shall be implemented in full.

**Reason:** To ensure a net gain in biodiversity in accordance with the Bolsover District Local Plan and NPPF.

### **Informative Notes**

- 1) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway.

Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- 2) The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); sites of recorded mine gas incidents and former surface mining. Although such features are seldom readily visible, they are often present and problems can occur, particularly as a result of new development taking place.

Any form of development over, or within the influencing distance of a mine entry, can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstances where this is unavoidable, expert advice should be sought to ensure a suitable engineering solution can be designed, which takes into account all the relevant risk factors, including mine gas and mine water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**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. The applicant had engaged in pre-application discussions with the Authority prior to the submission of its submission for the development of the site. The applicant was given clear advice as to what information would be required.

In addition, the applicant was given further advice concerning the coverage of the documentation submitted with the planning application resulting in revisions and additions to its original proposals which were incorporated into this application.

**Chris Henning  
Executive Director - Place**

## **Implications**

### **Financial**

1.1 The correct fee of £468 has been received.

### **Legal**

2.1 This is an application under Part III of the Town and Country Planning Act 1990, which falls to be determined by the County Council as Waste Planning Authority. Any other statutory provisions or legal considerations of particular significance to the determination are referred to in the body of the report.

2.2 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 Recommendation.

### **Human Resources**

3.1 None.

### **Information Technology**

4.1 None.

### **Equalities Impact**

5.1 The determination of this application does not raise any equalities impact implications.

### **Corporate objectives and priorities for change**

6.1 None.

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

7.1 None.

