

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

8 June 2020

Report of the Executive Director - Economy, Transport and Environment

- 1 SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 4 OF CW3/0818/37 TO INCREASE THROUGHPUT OF WASTE TO 100,000 TONNES PER ANNUM AT PEAK WASTE RECYCLING LIMITED, WOOD LANE, KNIVETON, ASHBOURNE APPLICANT: PEAK WASTE RECYCLING LIMITED CODE NO: CW3/0220/77**

3.56.21

Introductory Summary

This is an application submitted under Section 73 of the Town and Country Planning Act 1990. It seeks a planning permission for development without complying with an existing annual limit on the amount of waste to be imported for waste recycling at this application site by a condition to which the relevant existing permission is subject.

The application site is an existing waste recycling facility that is within open countryside. The Peak District National Park (PDNP) boundary is located 500 metres (m) to the west and the Kniveton Conservation Area is 425m to the east.

This is a retrospective application, in that, at present, the annual throughput of waste at this site is officially restricted by an existing planning condition to 25,000 tonnes per annum, but the current throughput is reported by the applicant as being at 100,000 tonnes per year. The applicant has proposed that a new permission would be subject to a condition to restrict the annual throughput to 100,000 tonnes.

The applicant has indicated that no change in operational hours is needed and that maximum numbers of daily heavy goods vehicle (HGV) movements in and out of the site at this throughput should still not exceed 95 in each direction (i.e. 190 overall). There are no new structures or alterations to existing structures proposed.

The principle of a waste facility in this location is established and I am satisfied that such a new conditional permission would not result in any significant environmental or amenity impacts from the development that cannot be controlled through the existing nuisance emission plans, monitoring and

complaint procedures in place at this site via planning conditions, and through the waste permitting regime. The continuation of the development under such a new permission would not conflict with the development plan policies and is recommended for approval subject to conditions.

I have addressed what other conditions might be applied to a grant of permission as sought in this case, having regard to those contained in the previous planning permissions for the site and the current circumstances.

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

(2) **Information and Analysis**

Site and Surroundings

The application site is an existing waste facility which involves the processing and recycling of mixed household, commercial and industrial (including construction, demolition and excavation) wastes, the production of refuse derived fuel (RDF) pellets, confidential waste shredding and the removal of hazardous waste and skip hire. The application site extends to 2.55 hectares (ha).

The site is accessed from Wood Lane, a single carriageway road which leads to the B5035, which is the main road through Kniveton which runs south-westwardly to Ashbourne. The site falls within the administrative area of Derbyshire Dales District Council (DDDC). Land surrounding the application site is predominantly rural. The village of Kniveton is approximately 1 kilometre (km) to the east. Fenny Bentley is 2.5km to the west, Bradbourne is 2.7km to the north-east and Tissington is 3km to the north-west. Ashbourne is 3km to the south-west. The nearest properties to the site are Merryfields Farm, which is adjacent to the southern boundary, and Riddings Park Farm.

There are no cultural, heritage or nature conservation designations in the immediate vicinity (either statutory or non-statutory), although some are located close by. Kniveton Conservation Area is c. 425m to the east. The nearest Listed Building to the site is the Grade II listed James Lane Farmhouse which is c. 610m to the east. Foxholes Lane Local Wildlife Site (LWS) is c. 755m to the south-east and Woodside Wood LWS is 680m to the north. The waste facility is c. 500m from the eastern boundary of the PDNP.

The site is located within Flood Zone 1 land and so has a low probability of flooding. The site is not located within a British Geological Survey (BGS) coalfield area and is classified as 'off-coalfield'. A Public Right of Way (PROW), which on the definitive map record is numbered WD62/35/1 and specified as a footpath, runs on an east to west alignment adjacent to the northern boundary of the existing waste facility. PROW WD62/37/1 is c. 200m

to the west of the site and runs south to north. Another PROW, WD62/12/3, is c. 60m to the south of the site and runs west to east. A further PROW, WD62/36/1 is to the east of the site beginning at the east side of Wood Lane and runs west to east. The site is not within Green Belt but is in open countryside as delineated in the adopted Derbyshire Dales Local Plan (DDLPL) (2017).

The operator, Peak Waste Recycling Limited, is a large privately owned waste management company which owns over 2,000 skips of various tonnage capacities which are rented to businesses and individuals. In addition, the operator owns and runs several hundred commercial wheelie bins.

Planning History

The site has been the subject of a number of planning applications and subsequent planning permissions as detailed below. However, a planning application to consolidate all of the various planning permissions and to regularise unauthorised development was granted consent in January 2020 (please see planning permission reference CW3/0818/37 below):

Planning Application Code No.	Description of Development	Decision
CW3/295/88	Waste transfer station.	Approved 1 May 1995
CW3/396/93	Extension to waste transfer station.	Approved 14 August 1996
CW3/997/51	Extension to existing building.	Approved 6 January 1997
CW3/199/126	Proposed increase in capacity of existing waste transfer station and retention of screen bund and use of extended yard for Peak Waste Recycling Limited.	Approved 16 December 1999
CW3/1298/116	Increase in capacity of existing waste transfer station and yard extensions.	Withdrawn 8 January 1999
CW3/998/64	Increase of waste tonnage.	Withdrawn 8 January 1999
CW3/501/15	Extension of existing site maintenance and waste recycling buildings and service yard.	Approved 13 August 2001
CW3/1001/85	Renewal of temporary planning permission for use of land as waste recycling	Approved 24 April 2002

	centre at a capacity of 25,000 tonnes per annum.	
CW3/0404/9	Extension to existing building for waste recycling and storage purposes.	Approved 6 July 2004
CW3/0508/16	New building for use as offices.	Approved 30 June 2008
CW3/1211/122	Extension to waste storage building.	Approved 5 April 2012
CW3/0717/36	Erection of buildings, the installation of a biomass boiler and flue stack, together with the relocation of site parking provision.	Approved 14 May 2018
CW3/0818/37	Consolidation of existing planning permissions, retrospective extension of existing storage yard and car park.	Approved 10 January 2020

The Proposal

This planning application seeks permission to not comply with Condition 4 of planning permission ref. CW3/0818/37 which states:

“The maximum limit of waste imported to the application site annually shall not exceed 25,000 tonnes. Records of the annual tonnages shall be made available (on request) to the Waste Planning Authority.”

The applicant seeks an increase in the limit on the annual throughput of waste at the site from the consented 25,000 tonnes to 100,000 tonnes per annum. This is a retrospective application in that the current 25,000 tonnes restriction in place, under Condition 4 of planning permission code no.CW3/0818/37 has been exceeded.

The applicant has confirmed that the annual throughput at the site has been increasing since 2006 when the company began operating under environmental permit waste exemptions, which applied to storage and processing of source-segregated recyclable wastes, i.e. glass bottles, textiles, paper, cardboard, plastics and metal. The waste handling limit within the permit exemption has increased to 75,000 tonnes per annum over the last decade, due to changes in the environmental permit legislation. This planning application seeks to regularise the waste throughput at the site and coincides with an application to the Environment Agency to vary the existing environmental waste permit to include the throughput of all previously exempt waste. The site’s throughput of other non-waste permit exempt mixed household, commercial and industrial waste (including construction,

demolition and excavation wastes) amounts to 25,000 tonnes of the annual throughput figure.

The submitted information clarifies that an annual throughput of 100,000 tonnes is achievable without vehicle movements for the delivery and removal of waste exceeding 190 movements per day (95 in and 95 out of the site).

There is no proposed increase or alteration to the permitted hours of use which are:

The Site (Except the Biomass Boiler (not yet installed)):

0700 hours to 1700 hours Mondays to Fridays;
0700 hours to 1200 hours Saturdays;
No operations on Sundays, Bank Holidays or other Public Holidays.

The Preparation and Delivery of Wood to the Biomass Boiler (if and when it is installed and running):

0800 hours to 1700 hours Mondays to Fridays;
0800 hours to 1100 hours Saturdays;
No preparation or delivery of wood fuel to the biomass boiler on Sundays, Bank Holidays or other Public Holidays.

The supporting information stated that an extra 10 jobs would be provided as a result of increasing the throughput to 100,000 tonnes annually. The Agent has since clarified that these posts have been filled. A total of 80 people are employed at the site.

A revised site layout plan was received on 23 April 2020, showing a reconfigured parking layout. This was in response to initial concerns from the County Highway Authority, that the former southern access (also called the bungalow access) onto Wood Lane was to be reinstated by the applicant (please see Highway Authority comments below).

Consultations

Local Member

Councillors Ratcliffe (Wirksworth) and Spencer (Dovedale) have been notified.

Councillor Ratcliffe made comments on 7 and 28 April 2020 and expressed a number of concerns about increases in throughput, summarised as follows:

- It had been hoped that a reduction in traffic would result from the installation of a biomass boiler. This is not now going ahead.

- This local business is in the middle of the countryside and has increased over time with no improvements to the highway infrastructure. This has been noted at the Parish Council's Public Forum.
- An increase from 25,000 tonnes to 100,000 tonnes annually hauled through Kniveton village seems to be excessive and is of concern. The previous planning application was to consolidate the site;
- This planning application seems to be leading to over-development in what is open countryside.

Derbyshire Dales District Council (Planning)

DDDC Planning Department responded on 30 March 2020 and does not object to the proposal.

Derbyshire Dales District Council (Environmental Health Officer)

The DDDC Environmental Health Officer (EHO) responded on 9 April 2020 and has no objections. The EHO welcomes the requirements of the items in the Environmental Permit section of the submitted supporting information. The EHO recommends that the current permitted hours of operation and the complaint procedure are retained.

Kniveton Parish Council

Kniveton Parish Council responded on 13 May 2020 and does not have any objections.

Fenny Bentley Parish Council

Fenny Bentley Parish Council has been notified.

Environment Agency

The Environment Agency responded on 29 April 2020 and has no objections.

Peak District National Park Planning Authority

The Peak District National Park Planning Authority (PDNPA) has been notified.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, responded on 18 March 2020, 1 April 2020 and 29 April 2020. The Highway Authority comments of 18 March 2020 are summarised as follows:

- It did not consider that a highways objection would be sustainable.
- The additional 10 members of staff mentioned in the supporting statement would provide a small increase in the need for staff car parking.
- It noted from the supporting information that the proposal would not result in any additional HGVs accessing the site.
- It sought assurance that the southern access (the car park access) had been closed and that all access/egress was via the northern access.

Following the receipt of a revised site layout plan showing a reconfigured car parking layout in relation to the closed southern access (also known as the bungalow access and the car park access), the Highway Authority responded further on 1 and 29 April 2020, recommending a planning condition to be incorporated into any new planning consent to control the continued closure of the southern access and reinstate the highway verge.

Publicity

The application was advertised by press notice (Ashbourne News Telegraph) with a request for representations by 1 April 2020. Five site notices were also posted with a request for representations by 7 April 2020.

As a result of the publicity, two representations have been received, both of which raise objection to the proposal.

The objections are summarised as follows:

- A large increase in traffic from the site has been noticed which causes noise, pollution and vibrations.
- Concerns as to whether Kniveton is the best location for the waste transfer station.
- Concerns about the operator exceeding the tonnage limit and what is to stop them going over it again.
- The capacity of the plant may well rise above 100,000 tonnes annually in the future.
- Concerns that planning controls are not being adhered to.
- Concerns as to where the waste is coming from and going to.
- The frequency and speed of HGVs associated with Peak Waste through Kniveton is of concern to local residents. It has been suggested that a planning condition be imposed to require the operator to install speed cameras at each end of Kniveton.
- Concerns about the monitoring of non-hazardous waste in skips.
- Residents are concerned about waste being brought to the site which is in close proximity to the Kniveton Conservation Area.

Other comments:

- Representatives of Kniveton Parish Council should be allowed a site visit prior to any new application being considered.
- It is presumed that each HGV is weighed in and out so that the annual tonnage capacity is based on daily, weekly or monthly totals.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development

plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (2006) (DDWLP) and the Adopted Derbyshire Dales District Local Plan (2017) (DDLDP). Other material considerations include statements of Government policy in the National Planning Policy Framework (2019) (NPPF), National Planning Practice Guidance (PPG), the National Waste Management Plan for England (WMPE) 2013 and National Planning Policy for Waste, 2014 (NPPW)). There is no Neighbourhood Plan in place or in preparation for Kniveton Parish.

National Planning Policy Framework

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as is relevant. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there should be a presumption in favour of sustainable development. The NPPF states in its introduction that it does not contain specific waste policies and states that national waste planning policy will be published as part of the National WMPE.

National Waste Management Plan for England

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal are contained within the NPPW.

National Planning Policy for Waste

This document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, and states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Annex A of this document details the waste hierarchy.

National Planning Policy Framework

The most relevant sections of the NPPF are:

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

15: Conserving and enhancing the natural environment

National Planning Policy for Waste

The most relevant sections of the NPPW are:

Section 4: Identifying Suitable Sites and Areas.

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

Derby and Derbyshire Waste Local Plan Policies

The relevant policies against which to assess the proposal 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.

Adopted Derbyshire Dales Local Plan Policies

The relevant policies against which to assess the proposal are:

S4: Development in the Countryside.
PD5: Landscape Character.
PD9: Pollution Control and Unstable Land.
Policy HC19: Accessibility and Transport.

Principle of the Development

The principle of waste development has been established and found to be acceptable in this location through previous planning applications, the most recent being a consolidating application (code no. CW3/0818/37) approved January 2020. The development was assessed against the provisions of the development plan and Government guidance in force at this time. The site has, however, been working in breach of planning control at a capacity of 100,000 tonnes per annum (75,000 tonnes beyond the existing annual limit) which was carried over from previous permissions by the setting out of a condition to the consolidated planning permission. This application therefore seeks to regularise this throughput level by a new annual limit of 100,000 tonnes. The application does not seek any amendment by the Council of any other aspects of the existing planning conditions to which the development is subject. The applicant states the increase in throughput is carried out with no more than 95 HGV movements in each direction (190 to and from the site overall) on any single day; this can be secured by a new condition to any new permission under this application.

The NPPW emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the movement of waste up the 'Waste Hierarchy' by promoting the recycling and reuse of waste, rather than sending it to landfill, is essential.

The waste hierarchy aims to:

- minimise the amount of waste that is produced;
- where waste is still produced, to reuse as much useful material as possible;
- where reuse is not possible, to recycle as much useful material as possible;
- where reuse and recycling are not possible to recover any useful energy that the waste can be used to generate; and
- only when the above options are not possible, to dispose of the waste safely. Landfilling of waste should only be used as a last resort.

DDWLP Policy W1b: Need for the Development states that waste development will be permitted if the development would satisfy a need which could not realistically be met closer to the source of the waste.

There is an evident market being served by the increase in throughput of waste at this site and, in considering this planning application against the principles of the 'Waste Hierarchy', I am satisfied that the increase in throughput tonnage to 100,000 tonnes at this site contributes significantly to meeting local waste market needs and its increased waste recovery activities further contribute to diverting waste from landfill. Thus, the waste is moved up through the Waste Hierarchy in accordance with Appendix A of the NPPW.

There have been no changes in development plan policy or Government guidance since the determination of the consolidating application by grant of permission subject to conditions in January 2020. I am satisfied that the development, at the raised throughput, would continue to cater for local waste management needs and accords with DDWLP Policy W1b, and the sustainable waste management objectives of the NPPW.

Amenity and Environmental Impacts

The environmental and amenity impacts of this development were assessed during the consideration of the application for consolidated permission. However, I have given consideration as to whether the carrying on of development at an annual throughput of up to 100,000 tonnes would be likely to give rise to any significantly different or additional impacts to those that were previously assessed and considered. The waste facility itself is located within an open countryside location between the Kniveton Conservation Area (425m to the east) and the PDNP (500m to the west).

Section 4: Identifying Suitable Sites and Areas of the NPPW states that waste planning authorities should consider a broad range of locations for waste management facilities, including industrial sites, and look for opportunities to co-locate waste management facilities together and with complementary activities. Section 7: Determining Planning Applications of the NPPW states

that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B: Locational Criteria of the NPPW.

Appendix B: Locational Criteria of the NPPW sets out factors for waste planning authorities to consider in determining planning applications in terms of location:

- Protection of water quality and resources and flood risk management.
- Land instability.
- Landscape and visual impacts.
- Nature conservation.
- Conserving the historic environment.
- Traffic and access.
- Air emissions including dust.
- Odours.
- Vermin and birds.
- Noise, light and vibration.
- Litter.
- Potential land use conflict.

Paragraph 180 of Chapter 15: of the NPPF (Conserving and enhancing the natural environment) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. NPPF Paragraph 183 states that planning decisions should focus on whether the development itself is an acceptable use of the land, rather than the control of processes or emissions, where these are subject to pollution control regimes.

Policy W2 of the DDWLP (Transport Principles) states that waste development which would be likely to result in an overall significant increase in the number or distance of waste-related journeys, will not be permitted if there is a practicable, environmentally better alternative. Policy HC19 of the DDLP (Accessibility and Transport) seeks to ensure that development can be accessed safely and that proposals should minimise the need to travel.

Policy W6 of the DDWLP (Pollution and Related Nuisances) 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 to people or communities, the site of the development, nearby land uses or the wider environment. Policy W9: of the DDWLP (Protection of Other Interests) states that waste development will be permitted only 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. DDWLP Policy W10 (Cumulative Impact) seeks to avoid detrimental impact on the environment of local communities from cumulative waste impact.

DDLDP Policy S4 (Development in the Countryside) seeks to ensure that new development protects and, where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park. .

In respect of DDLDP open countryside Policy S4, it is considered that an ongoing throughput tonnage of 100,000 tpa, within the confines of the existing waste facility, would not have a more adverse impact on the character and appearance of the rural area than the existing waste facility as currently being used, in breach of the current tpa throughput limit, generates already or would generate if it was to be still to be used only up to the current 25,000 tpa limit. As such, it is considered that the higher throughput development accords with the requirements of Policy S4 of the DDLDP. With the increase in waste throughput to 100,000 tonnes, the waste facility will have grown and become concentrated to a point where the site could be considered to be at its limit.

I have considered the locational criteria provided in Appendix B of the NPPW and consider that dust and noise emissions, landscape and visual impacts and highway and traffic impacts are relevant in the determination of this application. I do not consider that odour emissions are of concern, given the inert nature of the waste received at the site. I have also considered the advice contained within Chapter 15: Conserving and enhancing the natural environment of the NPPF and policies W6: Pollution and Other Nuisances, W9: Protection of Other Interests and W10: Cumulative Impact of the DDWLP and the effect on the local community and environment. These are addressed more fully below.

The issues to consider are the impacts from the increase in annual throughput from 25,000 tonnes per annum to 100,000 tonnes annually. Section 4: Identifying Suitable Sites and Areas of the NPPW states that waste planning authorities should assess the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states, in Paragraph 170, that the planning system should contribute to and enhance the natural and local environment by (under criterion e), preventing both new and existing development from contributing to, being put at

unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, noise pollution or land instability.

NPPF Paragraph 180 of Chapter 15 (Conserving and enhancing the natural environment) indicates that planning decisions should avoid noise from new development giving rise to significant adverse impacts on health and quality of life and limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.

Conservation Area and Listed Buildings

The Conservation Area (CA) is around 425m of the site, and there are listed buildings in the vicinity, as described above in the description of the site and its surroundings section of this report.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of any application for planning permission, ‘*special regard*’ must be had to ‘*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*’

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise, with respect to any buildings or other land in a conservation area, of a planning function, “*special attention*” must be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 192 of the NPPF expects planning authorities to take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 193 states: “*When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset’s] optimum use.

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of 'less than substantial' harm need not involve so much public benefit to weigh against the harm as would be needed in a case of 'substantial' harm.

However, in this case, there is no evidence to suggest that any listed buildings or their settings, or the conservation area, are so close to the application site as to be susceptible to any harmful impacts from the current waste facility operation at the site. On account of their distances and separation from the application site, there is no discernible basis on which raising the annual throughput limit to match the existing recycling capacity of the site would harm the significance of any of these designated heritage assets. I am satisfied that there is no conflict between this application and the desirability of preservation of these heritage assets, to which special attention and regard must be had by virtue of Section 66 and Section 72.

Landscape and Visual Impact

DDLDP Policy PD5: Landscape Character seeks to protect, enhance and restore the landscape character of the Plan area. The third criterion of this policy requires that development proposals recognise the intrinsic character, appearance and local distinctiveness of the landscape and landscape setting of the PDNP and can be accommodated without unacceptable impact. This policy further seeks to resist development, in the fourth criterion, which would be harmful or detrimental to the character of the local or wider landscape or the setting of a settlement. DDLDP Policy PD9: Pollution Control and Unstable Land seeks to protect people and the environment from unsafe, unhealthy and polluted environments including particulate emissions.

DDWLP Policy W7: Landscape and Other Visual Impacts seeks to protect the local landscape/townscape and local character and distinctiveness. DDWLP Policy W8: Impact of the Transport of Waste states that waste development will be permitted only if the methods and routes of waste transport would not cause significant disturbance to the environment, people or communities, the transport network is adequate to accommodate the traffic and the proposed access arrangements and the impact of any traffic generated would not be detrimental to road safety.

No new buildings or alterations to existing buildings are proposed by this application. The former southern vehicular access, the subject of initial concern by the County Highway Authority in case it might be reopened at some point, requires filling in with a permanent feature and it is considered that the use of limestone to match the existing walls either side of this access is appropriate for this. I am satisfied there would be no significant landscape or visual impacts from a grant of conditional permission as recommended in this report. The conditions in the recommendation include a condition pertaining to permanently closing the southern access.

Highway and Traffic Impacts

Several of the comments in objection from local residents and from the local elected member, Councillor Ratcliffe, relate to these impacts. An increase from 25,000 tonnes per annum to 100,000 tonnes annually is substantial and I understand the concerns raised over noise, pollution, and vibration from increased HGV movements. The site is already operating at 100,000 tonnes annually. I am not aware from either the EHO or the Environment Agency of any nuisance emission history pertaining to this site. I also note that the County Highway Authority has not raised any objection and acknowledges that the continued operation at 100,000 tonnes annually would not require any HGV movements above the current levels.

The revised site layout plan shows a reconfigured car parking layout in response to the initial Highway Authority concerns over the potential re-opening of the closed southern access. The Highway Authority has recommended a condition in respect of permanently closing the southern access. I have therefore included a relevant condition in the recommended decision below.

Noise and Dust

There are Noise and Dust Management Plans in place at the site with associated emission monitoring and complaint procedures. I am satisfied that these established management plans and procedures would serve to mitigate any rise in such emissions arising from the increase in waste. Paragraph 183 of the NPPF emphasises that the planning regime should not duplicate pollution control regimes. I am satisfied that any potential noise or dust emissions would be appropriately controlled through the environmental permitting regime at the site and the planning authority should assume that this pollution control regime will operate effectively and should not seek to duplicate these controls. I am satisfied that any potential adverse effects can be mitigated to an acceptable level.

Conclusion

I consider that at a new annual throughput limit of 100,000 tonnes the development would accord with NPPW guidance provided in Section 4: Identifying Suitable Sites and Areas of the, advice provided in NPPF Chapter 15: Conserving and enhancing the natural environment of the, DDWLP policies W6: Pollution and Related Nuisances, W7: Landscape and Other Visual Impacts, W8: Impact of the Transport of Waste, W9: Protection of Other Interests and W10: Cumulative Impact. In respect of policies of the DDLP, I consider that the development at this tonnage accords with the requirements of policies PD5: Landscape Character, PD9: Pollution Control and Unstable Land and HC19.

It is considered that there is an evident market being served by an increased throughput tonnage from 25,000 tonnes to 100,000 tonnes annually. The site

has been operating at this increased throughput for several years without any apparent particular harm to local amenity and that DDDC's EHO and the Environment Agency have not objected to this planning application. There is no proposed increase in HGV movements above that already permitted and I note that the County Highway Authority has not raised any objection to the proposed increase in throughput. The County Highway Authority is satisfied with the reconfigured car parking layout submitted on the revised site layout plan and I have included a planning condition in the recommended decision in respect of permanently blocking the southern access to prevent its re-opening.

With noise and dust management plans in place at the site and the environmental permitting regime in force, I am satisfied that the development would not result in any significant environmental or amenity impacts. The development is considered to be acceptable within the context of national and local development plan policies.

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

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

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

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

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

Other Considerations

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

(6) **Background Papers** File No. 3.56.21
Application documents received from Peak Waste Recycling Ltd (agent: Oaktree Environmental Ltd) dated 14 February 2020.
Planning Statement Reference 2231-004-A dated 18 February 2020 (author: Oaktree Environmental Ltd).

Site Location Plan Reference 2231-004-02 dated 14 June 2017.

Site Layout Plan Ref. 2231-004-03 Revision A dated 1 April 2020.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 9 March 2020 clarifying that the current throughput of the site is 100,000 tonnes annually.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 8 April 2020 clarifying that the 10 jobs referred to in Paragraph 3.2.4 of the Planning Statement are already filled.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 8 May 2020 confirming the total number of employees.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 13 May 2020 confirming the total number and types of skips and annual throughput since 2006.

Email correspondence from the Agent, Oaktree Environmental Ltd, dated 20 May 2020 confirming the on-site RDF production.

Consultation Responses:

Emails from Derbyshire Dales District Council Planning Department dated 30 March 2020.

Derbyshire Dales District Council EHO 9 April 2020.

Kniveton Parish Council dated 13 May 2020.

Derbyshire County Highway Authority dated 18 March 2020, 1 April 2020 and 29 April 2020.

Derbyshire County Landscape Officer dated 27 April 2020 and 29 April 2020.

Emails from County Elected Member Councillor Ratcliffe dated 7 April 2020 and 28 April 2020.

Email representations from two local residents dated 31 March 2020 and 6 April 2020 (the latter emailed on 7 April 2020).

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions based on or substantively similar to the following draft conditions:

Form of Development

- 1) The development shall be carried out in accordance with the details set out in the documents and drawings which supported the application for planning permission under code no. CW3/0818/37, and the application for planning permission under CW3/0818/36, as amended by minor changes to those details as are specified in the documents and drawings which supported the application for this permission (code no. CW3/0220/77), except to the extent that any requirements of the conditions below provide otherwise.

For the avoidance of doubt, the documents and drawings referred to in this condition are:

In respect of application CW3/0220/77:

- Application form dated 14 February 2020.
- Planning Statement Reference 2231-004-A dated 18 February 2020 (author: Oaktree Environmental Ltd).
- Site Layout Plan Reference 2231-004-03 Revision A dated 1 April 2020.

In respect of application CW3/0818/37:

- Application form, dated 7 August 2018 (amended version received by email dated 26 September 2019).
- Planning Statement (Reference 3844-2231-A), Version 1.7 dated 26 September 2019.
- Drawing No 3844/2231/02 Revision B titled Site Location Plan, dated 24 July 2018.
- Drawing No 3844/2231/03 Revision D, titled Site Proposals Plan, dated 26 September 2019.
- Drawing No 3844/2231/04, titled Existing Buildings Elevations, dated 24 October 2018.
- Environmental Noise Assessment Reference 3844-2231-A, dated 22 October 2018.
- Noise Management Plan Reference 3844-2231-B, dated 2 November 2018.
- Emissions Modelling Assessment titled – Proposed Biomass Boiler, Reference 3740-2231-C, dated 25 October 2018.
- Photographs received 7 August 2018.
- Email correspondence dated 22 January 2019 from Oaktree Environmental Ltd providing confirmation of annual input.
- Email correspondence dated 5, 6, 7 and 13 March 2019 from Oaktree Environmental Ltd.

In respect of application CW3/0717/36:

- Application for planning permission dated 19 July 2017.
- Planning Statement ref 3541-2231-B dated 19 July 2017.
- Landscape and Visual Assessment dated July 2017.
- Revised Emissions Modelling Assessment Reference 3740-2231-C dated 27 October 2017.
- Drawing No 3541/2231/02 Revision A, titled Site Location Plan, dated 14 June 2017.
- Drawing No 3541/2231/06 Revision A, titled Wider Site Layout Plan, dated 13 October 2017.
- Drawing No 3541/2231/04 titled Existing elevations, dated 8 June 2017.
- Drawing No 3541/2231/05 Revision B, titled Proposed Elevations, dated 14 July 2017.

- Drawing No 3541/2231/03 Revision, titled Proposed Layout, dated 14 July 2017.
- Drawing No 3541/2231/07, titled Car Park Access Proposals Plan, dated 13 October 2017.
- Email dated 19 September 2017 from Oaktree Environmental Ltd detailing the specification of the biomass boiler.

Reason: To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

Availability of Plans

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

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

Notifications

- 3) Written notification of the following shall be provided to the Waste Planning Authority at least seven days prior to the commencement taking place.
 - a) The commencement of the installation of the biomass boiler.
 - b) The completion of installation of the biomass boiler.
 - c) The commencement of use of the biomass boiler.
 - d) The cessation of use of the biomass boiler.

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

Volume of Waste

- 4) The maximum limit of waste imported to the application site annually shall not exceed 100,000 tonnes. Records of the annual tonnages shall be made available (on request) to the Waste Planning Authority.

Reason: To ensure that the development does not have an adverse impact on the traffic generation and neighbouring amenity.

Vehicle Movements

- 5) Over every working day the number of movements of vehicles between the public highway and the site for the delivery and/or removal of waste and other materials shall not exceed a total of 190 movements, and shall comprise no more than 95 movements in and no more than 95 movements out.

Within six months from the date of this permission the operator of the site shall submit to the waste planning authority for its approval a traffic management plan to specify operational measures for ensuring that HGV vehicle movements are spread evenly throughout the day and that local peak travel times are avoided, as far as practicable.

Reason: To ensure that the development does not have an adverse impact on the traffic generation and neighbouring amenity.

Landscaping, Planting and Maintenance Scheme

- 6) Landscaping and planting shall be in accordance with the submitted landscaping, planting and maintenance scheme drawing no. 2231-005-2 dated 10 March 2020.

Reason: To provide visual screening of the site in the interest of visual amenity.

Landscaping Maintenance

- 7) For the first five years following new planting of any trees or hedgerow, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which die or become seriously damaged, diseased or is missing, shall be replaced with plants of the same species or such alternative species as have been approved by the Waste Planning Authority (for the avoidance of doubt, 100% replacement is necessary).

Reason: To ensure successful establishment of landscaping at the site.

Biomass Boiler

- 8) Prior to the installation of the biomass boiler, an assessment of the potential for noise from the operation of the biomass boiler affecting residential properties in the area shall be submitted to and approved in writing by the Waste Planning Authority.

If the assessment indicates that noise from the development is likely to affect neighbouring residential properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provision

so the National Planning Policy Framework, BS4142:2014 “*Method of rating industrial noise affecting mixed residential and industrial areas*” and BS 8233: 2014 “*Guidance on Sound Insulation and Noise Reduction for Buildings*”. The approved scheme shall be implemented prior to the commencement of the use of the biomass boiler and maintained thereafter.

In the event of a justified/substantiated complaint at the request of the Waste Planning Authority, further assessment and mitigation shall be carried out.

Reason: In the interest of safeguarding the aural amenity of the local residents. It is necessary for this to be a pre-commencement condition in order that noise levels may be agreed prior to the commencement of works on site and to safeguard the amenities of nearby occupiers.

- 9) The proposed biomass boiler and drying buildings shall be colour finished in juniper green (BS12 B 29) and the proposed flue stack in goosewing grey (BS10 A 05).

Reason: In the interest of the visual amenity to the area.

- 10) No alternative biomass boiler to that detailed in the application documents relating to planning permission CW3/0717/36, shall be constructed at the site.

Reason: To control the impacts of noise and emissions to air from the development and to provide for the monitoring of these impacts in the interest of local amenity.

- 11) The biomass boiler facility shall be limited to only receive as feedstock residual waste wood which is within Grades A and C under the Wood Recyclers Association (WRA) grading system, and there shall be no waste which is received for the biomass boiler which is not waste wood. The operator shall maintain records of the tonnage and sources of the waste delivered to the site and shall make these records available to the Waste Planning Authority at any time upon request.

Reason: In the interests of sustainable waste management in accordance with the waste hierarchy. A use of any feedstock other than from waste streams, which accord with this condition, would give rise to different environmental effects which would not have been subject to assessment regarding sustainability during the determination of the application for this permission.

Vehicular Access

- 12) For the avoidance of doubt and notwithstanding the details submitted in respect of planning application CW3/0818/37, the sole access to the site shall be the northern access shown on Drawing No. 2231-004-03 Revision A, titled Site Layout Plan dated 1 April 2020.

Reason: In the interest of highway amenity.

- 13) The southern access (also known as the bungalow access and the car park access) shall be permanently closed and the highway verge reinstated. The access opening should be made good by the construction of a limestone wall to match the existing walls either side of the former access. The applicant shall submit documentary evidence of this to the Waste Planning Authority within three months of the date of this planning permission for approval in writing.

Reason: In the interest of highway amenity.

- 14) The area identified for car/vehicle parking, as on Drawing No. 2231-004-03 Revision A, titled Site Layout Plan dated 1 April 2020, shall only be used for car and vehicle parking. No storage or treatment of waste or any other operation shall be carried out in this area.

Reason: To maintain the vehicle/car parking areas and ensure there is no encroachment of waste storage or treatment into this area of the site.

Restriction on Permitted Development Rights

- 15) Notwithstanding the provisions of Part 7, Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no development involving the extension or alteration of a building or the installation of replacement plant or machinery other than those hereby permitted shall be undertaken without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon the landscape.

Environmental Protection

- 16) There shall be no burning of waste or other materials on the site, other than wood waste permitted as feedstock for the biomass boiler.

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

Noise

- 17) The development shall be carried out in accordance with the details set out in the Environmental Noise Assessment (Reference 3844-2231-A) dated 22 October 2018 and the Noise Management Plan (Reference 3844-2231-B) dated 2 November 2018.

Reason: To mitigate the noise effects from vehicles to protect nearby residents from intermittent and excessive noise.

- 18) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times including the use of effective silencers.

Reason: To mitigate the noise effects from vehicles to protect nearby residents from intermittent and excessive noise.

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

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

- 20) The use of power tools, including pneumatic hammers to break up or reduce the size of any material, is prohibited.

Reason: In the interest of protection of local amenity.

Stockpile Heights

- 21) The maximum height for any stockpile of material on the site shall be restricted to 6 metres above existing ground level.

Reason: To minimise impact on the wider landscape amenity.

Vegetation Clearance

- 22) No tree felling or clearance of vegetation shall be carried out in the period between 1 March and 31 August inclusive unless a nesting bird mitigation strategy in respect of such works (which shall include the undertaking of nesting bird checks immediately prior to the commencement of the works and the provision of any mitigation or compensation measures require thereafter), has been submitted to and approved in writing by the Waste Planning Authority. Such works shall then only be carried out in accordance with the mitigation strategy as approved.

Reason: To protect nesting birds.

External Lighting Scheme

- 23) The development shall be carried out in accordance with the details set out in the External Lighting Scheme Reference 2231-005-01 Revision A dated 1 April 2020.

Reason: To reduce the potential for light pollution off-site.

Site Liaison Committee

- 24) Site Liaison Committee meetings shall be held in accordance with the details provided in the '*Scheme for the provision and establishment and operation of a site liaison committee*' submitted under covering letter dated 8 January 2019, approved by the Waste Planning Authority on 17 January 2019.

Reason: To ensure that there is a mechanism for engaging with the local community, to ensure that they are fully informed with regards to activities associated with the development hereby approved, to encourage community and operator relations, and in the interests of local amenity.

Highway Safety

- 25) No mud, dirt, debris, oil or grease shall be carried from the site on to the public highway.

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

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

Reason: On the grounds of highway safety.

Securing of Loads

- 27) All loads of waste materials delivered to or removed from the site shall be enclosed or covered so as to prevent spillage, dust or loss of material at the site or onto the public highway.

Reason: In the interest of environmental and highway safety and the local and wider amenity.

Hours of Operation

- 28) With the exception of the operation of the biomass boiler, no operations including the acceptance and removal of waste and deliveries to and from the site shall be carried out other than during the following hours:

0700 hours to 1700 hours Mondays to Fridays inclusive;

0700 hours to 1200 hours Saturday only.

There shall be no operations on Sundays, Bank Holidays or other Public Holidays.

The biomass boiler shall be permitted to operate up to 24 hours a day on Mondays to Sundays including Bank Holidays and other Public Holidays.

The preparation and delivery of wood fuel to the biomass boiler shall only be carried out during the following hours:

0800 hours to 1700 hours Mondays to Fridays inclusive;
0800 hours to 1100 hours Saturday.

There shall be no preparation or delivery of wood fuel to the biomass boiler on Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of environmental and local amenity.

Dust

- 29) The development shall be carried out in accordance with the details set out in the Dust Management Plan Reference 2231-005-A dated 10 March 2020.

Reason: To mitigate the dust effects from on-site vehicle manoeuvres and operations.

- 30) Any windblown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

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

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

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

- 32) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until weather and site

conditions improve and the operations can be resumed without causing nuisance.

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

Site Drainage and Contamination

- 33) Prior to being discharged into any watercourse, surface water drain, sewer or soakaway system, all surface water drainage from parking areas and hard-standings, shall be passed through an oil interceptor, which shall be designed and constructed to have a capacity (and details) compatible with the site being drained.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

- 34) The site operator shall ensure that all site surface water drainage operates efficiently.

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

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

Reason: To prevent pollution of the water environment and ensure the site is adequately drained.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application and post application discussions and meetings with relevant officers in the Authority prior to the submission of the application.

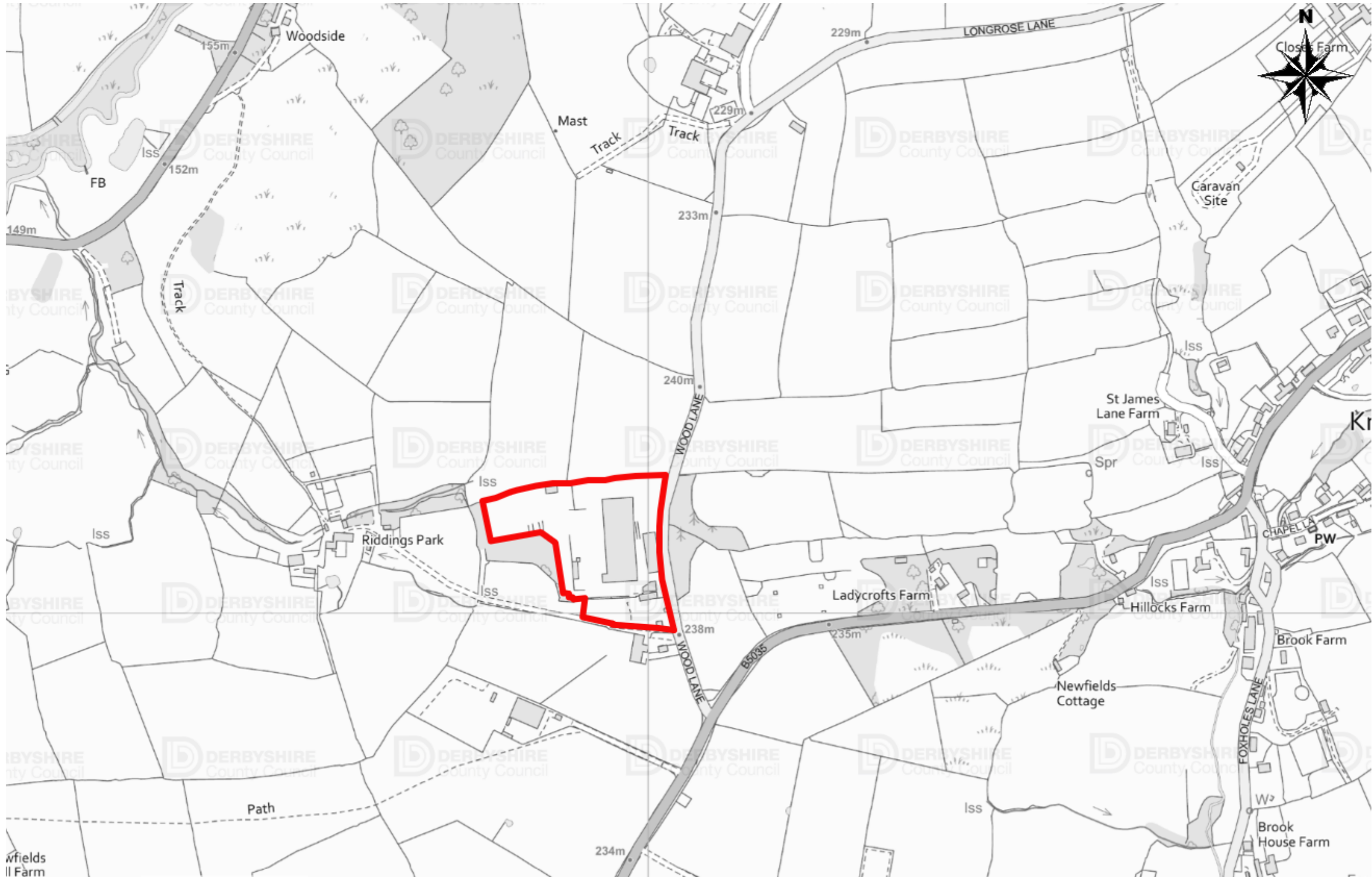
Footnote

Highway Authority

- 1) Pursuant to Section 127 of the Highways Act 1980, at least six weeks prior notification shall be given to the Highway Authority before any works commence in the highway on the proposed closure of the access.
Email: Highways.hub@derbyshire.gov.uk

Mike Ashworth
Executive Director – Economy, Transport and Environment

CW3/0220/77 - Peak Waste Recycling Ltd., Kniveton



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14-May-2020