

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

11 January 2021

Report of the Director – Economy, Transport and Environment

- 2 ERECTION OF ONE FLUE GAS STACK OF 20 METRES (M) IN
HEIGHT x 1.76M DIAMETER AND TWO POWDER SILOS OF 17M IN
HEIGHT x 4.2M DIAMETER CROMPTON ROAD, QUARRY HILL
INDUSTRIAL ESTATE, ILKESTON
APPLICANT: CASTLE WASTE SERVICES LIMITED/CASTLE
ENVIRONMENTAL LIMITED
CODE NO: CW8/0720/26**

8.1075.2

Introductory Summary Planning permission is sought for the erection of structural items of plant at a facility for the management of specialist waste which is operated by the applicant, Castle Waste Services Limited. The items proposed comprise 1. a flue gas stack extending to 20m in height x 1.76m diameter, to enable aqueous hazardous waste treatment at the site to include a new process for thermal oxidation of up to 30,000 tonnes per year of waste that would be composed of a new stream of acidic flammable waste (up to 6,000 tonnes per year only) and other types of waste currently capable of being processed by other means at the site and two powder storage silos extending to 17m in height x 4.2m diameter; proposed in connection with an existing process.

The site is within the established Quarry Hill Industrial Estate and is not within a sensitive locality with regard to landscape, heritage, or ecological designations. The application has been screened under the Environmental Impact Regulations (EIA) 2017 and it is considered that the proposals would not constitute 'EIA development'.

Operations at the site are controlled through an Environmental Permit and an application for a revised permit as required in respect of the new process and waste stream proposed is currently with the Environment Agency. Whilst Trowell Parish Council and one neighbouring operator have expressed requests for certain assurances with regard to potential impacts. I am satisfied that any impacts resulting from the operation of the plant as proposed, would be very limited. All waste management processes at the site would continue to be controlled effectively through the environmental permitting regime. The application is considered to be in accordance with the development plan and national planning guidance, and is therefore recommended for approval subject to conditions.

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

(2) **Information and Analysis**

Site and Surroundings

The site which is approximately 1.1 hectares (ha) in area, is located on the industrial edge of Ilkeston, in a central position within the Quarry Hill Industrial Estate, and takes its access off Crompton Road. The site is approximately 2.5 kilometres (km) south of Ilkeston town centre. Quarry Hill Industrial Estate is an established industrial estate with several waste facilities nearby, all sitting within part of the site of the former Stanton Ironworks. Other waste operators in the locality include Johnsons Aggregates and Recycling to the south, Ward Recycling to the east and Stanton Recycling to the south-east.

Castle Waste Services limited, trading as Castle Environmental Limited, has occupied the site for the last 20 years. Castle Environmental Limited is a supplier of specialist waste treatment, recycling and disposal services, for a wide range of hazardous and non-hazardous wastes.

The residential area of Trowell is approximately 750m to the north-east of the site and Stapleford is approximately 1km to the east, both on the eastern side of the Erewash Canal. The residential area of Hallam Fields is approximately 400m to the north-west.

A culverted section of the Nutbrook Canal is approximately 150m to the south of the application site. The River Erewash is 600m to the east. The site is partly in Flood Zone 1 and partly in Flood Zone 2.

The site is heavily industrialised and therefore is not ecologically sensitive, although the Quarry Hill Lagoons Local Wildlife Site (LWS) is located approximately 100m to the south-west. There are no Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Regionally Important Geological/Geomorphological Sites (RIGS), or Special Areas of Conservation (SAC) within the immediate vicinity of the site.

There are no statutory and non-statutory heritage designations within the immediate vicinity of the site.

The site is not within a Coal Authority Development High Risk Area.

Site Planning Application History

Planning records indicate that in the 1970s and 1980s, the site was operated by Potters Oils who developed an industrial cleaning and oil refinery plant. Various applications for industrial development have been dealt with by either the District or the County Council over time, depending on whether or not they were recognised as concerning a County matter relating to waste. Kenal Services then operated from the site from the late 1980s and the waste

elements of the operation of the site appear to have intensified during the 1990s onwards. Castle Waste Services Limited has been operating at the site for the last 20 years. Starting in August 1975, the following planning permissions have been granted, subject to conditions in relation to the site:

- ERE/375/53 - permission granted by Erewash Borough Council (EBC) 12 August 1975, (Potter Waste Oil Company) for the construction and erection of an industrial cleaning and oil refining plant.
- CW8/395/100 - permission was granted by Derbyshire County Council (DCC) 8 June 1995 (Kenal Services) for the erection of a building to house waste processing plant.
- CW8/994/49 - permission was granted in April 1995 (Kenal Services) by DDC for the erection of a blending pit and conveyor cover.
- ERE/0420/0038 - permission was granted by EBC 27 May 2002 for the removal of an earth bund
- ERE/0705/0106 - permission was granted by EBC 28 September for a portacabin structure

The Proposals

The existing operation at the site involves acceptance of hazardous and non-hazardous wastes, such as waste liquid acids and powdered waste alkalis in addition to a wide range of other materials. Wastes are either stored prior to transfer or are subject to one of the various waste treatment processes in place at the site. The waste treatment processes are physio-chemical in nature, in that the wastes are subject to a physical and chemical change. The processes undertaken generally employ heat and/or chemical reactions and achieve acid/alkali neutralisations (pH adjustment). Effectively, the processes are operated to diminish the harmfulness of the residue remaining from the waste types received. These processes are controlled via Environment Agency permit.

The applicant through the application proposes the construction of a free standing flue gas stack extending to 20m in height x 1.76m diameter, for expanding its aqueous hazardous waste treatment capability. The new flue stack would be the final component required for operating a new treatment process at the site, for treating up to 30,000 tonnes of waste per year, comprising a new waste stream of up to 6,000 tonnes of flammable acidic waste, and other acidic waste (non flammable) that is currently capable of being processed by other means at the site. The output from a thermal oxidiser would exit via the proposed 20m tall flue gas stack.

Although the first paragraph in the statement supporting the application (headed 'History') suggests a total waste handling capacity for the applicant's operations of around 250,000 tonnes per year, the applicant has confirmed that, in 2019, the site accepted circa 120,000 tonnes. Eighty five percent of this was hazardous, the remainder non-hazardous. Annual inputs fluctuate, as

does the proportion of hazardous and non-hazardous wastes, depending upon general market conditions and contractual agreements.

- one flue gas stack extending to 20m in height x 1.76m diameter and
- two powder storage silos.

The emissions would contain a proportion of water vapour. As such, it is expected that a plume of water vapour would be visible under certain atmospheric conditions. The waste in being treated through this process would form a slurry of safe pH levels, which would be dewatered for disposal by landfill. The resulting water would be diverted to water treatment works.

The applicant through the application also proposes the installation of two 17m high, 4.2m diameter, 140m³ capacity silos of mild steel construction. This proposed silo plant would be a replacement for some smaller existing infrastructure, and would be employed for an existing on-site process, with no change to the types of wastes or the chemical reactions.

No restrictions at the site with regard to working or operating hours are specified in any of the conditions to which previous permissions have been subject. The operator has indicated, however, that currently, staff are present for operations at site over the following hours:

Monday 06:00 hours - Saturday 06:00 hours, Saturday 07:00 hours - 16:00 hours, Sunday 06:00 hours- 16:00 hours.

Most deliveries/collections (>95%) occur between the hours of 06:00 hours and 18:00 hours. A small number of deliveries would arrive outside these hours, including at the weekend.

Due to the nature of the new process (which would be continuous), it is likely that there would be some staff presence on site continuously over any 24 hour period. The development proposed would result in less than 10 extra deliveries per week. The operator expects these to occur in the core hours of 06:00 hours - 18:00 hours but potentially over 7 days a week.

Consultations

Local Member

The Local Member, Councillor Frudd, has been consulted and no comments have been received.

Erewash Borough Council (Planning)

No comments received.

Erewash Borough Council (Environmental Health Officer)

The Environmental Health Officer (EHO) raises no objections but has made the following comments:

“The flue gas stack which forms part of the abatement system provided for the proposed new process on site will be regulated by the Environmental Permit issued by the Environment Agency. The emissions from the flue will be subject to emission limits contained within the permit and the Environment Agency will be the authority responsible for enforcing the relevant conditions.

The noise assessment provided in support of the application for the new process has concluded that there will be minimal effect on the existing background level. A BS4142 calculation has found that the proposal would exceed the minimum background level of 29dB measured at night by 1dB. It is generally accepted that an increase of this magnitude is not perceptible by the human ear. It should be noted that I have not been able to verify the calculations as they were undertaken by use of modelling software and the report itself doesn't detail the level of information needed to carry out any verification calculations.”

No comment is made with regard to contaminated land.

Trowell Parish Council

Trowell Parish Council (TPC) raises the following objections (in summary):

- *“The village of Trowell and its residents have been adversely affected by Noise, Odour and Dust for many years.*
- *The proposal submitted seems to indicate that there will be little change in the way that the site operates. Can the Parish Council be assured, that currently, Castle Environmental do not produce any of the Noise, Odour and Dust that affects our village.*
- *Since the 1 July 2020, 83 complaints have been submitted to the Environment Agency [NB: with regard to general noise in this locality, not just specific to this site].*
- *Ideally, the Parish Council would require acknowledgement that there will be no increase in noise, dust or odour.*
- *The Parish Council's presumption would be that after many years of operation on this site by Castle Environmental, that any new equipment installed would comply with all future rather than current standards, ensuring that everything is controlled and remains within the curtilage of the site.*
- *The noise assessment, acknowledges that further research is required.*
- *The Parish Council would hope that everything needed to satisfy the Environment Agency is in place before approval is given.*
- *Noise during the day is of more interest than at night, as members have been led to believe that the site does not operate overnight and at the weekends. However, if the company decides to increase its operating hours, then noise at night is an important consideration. Trowell village currently suffers from significant noise pollution during the night and early morning.*

- *Can consideration also be given to vehicular access to the site? The main access to the Estate is via Quarry Hill Road, will Derbyshire County Council insist that Castle Environmental produce a traffic management plan ensuring that all vehicles accessing or leaving their premises use the main Estate access?"*

The Environment Agency

The Environment Agency (EA) raises no objection, given that *"the proposal to install 2 new lime silos to replace the ones currently in operation; as this is effectively an improvement to the current system."*

With regard to the 20m high stack, the EA is of the opinion that, as the applicant does not have anything similar to this on site, it does not see there being any conflicts with the current operations.

The EA has confirmed that it has no comments with regard to ground contamination.

Western Power Distribution

No comments received.

The Coal Authority

The Coal Authority has confirmed that the site does not fall within the defined Development High Risk Area. The Coal Authority's Standing Advice should, however, be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) has stated that, given the nature of the proposals, it wishes to make no comment.

Local Highway Authority

Raise no objections.

Publicity

The application was advertised by site notices, 18 August 2020, and a notice published in the Derbyshire Times 20 August 2020.

One letter of objection has been received from Councillor Pringle (Broxtowe Borough) who is the Councillor for Awsworth Cossall and Trowell). The concerns raised are the same as those identified by TPC, summarised above.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. In relation to this application, the relevant policies of the

development plan are the saved policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP) (adopted 2005), the Erewash Borough Local Plan (EBLP) Saved Policies 2005 (amended 2014) and the Erewash Core Strategy (ECS) (2014). The application site is within Ilkeston (unparished) and is not covered by an adopted Neighbourhood Development Plan. Other material considerations include national policy, as set out in the National Planning Policy Framework (2019) (NPPF), and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE), National Planning Policy for Waste (2014) (NPPW).

The Development Plan

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

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 Impacts.

Erewash Borough Local Plan Saved Policies 2005 (Amended 2014)

EV20: Hazardous Substances, hazardous installations and major hazard pipelines.

DC7: Flood Risk.

Erewash Core Strategy (March 2014)

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 10: Design and Enhancing Local Identity.

National Planning Policy Framework (Revised 2019)

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework, as a whole, contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

Section 2: Achieving sustainable development.

Section 12: Achieving well-designed spaces.

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

Section 15: Conserving and enhancing the natural environment.

Planning Policy Guidance (Waste)

On-line national planning policy guidance.

National Planning Policy for Waste (2014)

Determining Planning Applications.

Appendix A: The Waste Hierarchy.

Appendix B: Locational Criteria.

Waste Management Plan for England (2013)

The Waste Hierarchy.

The Need and Principle of the Development

The WMPE states that in England, the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, then other types of recovery, and last of all disposal (e.g. landfill). PPG similarly supports the priority in driving waste up the hierarchy.

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

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

Planning history for the site shows that it has operated as a waste operation. The facility already receives and treats an element of hazardous waste and, as such, the principle of the development is considered acceptable.

The introduction of the new silos and flue would support the existing operation and the updated system would involve diversion of existing waste throughput to be re-routed from the existing operation on site, and also treatment of up to a 6,000 tonnes of flammable acidic waste, which is not currently subject to treatment at the site. It is understood that such flammable acidic waste as currently reaches the site in containers is removed for treatment elsewhere.

The continuation and modest intensification of hazardous waste treatment operations at the site represents an opportunity to make a long term, local contribution to meeting the requirement to safely deal with waste at the lower end of the waste hierarchy. Most of the liquid waste is processed into a slurry during the process to balance pH/acidity to acceptable and safe levels. This product is then transferred to landfill. The main process effectively, however, treats waste at the end of its productive life, and whilst the process is toward the bottom of the waste hierarchy, it serves an important purpose in the essential treatment of hazardous waste, to balance pH levels prior to shipment in its solid form to landfill.

In principle, therefore, the proposal is considered to be beneficial, given that it would assist in the safe treatment and disposal of waste which has no significant recyclable use. The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Location of the Development
- Noise
- Air Quality
- Dust
- Odour
- Landscape and Design
- Highways
- Flood Risk and Drainage

Given that the site is established and in an existing industrial area, it is not considered that there are any specific ecological constraints to consider.

Location of the Development

The site is within the established Quarry Hill Industrial Estate. There are several waste facilities nearby, all of them sitting within part of the site of the former Stanton Ironworks, as described in the description of the site and its surrounding above.

At a national and local level, it is generally recognised that, subject to environmental considerations, in principle, industrial locations are generally acceptable for waste management operations. The NPPW, for example, indicates at Paragraph 4 that waste planning authorities should consider a broad range of locations, including industrial sites, and give priority to previously developed land.

Paragraph 7.1 of the DDWLP states that the development of waste treatment facilities will normally be acceptable on land that is suitable for General (B2) uses.

Although waste recycling is sui generis land use, i.e. does not fall within its own use class such as a B1, B2 or B8 use, it is the type of use which is generally considered to be compatible with existing industrial locations, subject to considerations such as noise and pollution and impacts on neighbouring employment and residential uses. If these impacts can be adequately controlled then, in principle, there should be no particular policy conflict to resist such a use in this locality.

The new proposed plant relates to an established waste use, and overall, is considered to be acceptable in land use policy terms, and in the context of the locality, subject to there being no significant adverse environmental impacts (or none which could be appropriately mitigated by way of condition).

Relevant Policy Relating to Amenity Impacts

Section 15 of the NPPF: Conserving and Enhancing the Natural Environment, states at Paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia “e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.....*”

Paragraph 180 of the NPPF states: “*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”

Appendix B of the NPPW outlines a number of locational criteria in testing the suitability of waste sites in determination of planning applications.

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.

Policy W10 of the DDWLP: Cumulative Impact, seeks to assess proposals for waste development in light of cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy presumes in favour of waste development where there is no significant and detrimental impact on the environment of those communities.

Saved Policy EV20 of the EBLP Saved Policies 2005 (Amended 2014) (EBLP) states that:

“A. The Council will refuse proposals for development involving:

The introduction of hazardous substances or the modification of existing installations handling hazardous substances where their presence or the resultant extension of consultation zones may inhibit development in the vicinity of the installation.”

Noise

The application includes a noise impact assessment which has been considered by the EHO and the EA.

This report has established the existing background noise levels at the closest residential façade to the site and the assessment of the impact of the site operation on nearby residential properties. The resulting emissions from the site running on a worst case scenario showed a ‘low impact’ result. It can be seen from the assessment that with the proposed new plant, an assessment conclusion of ‘low impact’ is expected during both daytime and night time periods during both weekdays and weekends.

The EHO has stated that, *“a BS4142 calculation in the noise assessment has found that the proposal would exceed the minimum background level of 29dB measured at night by 1dB. It is generally accepted that an increase of this magnitude is not perceptible by the human ear.”* Whilst the EHO does not have access to the same modelling software, it is clear that the findings of the noise assessment would be within acceptable/low impact levels.

The EA raises no objection to the proposal to install two new lime silos to replace the ones currently in operation, as this is effectively an improvement to the current system and raises no concerns with regard to noise issues.

Given the minor increase to background noise levels, which have been identified by the EHO as being *‘not perceptible to human ear’*, it is not evident that there would be a likely cumulative impact with neighbouring uses that would cause significant impact with regard to noise issues.

The concerns with regard to noise, raised by TPC, and in the representation received are noted. Whilst the process, as proposed, would create some noise, this is considered in itself to be to acceptable levels and is unlikely to add significantly to general noise levels from the site or the industrial estate. The comment from TPC that the report acknowledges that further assessment is required, is noted. However, the noise assessment does not indicate that further noise assessment is required with regard to this particular proposal, but rather acknowledges that the Noise Policy Statement for England 2010, which should be given consideration in preparation of Noise Assessments, identifies several levels of impact as advised by the World Health Organisation (WHO).

The comment in the noise assessment relates to the highest level of impact identified by the World Health Organisation, which is SOAEL – (Significant Observed Adverse Effect Level). This is the level above which significant

adverse effects on health and quality of life occur. The guidance states that (as identified in the noise assessment) *“It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise”*. This is a general statement of guidance from the World Health Organisation that further research into the highest levels of noise impact is needed, however, this is not specific to this proposal, which in any case has been shown to likely have ‘low impact’ with regard to noise.

I am satisfied that impacts associated with noise would be to acceptable levels as identified and that the application in this regard is considered to be in accordance with Section 15 of the NPPF, Appendix B (j) of the NPPW, policies W6 and W10 of the DDWLP and saved Policy EV20 the EBLP.

Air Quality

The issue of air quality is similarly assessed against the development plan policies identified above.

The site is not within a designated Air Quality Management Area (AQMA) although it is in close proximity to two AQMA designated areas - AQMA 1 (EBC) is an area of land encompassing five dwellings situated immediately to the east of the M1 motorway, either side of Derby Road, Sandiacre to the north of junction 25 and AQMA 2 (EBC) Area of land immediately to the east of the M1 motorway encompassing approximately 130 dwellings situated to the south of junction 25 in Long Eaton.

The planning submission indicates that vapours produced through the waste treatment process are cleaned through thermal oxidisation before being emitted via the flue as proposed. The emissions would contain a proportion of water vapour. As such, it is expected that a plume of water vapour would be visible under certain atmospheric conditions. To prevent the loss of any contaminants to the atmosphere, they are directed to the process abatement equipment. A thermal oxidiser would destroy the volatiles by burning them at 850°C for 2 seconds. The application states that the equipment would provide 99.9% efficiency. The treated vapours would be discharged to atmosphere from the stack and would be in line with emission limit values agreed with the EA.

Whilst an air quality impact assessment has not been submitted with the planning application, the EHO is satisfied that the flue gas stack, which forms part of the abatement system provided for the proposed new process on site, would be regulated by the Environmental Permit issued by the EA. The emissions from the flue would be subject to emission limits contained within the permit and the EA would be the authority responsible for enforcing the relevant conditions/requirements of the permit. The EA has not raised any objections to the application and has confirmed it is in receipt of an associated application for the waste treatment process, which would include the silos and flue system.

Paragraph 183 of the NPPF states that *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

I am satisfied that the proposed development is an acceptable use on this established waste site within an industrial estate. I am also satisfied that the EA, as permitting authority, would effectively regulate emissions from the development through the permitting regime. I therefore do not consider it necessary to recommend conditions relating to air quality, in the absence of such a recommendation from either the EA or EHO, and in consideration of the requirements of Paragraph 183 of the NPPF.

It is therefore considered that, with regard to potential air quality issues, the application is in accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6 and W10 of the DDWLP and Policy EV20 of the EBLP.

Dust

With regard to dust, it is clear that the development essentially relates to a ‘wet’ process, in sealed silos and other plant.

A Fugitive Emissions Management Plan forms part of the Environmental Management System which is required under the EA Environmental Permit. With regard to dust, the Fugitive Emissions Management Plan states that, due to the nature of the enclosed handling system and moisture content of treated residues, the operation is of low dust potential. The fabric and infrastructure of the operation is designed to control and maintain dust levels within the building and plant, which prevents this escaping as a fugitive dust emission.

Given that the EHO and EA have raised no concerns with regard to potential dust emissions, and as the operation is a sealed/wet process, I do not consider it necessary to require conditions to control dust.

It is therefore considered that with regard to potential dust impact issues, that the application is in accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6 and W10 of the DDWLP and Policy EV20 of the EBLP.

Odours

With regard to odours, the operator has an Odour Management Plan (OMP) in place, which forms part of the Environmental Management System which is

required under the EA Environmental Permit. The revised permit application will require that the OMP be retained and revised if necessary.

The OMP identifies areas in the process which could cause odour emissions and potential receptors. Mitigation is identified through air filtration/extraction in the plant and, for example, through appropriate sealed cover for waste. The OMP also identifies a monitoring and complaint regime.

Given that odours would be effectively controlled through the revised permit and OMP, and as the EHO and EA have raised no concerns with regard to the significance of potential odour emissions, I do not consider it necessary to require conditions to control odour at the site.

It is therefore considered that with regard to potential odour impact issues, that the application is in accordance with Section 15 of the NPPF, Appendix B(h) of the NPPW, policies W6 and W10 of the DDWLP and Policy EV20 of the EVLP.

Response to comments of Trowell Parish Council and other representation with regard to Noise, Dust and Odour

TPC and a single representation received from the public are seeking assurances that the operation of the site does not produce any of the noise, odour and dust that affects the village of Trowell.

In consideration of these potential impacts, whilst such a guarantee cannot be given (as such processes will generate a certain level of impact), I am, however, satisfied that the impacts from the operation would be within acceptable parameters, as required by local and national planning policy. Furthermore the waste management at the site will continue to be regulated by those controls which are imposed through Environmental Permitting (which will require a revised Environmental Permit prior to the operation of the new process and plant which is the subject of this planning application.

Landscape and Design

At national level, the NPPF promotes good design and seeks to protect landscape and local character. The most relevant section of the NPPF in this regard is considered to be Section 12: Achieving Well-Designed Places. Appendix B (c) of the NPPW similarly identifies landscape impact as a consideration in determination of waste planning applications.

Paragraph 127(c) of the NPPF requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

With regard to the Development Plan, Policy W7: Landscape and Other Visual Impacts 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.”

Policy 10 of the ECS promotes good design and enhancement of local identity.

The operations at the site are not attractive visually and buildings and plant are of functional and industrial appearance. The height of the proposed silos at 17m and the flue, in particular, at 20m is not insignificant, however, this must be considered in the context of the location of the site. In the immediate area, the adjacent uses are industrial in nature. Existing silo structures of between 15m-17m are already in place on the site. Materials used for the plant would be of carbon steel construction, in goose wing grey, which is considered appropriate in the industrial setting. The site is located centrally within the industrial estate and significant distances are observed to sensitive receptors such as residential properties.

It is therefore considered that the proposal, in this context, would be generally in keeping with the character of the immediate locality.

Views of the site and the operations are localised, largely due to the containment provided by the existing adjacent buildings in the industrial estate, and intervening landforms.

It is not evident that cumulative impact with neighbouring uses would cause significant harm with regard to landscape and design issues.

I am therefore satisfied that impacts associated with landscape and design could be managed accordingly and that the application, in this regard, is considered to be in accordance with Section 12 of the NPPF, Appendix B (c) of the NPPW, and policies W7 and W10 of the DDWLP and Policy 10 of the ECS.

Highways

Appendix B (f) of the NPPW states that waste planning authorities should consider, in determination of waste planning applications, the suitability of the road network and the extent to which access would require reliance on local roads.

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

The site is accessed off Crompton Road and has good road linkage being within very close proximity to the M1.

The applicant has confirmed that the operation usually has 35 daily deliveries or collections (70 HGV movements in total, in and out) from the site. The majority of these movements occur between 06:00 hours and 18:00 hours. Vehicles consist of 8 wheeled tippers (circa. 20 per day), bulk road tanker (liquids and powder) and articulated tautliners. Traffic movements would increase marginally as a result of the proposal, which would see an increase of 6,000 tonnes of waste throughput at the site per annum. The Highway Authority has no objections to the proposal and have not recommended the imposition of any conditions.

Representations received from TPC and a single individual both ask:

“Can consideration also be given to vehicular access to the site? The main access to the Estate is via Quarry Hill Road, will Derbyshire County Council insist that Castle Environmental produce a traffic management plan ensuring that all vehicles accessing or leaving their premises use the main Estate access?”

The Highway Authority has considered all transport and traffic aspects of the application, including the access point and local highway approach. It has not raised any issue with regard to the proposals, or access to the site. The application is for plant only, relating to a modest increase in potential traffic movements. The request of TPC and the single objector to limit access to the industrial estate via Quarry Hill Road is not considered necessary, given the modest scale of increase in traffic which the development proposed would generate over and above the existing operation (identified as being likely to be less than 10 additional HGV deliveries per week by the applicant). A second main route into the industrial estate is off Hallam Fields Road, and it is not considered necessary or reasonable to limit the use of this road to access the site which is currently available to the operator, and others on the industrial estate.

It is not considered that the transport of waste to the site could be facilitated in a more sustainable way that could provide an environmentally better alternative, in consideration of Policy W2 of the DDWLP and Policy 1 of the ECS.

It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to highways issues.

I am therefore satisfied that there would be no significant highway impacts associated with the proposal and, in this regard, is considered to be in accordance with Appendix B (f) of the NPPW, policies W2 and W10 of the DDWLP and Policy 1 of the ECS.

Flood Risk and Drainage

Section 14: Meeting the challenge of climate change, flooding and coastal change is the relevant section of the NPPF with regard to flood risk.

Appendix B (a) Protection of water quality and resources and flood risk management of the NPPW, is also concerned with flooding, with consequent issues relating to the management of potential risk posed to water quality.

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. The supporting text to the policy in 'Box W6' states that, where there is a risk to local drainage systems, the developer will provide an effective alternative drainage system and that the proposal includes adequate provision to ensure that there will not be contaminated run-off.

Policy DC7 of the EBLP and Policy 1 of the ECS both seek to limit flood risk.

A culverted section of the Nutbrook Canal is approximately 150m to the south of the application site. The River Erewash is 600m to the east. The site is partially within Flood Zone 1 and also Flood Zone 2, and a Flood Risk Assessment (FRA) accompanies the application.

The FRA identifies the waste treatment facility site is classed as 'less vulnerable' and surface water run-off rates would not be increased as a result of the development given that the site surface is already impermeable.

The LLFA has no objections to the findings of the FRA and the site is not considered to be at high risk of flooding. The proposed development would not increase the likelihood of flooding to adjacent land uses.

I am satisfied that the application is in accordance with the policies identified above with regard to flood risk and drainage.

Conclusions

The site is within the established Quarry Hill Industrial Estate and is not within a sensitive locality with regard to landscape, heritage, or ecological designations.

No objections to the planning application have been received from statutory consultees.

Operations at the site are controlled through an Environmental Permit and an application for a revised permit, to include the new process and plant proposed, is currently with the EA. Whilst the concerns have been expressed in respect of the perceived potential for noise dust and odour impacts, including noise from traffic, to affect receptors in Trowell, I am satisfied that any such impacts that would occur as a result of the plant proposed would be very limited in magnitude and significance. Since the site is also subject to effective controls through the environmental permitting regime, duplication in

such controls through planning conditions or obligations is to be avoided and would be contrary to paragraph 183 and paragraphs 55-56 of the NPPF.

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

(3) **Financial Considerations** The correct fee of £462 has been received.

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

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

Other Considerations

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

(6) **Background Papers** File No. 8.1075.2
Application documents as submitted 21 July 2020, valid 31 July 2020. All correspondence relating to application CW8/0720/26.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

Time Limit

- 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.

Notice of Commencement

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

Form of Development

3) The development shall take place in accordance with the details contained in the 1APP dated 21 July 2020 and considered valid 31 July 2020 (updated supporting statement revision B) dated 31 July 2020, Noise Impact Assessment dated June 2020, Phase 1 Desk Study report (ground conditions undated), Flood Risk Assessment May 2020, and the following plans:

- Location Plan- F869-CHG-EX-00-DP-S-0210 Revision P01
- Site Plan- F869- CHG-EX-00-DP-S-0212 Revision P04
- 3D Site Views, F869-CHG-EX-XX-VS-S-0213- Revision P04

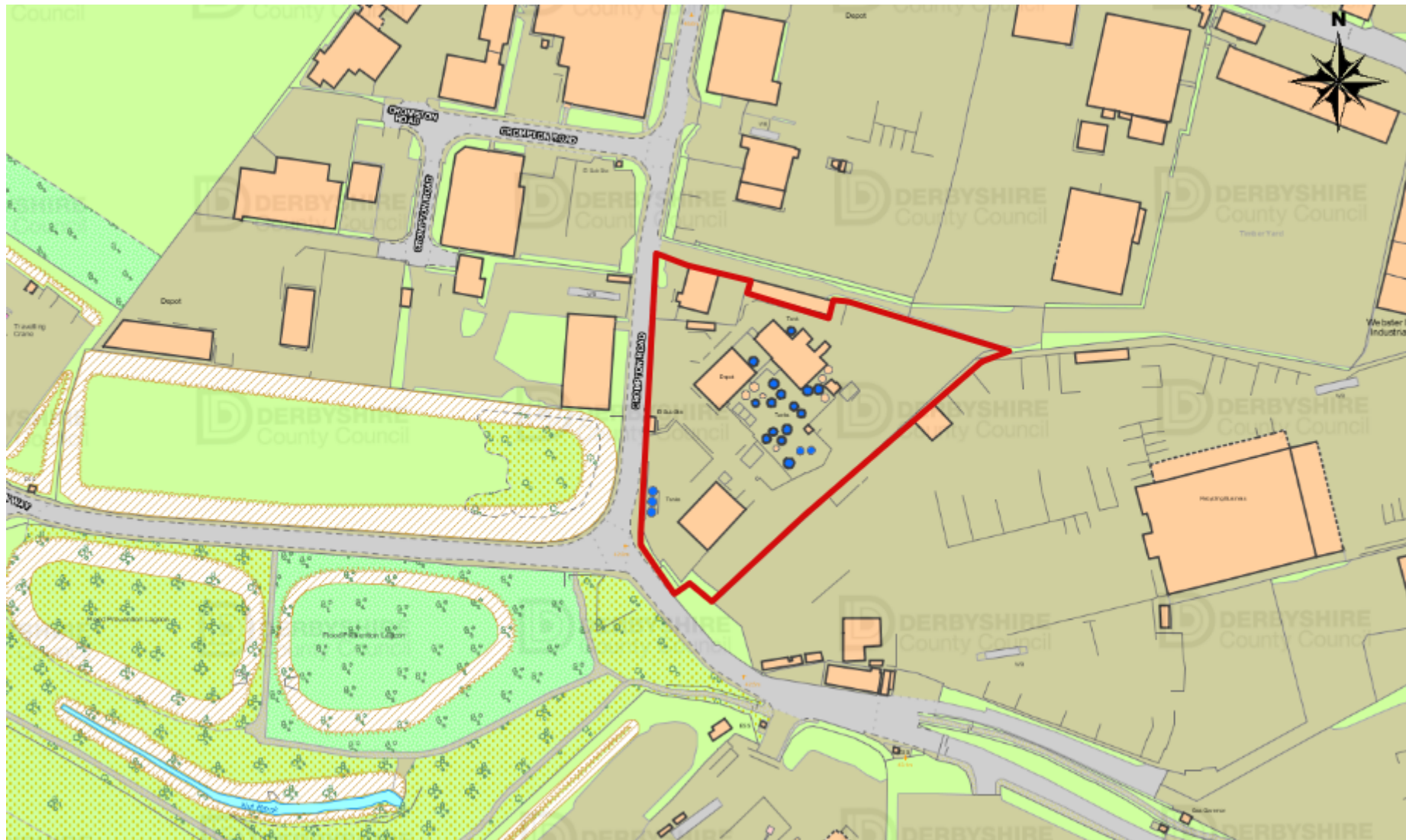
Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application in the interest of the amenity of the area.

Statement of Compliance with Article 35 of the Town and Country

Development Management Procedure Order 2015 The Council, as Mineral Planning Authority (the “Authority”), worked with the Council as applicant (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 has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Tim Gregory

Director – Economy, Transport and Environment



50 m
Scale = 2500

14-Dec-2020