



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGUALTORY PLANNING COMMITTEE

15 July 2024

Report of the Assistant Director – Regulatory Services

- 1 Erection and Operation of a Material Recycling Facility at Erin Landfill, Markham Lane, Duckmanton
Applicant: Valencia Waste Management Ltd
Planning Application Code No. CW2/0623/14**

2.117.40
- 1. Introductory Summary**
 - 1.1 This application proposes the erection and operation of a Material Recycling Facility (MRF). I am satisfied that the need for the MRF facility, to extract recyclable material prior to going to landfill, has been demonstrated. The application is considered to be appropriate within the context of the site and in accordance with the National Planning Policy Framework, the National Planning Policy for Waste and the relevant development plans and is therefore recommended for approval subject to conditions.
- 2. Divisions Affected**
 - 2.1 Staveley.
- 3. Purpose**
 - 3.1 To enable the application to be determined.
- 4. Information and Analysis**
 - 4.1 The application site area measures 7,647m², and primarily accommodates an area of unused hardstanding adjacent to the existing landfill gas generation compound within the wider Erin Landfill site. The site sits opposite the existing site office/welfare facilities/weighbridges.

- 4.2 The application site area is situated on land that has not been landfilled and the proposed works would not reduce landfill void. The application site area primarily accommodates an area of flat unused hardstanding, however, there are areas of scrub and young plantation.
- 4.3 The application site area is located to the north of Duckmanton within the administrative boundary of Chesterfield Borough Council. To the north, the site is bounded by agricultural land, beyond which is the village of Poolsbrook, which is within approximately 370m of the application site. The M1 Motorway and Erin Road lie to the east of the site. To the south is the settlement of Duckmanton, which is within approximately 500m of the application site. Markham Vale services are also to the south of the site and Markham Vale Industrial Estate is located south and to the east of the M1. To the west is agricultural land, a solar farm and single wind turbine.
- 4.4 Access to the application site is off the main entrance of Erin Landfill on Markham Lane to the east of the site, which passes under the motorway and over Erin Road. Markham Lane has direct access to the M1 Motorway at junction no. 29A. This access point would be the main point of access for the proposed works. Access to the wider transport network is facilitated via Markham Lane's connection with the M1 at junction 29A. Industrial units are located either side of Markham Lane.
- 4.5 Between 1980 and 1989, the Erin Landfill site was operational as an open cast coal mine. It has been active as an operational landfill site since 1999. The Erin Landfill site measures approximately 53 hectares (ha), with a void area of approximately 41ha.
- 4.6 The excavations from coal mining activity created the significant void space. The void has been infilled using waste, most predominantly commercial, industrial, household (kerbside collection waste), non-recyclable waste from household waste recycling centres (HWRCs) and construction/demolition waste, but also some stabilised non-reactive hazardous waste.
- 4.7 The residential area nearest to the application site is in Duckmanton, along East Crescent, North Grove and Poolsbrook Road; the closest properties there are within approximately 500m south-west from the site boundary. There are also residential properties along Cottage Close in Poolsbrook, with the closest property there being approximately 385m from the northern site boundary.
- 4.8 There are no statutory ecological designations, or heritage assets within close proximity of the application site. The application site is not located in an Air Quality Management Area (AQMA).

- 4.9 The application site is located within a 'Development High Risk' Coal Authority designated area and within an area of low flood risk (Flood Zone 1).
- 4.10 Erin Landfill is owned and operated by Valencia Waste Management Ltd. Until April 2022, it was owned and operated by Viridor Waste Management Ltd.

Relevant Planning History

- 4.11 The application and permission history for the Erin Void site includes:

- CW2/997/59 - Planning permission granted by the Council, 2 December 1998, for: reclamation of the Erin Void near Duckmanton and Poolsbrook by land filling and restoration to woodlands and agricultural land, with construction of site support area at Markham Sidings including proposed new access, refurbished rail sidings, materials recycling/recovery facility, waste composting area, landfill gas electricity generating plant and other site facilities. The permission allowed the importation of approximately 7.5 million cubic metres (m³) of non-inert wastes including commercial, industrial, household and construction and demolition wastes. The waste material was to be deposited in eight purpose-built cells constructed from significant amounts of pre-existing overburden generated by the previous opencast operations.
- CW2/0504/39 - Section 73 planning permission granted by the Council, 7 September 2004, which overcame a Condition 4 to which planning permission CW2/997/59 was subject, and thereby enabled the approval of a new location for the gas control and electricity compound.
- CW2/504/40 - Section 73 planning permission granted by the Council, 7 September 2004, which overcame Condition 16 to which planning permission CW2/997/59 was subject, to allow for the operation of the landfill gas plant and machinery on a 24 hour basis.
- CW2/1007/155 - Section 73 planning permission granted by the Council, 9 April 2008, which overcame Condition 3 to which planning permission CW2/0504/39 was subject, and provided the extended period for completing infilling operations, up to 31 May 2021 with restoration to be completed within a further 12 months.
- CW2/1107/158 - Planning permission granted by the Council, 12 May 2008, for a new building and adjoining open storage area to be used as a waste reception, transfer, recycling and pre-treatment facility adjacent to the sites compound area. (The building approved under this permission has not been developed).
- CW2/0211/168 - Section 73 planning permission granted by the Council to extend the period in which development by condition to

- planning permission CW2/1107/158 was required to be implemented (approved 29 July 2011).
- A number of applications for addition of items of operational infrastructure have been approved by the Council as the site has developed over time, including security fencing, office cabins, and leachate storage infrastructure.
 - CHE/0502/0312 - Outline planning permission for commercial (not major retail) office, industrial and warehouse development, new and altered roads (including a new motorway junction), land reclamation, ground remodelling, drainage, landscaping and re-use of railheads on 360ha of land in Bolsover, Staveley and Sutton-cum-Duckmanton on both sides of the M1 in the vicinity of the former Markham Colliery, A632 (Chesterfield Road) Erin Road, Lowgates, Eckington Road, Hall Lane and the A619 south of Staveley, was approved by Chesterfield Borough Council 16 May 2005.
 - Two industrial buildings are located within the application area, to the east of the M1 (outside the operational landfill area and inside the Markham Vale Employment Area). They have full planning consent from Chesterfield Borough Council by its approval of reserved matters as provided by the above grant of outline planning permission.
 - CW2/1020/38 – Section 73 planning permission granted by the Council, which overcomes certain requirements by conditions 1,2,17,19 to planning permission CW2/1007/155 by variation of the requirements of conditions that include completion of infilling operation by 31 May 2035 and completion of all restoration within a further 2 years (approved on 13 April 2021)

Proposed Development

- 4.12 The proposal is for the erection and operation of a Material Recycling Facility (MRF). The facility would intercept waste before it heads for landfill so it could be removed from site for recycling/re-use/recovery by third parties elsewhere.
- 4.13 The MRF would primarily intercept commercial and industrial waste as well as construction, demolition, and excavation waste. Any putrescible waste received would bypass the facility and be landfilled at the Erin Landfill Site as per the existing planning permission under which it is utilised.
- 4.14 The MRF would measure 72m in length, 49m in width with an eave's height of approximately 9m and a ridge height of approximately 12.5m. The facility would have a steel portal frame built on breeze blocks and would house plant and equipment used in the recycling process.

- 4.15 The MRF would house a Shredder, a Long-Part separator (removes long items from the process), Incline Magnet (removes ferrous metals), Combi Screen (removes fine materials), and an Eddy Separator (removes non-ferrous metals and picking lines (to remove wood and plastics)).
- 4.16 The purpose of proposing the MRF is to provide a facility to intercept and extract recyclable materials from the stream of commercial and industrial waste that is heading for landfill, which would then be removed from site for recycling/re-use/recovery by third parties elsewhere. Any domestic/putrescible waste would by-pass the facility to landfill as per current arrangements and be directly landfilled. The proposed development could attract third-party construction/demolition/excavation waste. Much of that material would be segregated into recyclables and soils/rubble that can be used as engineering materials and daily cover on the landfill.
- 4.17 The MRF would be able to process up to 250,000 tonnes of waste per annum.
- 4.18 The application also includes the installation of a quarantine bay against the boundary of the north-eastern wall of the proposed MRF. The bay would measure 10m in length, 8m in width and 2.5m height and be of a concrete construction.
- 4.19 The application also includes the installation of a cycle shelter adjacent to the existing weighbridge approximately 20m south of the proposed MRF. The shelter would measure 4.1m in length, 2.1m in width and 2.1m in height and would be able to store up to seven bicycles at any one time.
- 4.20 Condition 1 to permission CW2/1020/38 states '*All infilling operations approved or required under the terms of this Permission shall be completed by 31 May 2035 and all restoration shall be completed within a further 24 months.*'
- 4.21 To avoid conflict with the overall time limit for the restoration according to Condition 1 to permission CW2/1020/38, the proposed MRF, quarantine bay and cycle shelter would need to be dismantled and removed from site within a 24-month period starting from no later than 31 May 2035. Therefore, the MRF, quarantine bay and cycle shelter would be expected to last for a maximum of 13 years. After the MRF and quarantine bay had been removed, the application site would be planted with trees and/or be utilised as a surface water attenuation pond in accordance with the approved restoration plan (Drawing No: VI4025/08/05).

- 4.22 The proposed importation and processing of waste would require the MRF to be operated in accordance with a bespoke Waste Permit to be issued and managed by the Environment Agency (EA) under Environmental Permitting (England and Wales) Regulations 2010.
- 4.23 Valencia Waste Management applied for such a permit from the EA on 13 March 2024 and a decision is expected to be made on this in July 2024.
- 4.24 A screening opinion has been produced in respect of the application and it has concluded that the proposed works would not constitute 'EIA development' under the Town and Country (Environmental Impact Regulations) 2017.

Consultations

Local Member

- 4.25 Councillor Hayes has objected to the proposed development and has made the following observations:

'As County Councillor for Staveley (Chesterfield) which includes the villages of Duckmanton and Poolsbrook, I strongly oppose the expansion of the operation of the Erin Land site by Valencia to include a materials recycling facility.

The residents of Duckmanton and Poolsbrook have suffered long enough with the disruption caused to their daily lives by the Erin Landfill site. The proposed erection of this huge, commercial, 35,000 square feet recycling centre by the Valencia organisation, will further increase traffic, airborne particles and damage air quality in the villages, negatively affecting the residents' right to clean air and a healthy sustainable environment, and could potentially lead to increased incidence of respiratory illness amongst the population. Poolsbrook and Duckmanton primary schools are located close to the proposed development and this, I believe, will have a detrimental effect on the health of the youngest and most vulnerable in the village.

The general wind direction specifically relating to the Poolsbrook area is not predominately from the West as noted, much is from South and Southwest, Southeast and East – the wind is unpredictable around the area and there is no steady westerly.

The nearest part of Poolsbrook would be barely 500 metres away and the village centre would be only 1,000 metres away. There is nothing which necessitates the planned facility to be built at Erin Landfill and I believe that Valencia should look to find a location for the installation that sites the facility much further away from residential buildings.

To date Valencia has ignored residents' concerns about litter and smells emanating from the site and has failed to keep the local community informed about their ongoing activities. This is despite repeated requests to do so via a community liaison group, which I used to Chair. This has led to a lack of confidence in this organisation amongst the community. Whatever promises Valencia makes at this stage of the development, I am not persuaded that they will be mindful of residents' concerns during continued day-to-day operations.

I am further concerned that this construction, which will have prefabricated enclosures and expensive equipment installed indicates permanence and will not be merely a temporary fixture for the remaining 14 years of the site's current contract.'

Local Member

4.26 Councillor Bingham has been informed of the proposals.

Chesterfield Borough Council - Planning

4.27 Chesterfield Borough Council has made the following observations:

'Policies CLP1 and CLP2 of the Chesterfield Local Plan establish the spatial strategy for the Borough, directing new development to sustainable locations with access to existing facilities, prioritising previously developed land, delivering regeneration and sustainability benefits, prioritising walking and cycling, making use of existing social infrastructure capacity, protecting Minerals Related Infrastructure, and avoiding the best and most versatile agricultural land.

Policy CLP 2 provides for exceptions to the Spatial Strategy where development proposals can clearly demonstrate that the proposed use:

- i Needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses; or*
- ii Is required to regenerate sites and locations that could not otherwise be addressed or to support existing community facilities that would otherwise be at risk of closure.*

The proposed development is considered to fall outside of the spatial strategy, however the siting is locationally specific, by providing an on-site facility within the existing landfill site. It is considered the facility would serve a defined need and relate directly to the ongoing use of the site for landfill (with an operational permission in place until 2035 under CW2/1020/38) and therefore would make functional links to an existing

use of the site. On this basis, the proposed development is considered to satisfy Local Plan Policy CLP2.

The proposal would support the continued use of the existing landfill site by providing facility to divert waste away from the landfill. The proposed building consisting of a steel portal frame above breeze blocks sited between the existing weighbridge and attenuation lagoons and landfill gas generators is considered to be of an acceptable design. Further the development would not compromise the site's landfill capacity or ability of the site to process waste.'

Chesterfield Borough Council – Environmental Health Officer

4.28 The Environmental Health Officer has made the following observations:

'I have not addressed increased vehicle movements to the site, which should be addressed by the local highways authority.

I note that the operations will take place within the facility which should successfully mitigate any adverse impact of the operations. Given this, I have no adverse comments to make regarding this proposal.'

Staveley Town Council

4.29 Staveley Town Council has been consulted and have made the following observations:

'The council has determined that it OBJECTS to the application in the strongest terms on account of the nuisance from flies, noise, smells and lorries coming through the small villages of Poolsbrook and Duckmanton. This has all been suffered over many years and the Council would like to see this tip finally closed, and remediated as it has a negative effect on the fortunes of the area.'

Sutton Cum Duckmanton Parish Council

4.30 Sutton Cum Duckmanton Parish Council has been informed of the proposals.

Brimington Parish Council

4.31 Brimington Parish Council has been informed of the proposals.

Old Bolsover Town Council

4.32 Old Bolsover Town Council has been informed of the proposals.

Environment Agency

4.33 Environment Agency has no objections to the proposal.

Derbyshire Wildlife Trust

4.34 Derbyshire Wildlife Trust has provided the following response:

'Given that restoration proposals already exist for the site and that the scrub and young plantation to be lost will be compensated for in the medium – long term, we do not consider a BNG metric to be necessary or proportionate.'

Highway Authority

4.35 The Council, as Highway Authority, has provided a response stating that *'It is considered that the scale of the development will not have an unacceptable impact on the highway network'* subject to conditions 10 and 11 as listed in the recommendations section of this report.

The Coal Authority

4.36 The Coal Authority has noted that, whilst coal mining legacy poses a risk to the proposed development, the development would be acceptable subject to the imposition of conditions 12 and 13, as listed in the recommendations section of this report.

Lead Local Flood Authority

4.37 The Council as Lead Local Flood Authority has been consulted and has no objections to the proposal.

Natural England

4.38 Natural England has been consulted and has no comments to make on this application.

Historic England

4.39 Historic England has been informed of the proposals.

Internal Landscape Architect

4.40 The Landscape Architect has been consulted and has confirmed that he is satisfied with the proposals subject to the MRF being finished in a dark recessive colour.

Publicity

4.41 The application has been advertised by site notices and a press notice in the Derbyshire Times on 31 August 2023, with a request for comments by 21 September 2023. A total of 53 individual representations have been received in response to this publicity.

4.42 Neighbour notification letters were sent out to 48 addresses to notify them of the application.

4.43 A petition with 453 signatures stating *'The proposed erection of 35,000 square feet recycling centre by the Valencia organisation, will further increase traffic and damage air quality in the villages. To date Valencia has wilfully ignored residents' complaints about litter and smells, and has failed to keep the local community informed about their activities at the site. This has causes a negative impact in the area and lack of, confidence in their organisation. Residents are not persuaded that Valencia will be mindful of their concerns during day-to-day operations.*

'It is essential that Derbyshire County Council listens to residents' voice about this planning application before the landfill site causes any further strain on the mental and physical wellbeing of the local community' has been submitted in opposition to this planning application.

4.44 The following are a summary of concerns raised by individual objectors:

- Principle for the Development.
- Need for the Development.
- Traffic Pollution.
- Design and Visual Impact.
- Flood Risk.
- Deprived of the right to enjoy home and garden due to odours, noise, dust, flies, rodents, seagulls and landscape impact.

Planning Considerations

4.45 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 National Planning Policy Framework (NPPF) (2023), Derbyshire Waste Local Plan (DDWLP) (2005) and Chesterfield Borough Local Plan (CBLP) (2020). The associated Planning Practice Guidance (PPG), the National Planning Policy for Waste (NPPW) (October 2014) and Waste Management Plan for England (WMPE) January 2021 are also material considerations. The application site is within the Parish of Staveley which is not covered by an adopted Neighbourhood Development Plan.

4.46 The principal planning policies relevant to this planning application are:

National Planning Policy Framework (2023)

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

- 8: Promoting healthy and safe communities.
- 9: Promoting sustainable travel.

- 11: Making effective use of land.
- 12: Achieving well-designed and beautiful places.
- 14: Meeting the challenge of climate change, flooding and coastal change.
- 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 most relevant sections of the NPPW are:

- 7: Determining Planning Applications.
- Appendix A: The Waste Hierarchy.
- Appendix B: Locational Criteria.

Derby and Derbyshire Waste Local Plan (2005)

The relevant saved policies from the DDWLP are:

- W1b: Need for the Development.
- W2: Transport Principles.
- W6: Pollution and Related Nuisances.
- W7: Landscape and Other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W9: Protection of Other Interests.
- W10: Cumulative Impact.
- W11: Need for Landfill.
- W13: Sorting of Waste before Disposal.

Chesterfield Borough Local Plan (2020)

The relevant saved policies from the CBLP are:

- CLP1: Spatial Strategy.
- CLP2: Principles for location of development.
- CLP6: Economic Growth (Strategic Policy).
- CLP13: Managing the Water Cycle.
- CLP14: A Healthy Environment.
- CLP16: Biodiversity, Geodiversity and the Ecological Network.
- CLP20: Design.
- CLP22: Influencing the Demand for Travel.

4.47 The key planning considerations for this application are:

- Principle of the development.
- Need for the development.
- Design and visual impact.
- Noise impact.
- Odour impact.
- Air pollution and dust impact.
- Vermin impact.
- Flood risk.
- Ecology and biodiversity.
- Sustainable travel and traffic impacts.

Principle of Development

4.48 The Site is located outside the established settlement boundary on an area of previously developed land within the wider Erin Landfill area with established waste uses which it would be co-located.

4.49 The body of planning case law concerning the relationship between successive grant of planning permission on the same land has been strengthened by a Judgment, of the Supreme Court in 2022: Hillside Properties Limited v Snowdonia National Park Authority [2022] UKSC 30. Under this Judgment, the court ruled that a permission for a large housing scheme from 1967 was no longer capable of being further implemented. The court found that intervening development on part of the land under a subsequent permission was substantially inconsistent with the 1967 permission so as to prevent any possible further development under the auspices of the 1967 permission (despite much of the land within the 1967 permission area having remained undeveloped). The scheme under the 1967 permission was considered to be essentially indivisible (not severable). This Judgment highlights the importance of ensuring that any grant of permission for the MRF development as proposed under the current application is entirely complementary to the permission under which the Erin Landfill is now being worked, CW2/1020/38 which was granted subject to conditions approved 13 April 2021. Draft conditions 3 to 10, as numbered in the recommendations section of this report, therefore correspond with the conditions to the 2021 permission to ensure that the proposed works would be not conflict with the landfilling and subsequent restoration under this existing permission.

4.50 As mentioned previously in this report, Condition 1 to of the 2021 permission CW2/1020/38, states that *'All infilling operations approved or required under the terms of this Permission shall be completed by 31 May 2035 and all restoration shall be completed within a further 24*

months.' In order to be complaint with this condition, the MRF, Quarantine Bay and Cycle Shelter would have to be dismantled and removed from site within that further 24-month period, commencing, having regard to the restoration plan (Drawing No:VI4025/08/05) approved under permission CW2/1020/38.

- 4.51 The spatial strategy for locating development is set out in policies CLP1 and CLP2 of the CBLP. Policy CLP1 sets out an overarching approach to concentration of new development within walking distance of key services and supports regeneration, housing and economic growth, and the protection of Green Belt and strategic gaps and green wedges.
- 4.52 Policy CLP2 relates to planning applications for developments that are not allocated in the Local Plan, as is the case here, and supports development which meets its set requirements which are set out in order of priority. Second in priority, under CLP2, is the development of previously developed land that is not of high environmental value, whilst third relates to development which would delivery of wider regeneration and sustainability benefits to the area.
- 4.53 For context, Policy CLP2 also sets out that any exceptions to the spatial strategy will be considered where development proposals can clearly demonstrate that the proposed use needs to be in that specific location in order to make functional links to other existing uses.
- 4.54 The proposed development is considered to fall outside the spatial strategy, however, the siting of the proposed development is locationally specific, by providing an on-site facility within an existing landfill site. The facility would serve a defined need and relate directly to the ongoing use of the Erin Landfill site for landfill (with an operational permission in place until 2035 under planning permission code no. CW2/1020/38), and therefore would make functional links to an existing use of the site. On this basis, the proposal is considered to satisfy Policy CLP2 of the CBLP.
- 4.55 On the basis of the site's location within an established landfill, it is considered that the proposal accords with the exceptions in spatial strategy and the principle of development would therefore be acceptable. It is therefore considered that in principle, this type of facility is likely to be supported at the site, subject to compliance with other policies identified above.

Need for the Development

- 4.56 The MRF would intercept the commercial and industrial waste that would be heading for landfill and extract recyclable materials which would then be removed from site for recycling elsewhere.

- 4.57 As the WMPE states, in England the waste hierarchy is both a guide to sustainable waste management and a legal requirement 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).
- 4.58 Policy W1b of the DDWLP infers that waste development should contribute to an integrated approach to waste management. Policy W13 of the DDWLP states that *‘Waste disposal by means of landfill will be permitted only if the applicant has shown that: before disposal of any waste at the site, facilities will be in place for the sorting of all reasonable quantities of recyclable and compostable materials; recycling and other forms of recovery should be put in place to intercept waste prior to disposal’*.
- 4.59 The NPPW states the importance of moving waste up the waste hierarchy, as highlighted in Appendix A. Given that the development would intercept waste that would be heading to landfill, the development is considered to reflect the hierarchy.
- 4.60 NPPW, Paragraph 7, makes clear 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.
- 4.61 Dating back to March 2005, the saved policies of the DDWLP are not considered to equate to a fully up-to-date waste local plan, and therefore consideration of need should be taken into account as part of the determination of this application.
- 4.62 In view of the location of the proposed MRF within an existing waste site, to act as an intermediary to sort and process existing recyclable fractions of waste entering the landfill site, there is considered to be an existing need to manage the waste identified without generating any unacceptable impact in relation to waste capacity.
- 4.63 The development would contribute to an integrated approach to waste management, be able to process 250,000 tonnes of waste per annum and would by extraction of materials from that waste avoid those materials being disposed of to landfill.

- 4.64 The Planning Statement indicates that the proposed development would secure between 6 and 12 full time equivalent (FTE) employment positions, in accordance with Policy CLP6 of the CBLP. The development would deliver sustainable economic growth by supporting existing jobs and businesses.
- 4.65 I am satisfied that the need for the development, by virtue of its location and association with existing landfill site, and as set out by the applicant, is adequately justified and that the development would assist in intercepting waste that would be heading to landfill and would contribute to delivering sustainable economic growth. I therefore consider the proposed development complies with policies CLP6 of the CBLP, W1b and W13 of the DDWLP, Appendix A of the NPPW, the WMPE and the NPPF.

Design and Visual Impact

- 4.66 The application site is within the National Character Area (NCA) Nottingham, Derbyshire and Yorkshire Coalfield. The Landscape Character of Derbyshire, (4th Edition) identifies the site as being within 'Estate Farmlands' character type. The local landscape of the site, and its immediate surroundings are not covered by any national or local landscape designations.
- 4.67 The nearest designated heritage assets to the site are 18 Listed Buildings located in the nearby settlements of Staveley, Netherthorpe and Long Duckmanton. The nearest listed building is at Poplar Farm, a Grade II listed building located approximately 1.1km to the south of the site. The listed building is not visible due to intervening landscaping between. There are no Scheduled Monuments located within 2km of the site.
- 4.68 The nearest residential properties to the landfill site include the properties along East Crescent, North Grove and Poolsbrook Road which, at their closest point, are approximately 100m south of the landfill site boundary in Duckmanton.
- 4.69 Paragraph 135 of the NPPF indicates that developments should function well and add to the overall quality of the area and also be visually attractive and sympathetic to local character and history.
- 4.70 Appendix B of the NPPW expects planning decisions to consider locational criteria which include landscape and visual impacts.
- 4.71 Policy W7 of the DDWLP states that '*Waste development will be permitted only if:*

'the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.'

- 4.72 Policy CLP20 of the CBLP states that *'development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context'*.
- 4.73 The Supporting Planning Statement states that the applicant did not consider that submitting a Landscape and Visual Impact Assessment (LVIA) would be necessary as the application site lies within the existing landfill site and is closely located to the M1 and a series of large B1, B2 and B8 warehouses off Markham Lane. The Supporting Planning Statement confirms that no lighting is proposed as part of this application.
- 4.74 The proposed MRF would have a footprint of 72m x 49m and standing to an overall height of 12.4m. The facility would have a steel portal frame finished in BS12B29 (Juniper Green) and would be built on breeze blocks. It would be positioned adjacent to existing site infrastructure at the eastern edge of the site.
- 4.75 The MRF building would be considered to be a significant new building in the context of the existing site, however, its impact would be moderated by screening from wider views by way of existing landforms around the landfill site and intervening vegetation.
- 4.76 It is considered that the proposed quarantine bay and cycle shelter would be seen in the context of the existing buildings and given the site context, it is considered these structures would be visually subservient given their size, scale and position.
- 4.77 The internal Landscape Architect has been consulted and has confirmed that he has no objection to the proposal, subject to the MRF being finished in a dark recessive colour (see Condition 15 as listed in the recommendations section of this report). It is considered that the proposed finish BS12B29 (Juniper Green) is a dark recessive colour that would be visually subservient.
- 4.78 The MRF, quarantine bay and cycle shelter would be dismantled and removed from Erin Landfill within a 24-month period starting from 31 May 2035, as per Condition 14 (as in the recommendations section of

this report). As such, it is considered that any visual impacts would be temporary.

- 4.79 I am satisfied that the development would have no significant adverse visual or landscaping impacts, given that the structures would be well screened, would appear in-keeping with the wider site and would be visually recessive. I therefore consider the proposed development complies with policies CLP20 of the CBLP, W7 of the DDWLP, Appendix B of the NPPW and the NPPF

Noise Impact

- 4.80 Paragraph 180 of the NPPF notes that new and existing development should not contribute to or suffer from unacceptable levels noise pollution.
- 4.81 Appendix B of the NPPW infers that planning decisions should consider locational criteria which includes the impact the development would have on locational criteria such as noise pollution.
- 4.82 Policy W6 of the DDWLP suggests that waste development will only be permitted whereby the development would not result in harm derived from pollution (including noise pollution) or impacts on the health of communities, nearby land uses and the wider environment.
- 4.83 Policy W9 of the DDWLP suggests that waste development will only be permitted '*if the development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community*'.
- 4.84 Policy CLP14 of the CBLP expects that developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise pollution.
- 4.85 Seven objections have been received from members of the public which raise concerns regarding noise pollution. Staveley Town Council has also objected to the application raising noise pollution as a key concern.
- 4.86 Potential noise impacts are considered in the context of the existing background noise at the site, which is dominated by distant road traffic movements from the M1 Motorway.
- 4.87 An Environmental Noise Impact Assessment has been submitted with the application. The document confirms that the predicted cumulative noise impact of the MRF operations on the landfill show no significant change to the highest likely predicted noise from the landfill site and that levels remain within the PPG appropriate to the landfill activities.

- 4.88 The MRF building would have 'quick acting' doors which would reduce the noise pollution when waste is delivered into the building and the building would be fitted with acoustic materials which should reduce noise pollution which would be emitted from the building.
- 4.89 The Environmental Noise Impact Assessment does acknowledge that during the construction period, noise pollution may increase, however, best practice construction methods would be implemented during this temporary period.
- 4.90 A Health Impact Assessment has been submitted with this application, which concludes that the proposal would cause no significant detrimental impact on the health of the surrounding receptors.
- 4.91 Whilst noise pollution is a concern that has been raised by members of the public and Staveley Town Council, I am satisfied that, subject to a condition to secure the noise mitigation measures outlined in the submitted noise assessment, any unacceptable noise pollution impacts that may arise as a result of this development would be suitably mitigated against. I therefore consider the proposed development complies with policies CLP14 of the CBLP, policies W6 and W9 of the DDWLP, Appendix B of the NPPW and the NPPF.

Odour Impact

- 4.92 Appendix B of the NPPW indicates that planning decisions should consider locational criteria which include the impact the development would have on odour emissions.
- 4.93 Policy W6 of the DDWLP suggests that waste development will only be permitted whereby the development would not result in harm derived from pollution (including odour) or impacts on the health of communities, nearby land uses and the wider environment.
- 4.94 Policy W9 of the DDWLP suggests that waste development will only be permitted '*if the development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community*'.
- 4.95 Policy CLP14 of the CBLP expects that developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account odour.
- 4.96 Councillor Hayes has noted that local residents have notified Valencia Waste Management of odour issues associated with the site.

- 4.97 Staveley Town Council has objected to this application citing odour as a concern.
- 4.98 The petition received in objection to this application refers to local residents having notified Valencia Waste Management of odour issues associated with the site.
- 4.99 Thirty-eight objections have been received from members of the public which raise concerns regarding odour.
- 4.100 The Supporting Planning Statement states that no putrescible waste would be processed through the facility and therefore no odours would be generated as a result of the proposed erection of the MRF.
- 4.101 An Odour Impact Assessment and Management Plan has been submitted to support this application. The document confirms that the proposed development is not designed to receive putrescible waste. Putrescible waste materials would bypass the facility and be tipped on the landfill as part of the ongoing landfill operations. It is therefore considered that the material which would be processed in the MRF should not be inherently odorous.
- 4.102 The Health Impact Assessment that has been submitted as part of this application concludes that the proposal would cause no significant detrimental impact on the health of the surrounding receptors.
- 4.103 The Environmental Health Officer and the EA has not raised any concerns relating to odour.
- 4.104 Whilst it is accepted that landfilling operations can be odorous, it is not anticipated that the proposed erection of the MRF would contribute to any odour issues associated with Erin Landfill as the building would not process putrescible waste. Any putrescible waste delivered to site would be tipped on the landfill in accordance with previously approved planning permission.
- 4.105 Whilst it is appreciated that noise pollution is a concern that has been raised by members of the public, Staveley Town Council and Councillor Hayes, I am satisfied that, subject to a condition to secure the odour mitigation measures outlined in the submitted Odour Impact Assessment and Management Plan, any significant odour impacts that may arise because of this development would be suitably mitigated. I therefore consider the proposed development complies with policies CLP14 of the CBLP, policies W6 and W9 of the DDWLP, Appendix B of the NPPW and the NPPF.

Air Pollution and Dust Impact

- 4.106 Appendix B of the NPPW indicates that planning decisions should consider locational criteria which includes the impact the development would have on locational criteria such as dust pollution.
- 4.107 Policy W6 of the DDWLP suggests that waste development will only be permitted whereby the development would not result in harm derived from pollution (including dust) or impacts on the health of communities, nearby land uses and the wider environment.
- 4.108 Policy W9 of the DDWLP suggests that waste development will only be permitted '*if the development would not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community*'.
- 4.109 Policy CLP14 expects that developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account dust and air pollution.
- 4.110 Councillor Hayes has objected to the proposal due to concerns raised regarding air pollution and dust.
- 4.111 The petition received in opposition to this application reflects concern that the proposed MRF would reduce air quality locally.
- 4.112 Eight objections have been received from members of the public which raise concerns regarding dust and air pollution.
- 4.113 The Supporting Planning Statement confirms that the extraction process associated with the MRF will take place within the confines of the building and notes that the site is not in an Air Quality Management Area (AQMA).
- 4.114 A Dust and Emission Management Plan concludes that the prevailing wind conditions in the area are of mostly of a westerly nature and as such any dust that may arise as a result of the MRF is unlikely to affect any residential properties.
- 4.115 The Dust and Emission Management Plan states that the fast-acting roller doors should limit the amount of dust and emissions leaving the building. The plan goes on to clarify that vehicles would be fully sheeted/enclosed when entering and leaving the site and make use of the existing wheel wash.

- 4.116 The Health Impact Assessment that has been submitted with this application concludes that the proposal would cause no significant detrimental impact on the health of the surrounding receptors.
- 4.117 The Environmental Health Officer and the EA have not raised any concerns relating to dust emissions.
- 4.118 Although concerns regarding air pollution and dust have been raised by Councillor Hayes and members of the public, I do not consider that the proposed development would lead to an increase in dust pollution and/or a reduction in localised air pollution as the proposed extraction activities associated with this planning application would be fully housed.
- 4.119 I am satisfied that any dust or air pollution impacts, that may arise as a result of this development would, subject to a condition to secure dust management measures as outlined in the Dust and Emission Management Plan, be suitably mitigated. I therefore consider the proposed development complies with policies CLP14 of the CBLP, W6 and W9 of the DDWLP, Appendix B of the NPPW and the NPPF.

Vermin Impact

- 4.120 Appendix B of the NPPW recognises that some waste operations can lead to the attraction of pests and in the determination of planning applications, considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers and movements of some species of birds may be influenced by the distribution of landfills. Where birds congregate in large numbers, they might be a major nuisance to people living nearby.
- 4.121 Policy W6 of the DDWLP suggests that waste development will only be permitted whereby the development would not result in harm, derived from pollution (vermin, birds and insects) or impacts on the health of communities, nearby land uses and the wider environment.
- 4.122 Staveley Town Council has objected to this application citing flies as a concern.
- 4.123 Seventeen objections have been received from members of the public which raise concerns regarding vermin.
- 4.124 The Supporting Statement, submitted as part of this application, states that as the recycling facilities would be fully housed, it is unlikely the proposal would attract birds. The Statement goes on to confirm that

Valencia Waste Management would utilise standard pest control measures to control vermin.

4.125 The Environmental Health Officer and the Environment Agency have not raised any concerns relating to vermin and birds.

4.126 Whilst I have had regard to the concerns over vermin have been raised by members of the public, I do not consider that the proposed development would lead to an increase in nuisances caused by vermin as the recycling operations associated with the proposed works would be fully housed.

4.127 I therefore consider the proposed development complies with Policy W6 of the DDWLP and Appendix B of the NPPW.

Contaminated Land

4.128 Paragraph 124 of the NPPF notes that substantial weight will be given whereby developments utilise despoiled, degraded, derelict, contaminated or unstable land.

4.129 Paragraph 180 of the NPPF notes that planning decisions should contribute and enhance the natural local environment by '*remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*'.

4.130 Paragraph 189 of the NPPF infers that decisions should take into account ground conditions and risks arising from contamination.

4.131 Paragraph 190 of the NPPF states that on sites which are affected by land contamination it is the responsibility of the developer/landowner to ensure the site is safe.

4.132 Policy CLP14 of the CBLP infers that proposals for development on land that is or might be contaminated will only be permitted if mitigation and remediation are feasible to make the land fit for the proposed use.

4.133 A Phase II Ground Investigation Report was submitted in accordance with this application. The report concludes that the results of the ground investigation and risk assessment suggest that the overall risk associated with soil contamination is low.

4.134 The Environmental Health Officer has not raised any concerns relating to land contamination.

4.135 The Coal Authority has not raised any concerns relating to land contamination.

4.136 The EA has not raised any concerns relating to land contamination.

4.137 As the Phase II Ground Investigation Report concludes that the overall risk associated with soil contamination is low and the proposal would bring an existing piece of brownfield land back into use and statutory consultees have confirmed that they have no concerns, I am satisfied that the proposed development complies with Policy CLP14 of the CBLP, and the NPPF.

Ground Stability

4.138 Paragraph 124 of the NPPF notes that substantial weight will be given whereby developments utilise despoiled, degraded, derelict, contaminated or unstable land.

4.139 Paragraph 180 of the NPPF notes that planning decisions should contribute and enhance the natural local environment by '*remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*'.

4.140 Paragraph 189 of the NPPF indicates that decisions should take into account ground conditions and risks arising from instability.

4.141 Paragraph 190 of the NPPF states that on sites which are affected by land stability issues, it is the responsibility of the developer/landowner to ensure the site is safe.

4.142 According to Appendix B of the NPPW, locations that might be affected by land instability are not normally suitable for waste management facilities.

4.143 Policy CLP14 of the CBLP expects that proposals for development on land that is or might have ground stability issues will only be permitted if mitigation and remediation are feasible to make the land fit for the proposed use.

4.144 A Phase II Ground Investigation Report has been submitted in accordance with this application. The report indicates that investigations undertaken, including by means of rotary open-hole boreholes, encountered extensive deposits of made ground opencast backfill extending to various depths beneath the entire site. The report indicates that evidence of buried opencast highwalls were encountered during drilling.

4.145 The Phase II Ground Investigation Report indicates that there is no evidence of coal seams of a significant thickness, significant flush loss, voids or broken ground were recorded in the boreholes and concludes

that the risk of unrecorded shallow workings is low. The report goes on to identify the potential for the presence of unrecorded mine workings in a number of seams at shallow depth beneath the base of the opencast excavation. The report goes on to recommend the undertaking of further intrusive site investigations site in order to fully establish the mining setting. The aims of the investigations would include confirming opencast highwalls and obtaining sufficient information to inform a piled foundation design for the building.

- 4.146 The Coal Authority considers that development proposals should avoid buried highwalls wherever possible, however, the applicant considers that it would not be possible for the proposed building to be relocated to avoid buried highwalls due to the location of existing areas of landfilling, topography and access arrangements. As such, the Coal Authority has indicated that it does not object to the proposal, subject to the imposition of conditions 12 and 13, as in the recommendations section of this report
- 4.147 I am satisfied that the proposed development would not have any adverse ground stability related impacts. The documentation supporting this application indicates that any pollution impacts that may arise as a result of this development would be suitably mitigated. I therefore consider the proposed development complies with policies CLP14 of the CBLP, W6 and W9 of the DDWLP, Appendix B of the NPPW and the NPPF.

Flood Risk

- 4.148 Paragraph 173 of the NPPF infers that local planning authorities should ensure that flood risk is not increased elsewhere as a result of development.
- 4.149 Appendix B (a) of the NPPW, protection of water quality and resources and flood risk management, is also concerned with flooding, with consequent issues relating to the management of potential risk posed to water quality.
- 4.150 Policy W6 of the DDWLP states that waste development will be permitted only if it would not result in material harm caused by contamination, pollution or other adverse environmental or health effects.
- 4.151 Policy CLP13 of the CBLP seeks to limit flood risk and protect the water environment.
- 4.152 The site is located within Flood Zone 1 and therefore, has a 'low probability' of flooding.

- 4.153 The site is located within the River Doe Lea valley towards the southern end of the River Rother catchment. The River Doe Lea flows into the River Rother near Renishaw, approximately 4km to the north of the Site.
- 4.154 The Drainage Strategy Technical Note states that run-off from the proposed building would connect to an existing on-site drain which drains to the north and discharges to a series of lagoons. The primary existing drain run is routed to the east of the proposed building. There would be two connections to the existing drain; run-off from the south-east elevation would be collected in new, below ground pipework and connected via a new manhole built on the line of the existing drain.
- 4.155 The Lead Local Flood Team has been consulted and has confirmed that it has no objections to the proposal.
- 4.156 I am satisfied that the proposed development would not result in any adverse long-term impact concerning flood risk and drainage. I therefore consider the proposed development complies with policies CLP13 of the CBLP, W6 of the DDWLP, Appendix B of the NPPW and the NPPF.

Ecology and Biodiversity

- 4.157 Paragraph 180 of the NPPF indicates that planning decisions should '*recognise the intrinsic character and beauty of the countryside*' and provide net gains for biodiversity.
- 4.158 Appendix B (d) Nature Conservation of the NPPW states that, in the determination of planning applications, considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites (a wetland site designated to be of international importance under the RAMSAR Convention), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.
- 4.159 Policy W5 of the DDWLP suggests that development will only be permitted whereby identified interests of environmental importance would not be materially harmed by the identified interests.
- 4.160 Policy CLP16 of the CBLP expects development proposals to protect, enhance and contribute to the management of the ecological network of habitats, to avoid or minimise adverse impacts and to provide a net measurable gain in biodiversity.

- 4.161 Duckmanton Railway Cutting Site of Special Scientific Interest (SSSI) and Doe Lea Stream SSSI are over 2.7km and 3.7km away from the site boundary respectively. At this mitigating distance, it is considered that there would be no direct or indirect impacts on the SSSIs.
- 4.162 Norbriggs Flash Local Nature Reserve (LNR) is located approximately 1.5km to the north of the site boundary. Norbriggs Flash is designated for its important habitats for wintering wading birds and wildfowl. Retained habitats within the retention lagoon area of the site may contribute to the existing corridor of Local Wildlife Sites (LWSs) between the River Doe Lea, located on the eastern edges of the site, and the River Rother, over 2km to the north. It is considered that there will be no negative impacts from the proposal upon Norbriggs LNR.
- 4.163 Natural England has been consulted but has no comments to make on the proposal.
- 4.164 A Preliminary Ecological Appraisal, submitted to support this application, indicates that habitats present on the landfill site can support breeding bird species. As such, it is recommended that bat and bird boxes are installed where possible to ensure that biodiversity is enhanced.
- 4.165 The MRF, quarantine bay and cycle storage would need to be removed to ensure that the landfill is restored in accordance with the restoration plan (Drawing No: VI4025/08/05). As such, the MRF, quarantine bay and cycle shelter would need to be dismantled by 31 May 2035. It is considered that any impacts from them concerning ecology and biodiversity should also be temporary, given the restoration timescale required by Condition 1 to CW2/1020/38.
- 4.166 Derbyshire Wildlife Trust has noted that as Erin Landfill already has an approved restoration plan, it would not be necessary or proportionate for the applicant to include a Biodiversity Net Gain Metric to support this application.
- 4.167 Derbyshire Wildlife Trust has commented on the Construction Environmental Management Plan (CEMP) and has noted that scrub and young plantation to be lost will be compensated for in the medium and long-term.
- 4.168 The planning application was submitted prior to 2 February 2024 and so is not subject to mandatory biodiversity net gain by the Environment Act 2021.

4.169 Subject to compliance with draft Condition 19 (as in the recommendations section of this report), I am satisfied that the proposed development would not result in any adverse long-term impact on ecology and biodiversity, given that the site is required to be restored in accordance with the approved restoration plan. I therefore consider the proposed development complies with policies CLP16 of the CBLP, W5 of the DDWLP, Appendix B of the NPPW and the NPPF.

Sustainable Travel and Traffic Impacts

4.170 Paragraph 108 of the NPPF indicates that developments should promote cycling.

4.171 Paragraph 115 of the NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

4.172 Appendix B of the NPPW indicates that planning decisions should consider locational criteria which include the suitability of the road network and the extent to which access would require reliance on local roads.

4.173 Policy W2 of the DDWLP suggests that waste development will not be permitted whereby it:

'would be likely to result in an overall significant increase in the number or distance of waste-related journeys for people, materials or waste; or would not provide or utilise a choice of transport modes for people, materials or waste; will not be permitted if there is a practicable, environmentally better alternative.'

4.174 Policy W8 of the DDWLP states that waste development will only be permitted if:

'the methods and routes of waste transport will not cause significant disturbance to the environment, people or communities; the transport network is adequate to accommodate the traffic which would be generated; and the proposed access arrangements and the impact of the traffic generated will not be detrimental to road safety.'

4.175 Policy CLP22 of the CBLP expects that development should reduce congestion, improve environmental quality, and encourage active and healthy lifestyles.

- 4.176 The site is accessed off a private road which passes beneath the M1 motorway and then over Erin Road via a narrow bridge before entering the landfill site. Due to the width of the bridge, vehicle movements over it are signal controlled to prevent conflict between opposing vehicles.
- 4.177 A Transport Assessment has been submitted as part of this application which analyses the potential impact of additional vehicle movements generated by the proposed MRF. The Transport Assessment states that the vehicular traffic generated by the proposed facility would not have an unacceptable impact on highway safety or a severe cumulative impact on the operation of the junctions in the vicinity of the application site and on the highway network as a whole. Whilst the Transport Assessment focuses on HGV movements, there is no assessment of staff movements, however, given that the proposed increase in staff movements additional trips on the network generated by staff accessing the site is considered to be minimal and would not have a significant impact on the overall operation of the junctions assessed. It is therefore considered that the MRF would not cause an unacceptable impact on highway safety.
- 4.178 The number of heavy goods vehicles visits should not increase as a result of the development, and control over the visits could be secured by compliance with Condition 3 as listed in the recommendations section of this report (which mirrors Condition 4 of Application CW2/1020/38).
- 4.179 Highways has been consulted and has confirmed that it has no objections to the proposal, subject to compliance with conditions to require that the development is not brought into use until the access, parking, turning facilities and bicycle storage facilities have been implemented as shown on the submitted drawings.
- 4.180 Subject to imposition of conditions to any permission as mentioned above and as set out under the recommendation below, I am satisfied that the proposed development would not result in unacceptable impact on highway safety or the operation of the junctions in the vicinity of the application site and on the highway network. I therefore consider that in respect of these impacts the proposed development complies with policies CLP22 of the CBLP, W2 and W9 of the DDWLP, Appendix B of the NPPW and the NPPF.

Conclusion

- 4.181 The proposed location of the MRF, quarantine bay and cycle shelter would not be within a sensitive locality regarding landscape, heritage or ecological designations. Erin Landfill has an established planning history in relation to landfilling and waste management. The proposed

works would not conflict with the approved restoration scheme and the development is considered to be temporary in nature. I am satisfied that a clear need and principle for the development has been demonstrated.

4.182 The proposed works would comply with the existing permissions and would not prejudice against local and national waste capacity.

4.183 I am satisfied that the proposed works would intercept waste that would be heading to landfill and therefore would help divert waste away from landfill in accordance with the NPPW, significant weight is given to this benefit.

4.184 Whilst it is acknowledged that Councillor Hayes, Staveley Town Council, and members of the public have objected to the application, I am mindful of the impacts that Erin Landfill has on the locality of the area. However, I do not consider that the proposed works would have any adverse impacts that could not be suitably mitigated.

4.185 The application is considered to be in accordance with the development plans and national planning guidance and is recommended for approval subject to the conditions listed below.

5. Implications

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

6. Background Papers

6.1 Application Form dated 26 July 2023.

6.2 Transport Assessment dated 16 June 2023.

6.3 Environmental Noise Impact Assessment dated 1 June 2023.

6.4 Climate Change Assessment dated 31 July 2023.

6.5 Odour Impact Assessment and Odour Management Plan dated 31 July 2023.

6.6 Supporting Planning Statement dated 31 July 2023.

6.7 Covering Letter dated 26 July 2023.

6.8 Health Impact Assessment dated 31 July 2023.

- 6.9 MRF Travel Plan dated 7 July 2023.
- 6.10 Construction Management Plan dated 31 July 2023.
- 6.11 Preliminary Ecological Appraisal dated 23 October 2023.
- 6.12 Drainage Strategy dated 20 December 2023.
- 6.13 Construction Environment Management Plan dated 14 March 2024.
- 6.14 Response to Consultee Comments Letter dated 29 September 2023.
- 6.15 Conditions Clarification Letter dated 23 March 2024.
- 6.16 Phase 1 Desk Study dated October 2023.
- 6.17 Phase 2 Ground Investigation Report dated April 2024.
- 6.18 Proposed MRF Location with Swept Path Analysis Plan dated 6 January 2023.
- 6.19 Photograph Survey dated 28 November 2023.
- 6.20 Trial Pit Log dated 28 November 2023.
- 6.21 Drilling Log dated 6 December 2023.
- 6.22 Cable Percussive Borehole Logs dated 6 December 2023.
- 6.23 Rotary Drilling Logs dated 6 December 2023.
- 6.24 Laboratory Geochemical Testing Results dated 13 December 2023.
- 6.25 Laboratory Geochemical Testing Results – Parting Size Distribution dated 13 December 2023.
- 6.26 Gas and Groundwater Monitoring Results Letter 1 dated 21 December 2023.
- 6.27 Gas and Groundwater Monitoring Results Letter 2 dated 4 January 2024.
- 6.28 Gas and Groundwater Monitoring Results Letter 3 dated 11 January 2024.

- 6.29 Gas and Groundwater Monitoring Results Letter 4 dated 18 January 2024.
- 6.30 Gas and Groundwater Monitoring Results Letter 5 dated 25 January 2024.
- 6.31 Gas and Groundwater Monitoring Results Letter 6 dated 1 February 2024.
- 6.32 Coal Authority Abandonment Plan (undated).
- 6.33 Site Location Plan dated 26 January 2023.
- 6.34 Proposed MRF Location Plan dated 30 March 2023.
- 6.35 Drainage Outline Plan dated 30 March 2023.
- 6.36 Building Elevations Plan dated 26 January 2023.
- 6.37 Proposed Parking Area and Cycle Shelter Plan dated 27 November 2023.
- 6.38 Typical Details for Cycle Shelter Plan dated 27 November 2023.
- 6.39 Site Boundary Site Location Plan dated 18 April 2024.
- 6.40 Ground Investigation Location Plan dated 18 April 2024.
- 6.41 Dust and Emission Management Plan dated May 2023.

7. Appendices

- 7.1 Appendix 1- Implications.
- 7.2 Appendix 2- Site Location Plan.

8. Recommendation

That the Committee resolves that planning permission for the development under the application is authorised to be **granted** subject to conditions based on the following draft conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) The development shall take place in accordance with the details contained in the Application Form dated 26 July 2023, Supporting Planning Statement dated 31 July 2023, Transport Assessment dated 16 June 2023, Environmental Noise Impact Assessment dated 1 June 2023, Climate Change Assessment dated 31 July 2023, Odour Impact Assessment and Odour Management Plan dated 31 July 2023, Covering Letter dated 26 July 2023, Health Impact Assessment dated 31 July 2023, MRF Travel Plan dated 7 July 2023, Construction Management Plan dated 31 July 2023, Preliminary Ecological Appraisal dated 23 October 2023, Drainage Strategy dated 20 December 2023, Construction Environment Management Plan dated 14 March 2024, Response to Consultee Comments Letter dated 29 September 2023, Conditions Clarification Letter dated 23 March 2024, Phase 1 Desk Study dated October 2023, Phase 2 Ground Investigation Report dated April 2024, Dust and Emission Management Plan and the following plans:

- Drawing no. ECL.9529.D01.002 entitled 'Proposed MRF Location Plan'
- Drawing no. ECL.9529.D01.005 entitled 'Drainage Outline Plan'
- Drawing no. ECL.9529.D01.004 entitled 'Building Elevations'
- Drawing no. ECL.9529.D01.007 entitled 'Proposed Parking Area and Cycle Shelter'
- Drawing no. ECL.9529.D01.002 entitled 'Proposed MRF Location Plan'
- Drawing no. ECL.9529.D01.008 entitled 'Typical Details for Cycle Shelter'
- Drawing no. GM13004-001 entitled 'Site Location Plan'
- Drawing no. GM13084-002 entitled 'Ground Investigation Location Plan'

Reason: To ensure compliance with the drawings submitted under the application and the details of the plans and assessments that supported the application.

- 3) No more than 185 heavy goods vehicles visits (370 vehicle movements) carrying waste shall enter the waste disposal site on any day.

Reason: To limit the volume of traffic in the interests of the amenity of local residents.

- 4) Except in emergencies to avoid or minimise harm or danger to people, property or the environment which shall be notified to the Waste Planning Authority as soon as practicable, no operations other than the operation of pollution prevention and control equipment, servicing, essential maintenance and testing of plant, shall be carried out except between:

0700 hours - 1730 hours Mondays to Fridays, and
0700 hours - 1300 hours Saturdays.

No waste or other material shall be delivered to or exported from the site that is under this permission except between 1630 -1730 hours Mondays to Fridays, and 0700 –1300 Saturdays.

No operations deliveries or exports shall take place on Sundays or Bank and other Public Holidays.

Reason: To protect the amenity of local residents.

- 5) No waste that is not within those waste streams specified under this application shall be imported to the site under this permission.

Reason: processing of waste materials in other categories would raise other environmental and amenity issues which would require further consideration.

- 6) The sole vehicular access to the site shall be via Markham Lane.

Reason: To prevent the use of other routes in the interests of the amenity of local residents.

- 7) During the operational hours specified under Condition 4, the noise levels arising from the development shall not exceed 55 dB Laeq, 1 hour at any noise sensitive properties identified in Environmental Statement dated September 1997, and updated Environmental Statement dated October 2020 in respect of application CW2/1020/38.

Reason: To protect the amenity of local residents.

- 8) All plant and machinery shall operate only during the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: To protect the amenity of local residents.

- 9) The noise levels shall be monitored in accordance with the scheme submitted 9 July 1999, including the document entitled 'Scheme for Monitoring Site Noise Levels', Terry Adams (undated) approved by the Waste Planning Authority on 9 September 1999.

Reason: To protect the amenity of local residents.

- 10) The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on the submitted drawings.

Reason: To ensure conformity with submitted details.

- 11) The development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle parking has been provided in accordance with the submitted details. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities.

- 12) No above ground development, hereby approved, shall commence until a scheme of further Intrusive Coal Risk Investigations has been submitted to and approved in writing by the Waste Planning Authority. The Scheme shall establish the risks posed to the development by past coal mining activity, including that posed by buried opencast highwalls and unrecorded underground mine workings and identify any required remedial actions and or mitigation measures. All remediation works and/or mitigation measures as identified within the approved scheme of Intrusive Coal Risk Investigation, to address land instability arising from coal mining legacy, shall be implemented on site in full.

Reason: In order to ensure that the site is made safe and stable for the development proposed.

- 13) Prior to the first occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Waste Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to ensure that the site is made safe and stable for the development proposed.

- 14) The Materials Recycling Facility, Quarantine Bay and Cycle Shelter approved under the terms of this permission shall be dismantled and removed from site within a 24 month period starting from the cessation of landfilling operations at the wider Erin Landfill site or 31 May 2035, whichever is sooner, in accordance with the restoration plan (Drawing No: VI4025/08/05) approved under permission CW2/1020/38.

Reason: To ensure that the development is carried out in accordance with the approved restoration plan.

- 15) The Material Recycling Facility building hereby permitted shall by no later than 12 weeks after the date its construction is substantially completed be painted or coated over all its exterior surfaces in either Juniper Green (British Standard 12B29) or any similar colour that the Council has approved in advance. Throughout the remaining duration of the building on the site the exterior surfaces shall be maintained as required to remain substantially of that colour in their entirety.

Reason: To ensure, in the interests of visual amenity, that the exterior of the building to be built in steel has a visually recessive surface finish.

- 16) The development hereby approved shall not be brought into use until the Noise Mitigation Measures outlined in section 6.4 of the Environmental Noise Impact Assessment dated 1 June 2023 have been implemented in accordance with the submitted details. All measures shall then be maintained throughout the operational life of the facility.

Reason: To protect the amenity of local residents.

- 17) The development hereby approved shall not be brought into use until the two vehicle entrances and exits of the building have been first fitted with 'fast acting' roller doors as specified within the submitted Odour and Dust management plans.

The 'fast-acting' roller doors of the building shall remain closed at all times except for the access and egress of vehicles.

Reason: To protect the amenity of local residents. In accordance with the approved Dust and Emission Management Plan dated May 2023 and Odour Impact Assessment and Odour Management Plan dated 31 July 2023.

- 18) The development shall take place in accordance with the Reasonable Avoidance Measures outlined in Section 6 of the Construction Environment Management Plan dated 14 March 2024.

Reason: In the interests of ecology and biodiversity.

**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 Authority has requested clarification on the application where required, which the applicant has provided.

**Chris Henning
Executive Director – Place**

Implications

Financial

1.1 The correct fee of £22,176 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. The considerations including legal implications that have been found to be relevant for the determination of this application are addressed in the Information and Analysis part 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 delegated decision.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

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