

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

15 February 2021

Report of the Director – Economy, Transport and Environment

- 1 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT FOR PLANNING PERMISSION FOR DEVELOPMENT AT STANTON RECYCLING LTD, THE OLD IRONWORKS, CROMPTON ROAD, ILKESTON, DERBYSHIRE, DE7 4BG, WITHOUT COMPLYING WITH CONDITIONS 7 (HOURS OF OPERATION) AND 18 (NOISE MANAGEMENT) SUBJECT TO WHICH PLANNING PERMISSION CW8/0819/41 WAS GRANTED APPLICANT: STANTON RECYCLING LTD CODE NO: CW8/0620/23**

**8.9001.17**

**Introductory Summary** The applicant by this application seeks a new planning permission to authorise the development comprising the ongoing waste use of this site that is currently authorised under a planning permission granted in 2017 (code no.CW8/0819/41) but without compliance with two conditions to which the 2017 permission is subject. These conditions are conditions 7 (hours of operation) and 18 (noise management). The applicant also proposes ‘substitute’ conditions to which a grant of such a new permission might be subject, in respect of hours and noise, so as allow for the acceptance and processing of waste at this waste recycling site (within the buildings and outside, in the open yard) between the hours of 0400 hours to 2300 hours Monday to Friday inclusive and 0400 hours to 1900 hours Saturday, Sunday and Bank Holidays. The proposed substitute for Condition 7 also lacks the requirement in that current condition to keep the shutter doors to the processing building closed during working hours. The application is accompanied by a revised version of the noise assessment and noise management plan that has been submitted and approved as required by Condition 18 to the current, 2017 permission. The proposed substitute for Condition 18 takes account the revised version of the noise management plan which reflects the relaxation in working hours restrictions being sought by the applicant.

The site is situated in Ilkeston off Crompton Road on the Hallam Fields Industrial Estate, which is part of a larger industrial complex that comprises Quarry Hill and Hallam Fields industrial estates.

Local residents have raised concerns relating to ongoing disturbance and potential additional disturbance that might be associated with the proposed extended operating hours. These include the cumulative impacts, from the operation of the site itself in combination with the operation of the remainder of the active industrial estate sites, in respect of:

- noise from goods vehicles;
- traffic congestion and its impacts on air quality, health and the condition of the highway;
- vermin and odour impacting on quality of life;
- pollution from and noise from the biomass boiler;
- the potential impacts on the viability of the Stanton Regeneration site proposals; and
- the safety and amenity of users of the Nutbrook Trail.

The proposed Condition 7 substitute, to which a new permission granted in respect of the application would be subject would allow increased hours during which wastes could be received at and removed from the site, while also allowing waste processing operations with the shutter doors open. These proposed changes have the potential to introduce additional disturbance, particularly during what are considered to be anti-social hours; early in the morning and late at night. This is potentially contrary to the National Planning Policy for Waste (2014) Section 4, and Policy W10 of the Derby and Derbyshire Waste Local Plan (2005) in relation to the cumulative impact of these operations with those of other existing and proposed waste disposal facilities on the well-being of the local community. The applicant has stated that there is a requirement for up to ten refuse collection vehicles to depart from the site during these anti-social hours, between 0400 and 0600 daily to enable their collection rounds to commence.

The amended noise management plan identifies the most significant sources of noise arising from the operations and sets out how these noise sources will be managed to limit their potential impact on nearby receptors.

I am satisfied that, with the recommended planning conditions that would:

- limit vehicle movements during the anti-social hours to only those necessary to take place during those hours for the operation of the refuse collection service,
- limit the hours during which the shutter doors can remain open; and
- control the use of waste shredding equipment,

then local amenity can be maintained at an acceptable level.

Subject to the recommended conditions, I am satisfied that the proposal would accord with the development plan and it is therefore recommended for approval.

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

(2) **Information and Analysis**

### **Site and Surroundings**

The application site is owned and operated by Stanton Recycling Ltd as a waste recycling facility, covers approximately 2.05 hectares (ha), and is situated at the eastern end of the established Quarry Hill/Hallam Fields Industrial Estates which are on the southern outskirts of Ilkeston. The Industrial Estates are accessible from the west primarily via the A6096 and Sowbrook Lane/Ilkeston Road and from the east via Trowell, the A609 and Low's Lane/Ilkeston Road. Quarry Hill/Hallam Fields Industrial Estates includes a number of varied industrial and business uses, among them several waste recycling operations.

Immediately north and adjacent to the application site, Donald Ward Recycling Ltd operates a waste processing plant. Donald Ward Recycling also operates another site on Griffon Road within the industrial Estate. Further neighbouring waste operations include Johnsons Aggregates and Recycling, Trust Utilities and Castle Environmental.

The area of residential properties nearest to the site is in Trowell, 450 metres (m) to the north-east. The next nearest is off Hallam Fields Road, Ilkeston approximately 530m to the north-west. A little under 800m away are residential properties on Iona Drive in Stapleford and Kingston Avenue/Hexham Avenue, Ilkeston.

To the east of the industrial estates and 1.4 kilometres (km) from the site is 'Elka's Rise', a significant residential development of 348 dwellings currently under construction to the west of Quarry Hill Road. This development site is opposite the main entrance to Quarry Hill/Hallam Fileds Industrial Estates

The village of Stanton-by-Dale is approximately 2km to the south-west and 700m to the east, separated by the River Erewash, the Erewash Canal, a waste water treatment works and the Nottingham-Loughborough main railway line, the settlement of Trowell and beyond that, the M1 Motorway. Within 1km to the south-east and beyond the M1 Motorway are the towns of Stapleford and Sandiacre.

The site is at its nearest point approximately 160m south of the Grade II listed Hallam Fields Bridge and Canal Lock on the Erewash Canal. The tower of St

Bartholomew's Church is also Grade II listed and lies 490m to the north-west of the site.

Quarry Hill Lagoons wildlife site (ER201) is adjacent to Crompton Road, the main access route to and from the site, and is within 300m of the site entrance. Quarry Hill Lagoons forms part of a larger complex of wildlife sites along the corridor of the Nutbrook Canal, Nutbrook Trail and railway line.

There are no public rights of way within the site, although there are a number close by. One public footpath (Ilkeston E6/79/1) is approximately 300m north of a site entrance off Crompton Road. This public footpath runs along Hallam Fields Road and connects to three others (including the Erewash Canal Towpath) which meet immediately to the east of Hallam Fields Bridge (Ilkeston E6/78/2, Ilkeston E6/81/6 and Ilkeston E6/81/7). In addition, the Nutbrook Trail multi-user route (National Cycle Network Route No. 67) runs along the southern boundary adjacent to the site's existing vehicular access. The Nutbrook Trail forms part of the County's key cycle network.

The application site is located north of the proposed Stanton Regeneration Site which has a long industrial heritage dating back 250 years. The Stanton Regeneration Site, which is set out in the Erewash Core Strategy, is proposed to form a new sustainable neighbourhood consisting of 2,000 homes, 10ha Business Park, general industry, employment land and a 20ha wildlife/recreation corridor.

The applicant company is an established local waste operator which currently collects and receives green wastes, kerbside collections and other, inert wastes, predominantly from the Erewash area. The site is not prominent in the landscape nor is it overlooked. It has an acceptable vehicular access off Crompton Road and is not included within a Neighbourhood Plan Area.

### **Planning History**

In October 2004, conditional planning permission CW8/0704/70 was granted for the use of the site to change from builders merchants/warehousing and yard to a waste transfer station. The following permissions have subsequently been granted in respect of the site:

- Planning permission CW8/0107/164 (July 2007) for "Proposed construction and use of an inert waste material screening and green waste composting plant".
- Planning permission CW8/0308/259 (May 2008) for "Proposed alteration and extension to an existing building housing a waste transfer station".
- Planning permission CW8/0813/81 (November 2013) for "Proposed construction of an additional building to house a waste recycling facility".
- Planning permission CW8/0315/148 and CW8/0315/149 (both July 2015) for extensions to the previously approved hours of operation and the proposed increase in height of waste stockpiles at the site.

- Planning permission CW8/0915/90 (February 2016) for “Proposed replacement of an existing building to house waste recycling facilities”.
- Planning permission CW8/0817/38 (16 November 2017) for “Installation of an Anaerobic Digester and Associated Plant, buildings and Machinery”.
- Planning permission CW8/0818/29 (January 2018) “not to comply with Condition 18 (hours of operation CW80315/148) to allow extended opening hours to facilitate operations beyond a three year restriction”.
- Planning permission CW8/0819/41 (January 2020) for “the consolidation of existing permissions including various incremental changes to infrastructure including a canopy and biomass boiler”.

### **The Proposal**

The applicant proposes by the application that a new planning permission for the ongoing waste related use development of the site (as is now authorised by the consolidating planning permission CW8/0819/41, of 2017) be granted subject to conditions that would allow some relaxations of the restrictions in hours of operation that are currently prescribed under Condition 7 to the consolidating planning permission CW8/0819/41. This current condition is as follows:

*“Activities under the operation of this permission shall take place during the following periods:*

- i) Site open for the receipt and removal of wastes during the following hours:  
Monday – Friday 0800 hours – 1800 hours  
Saturday 0800 hours – 1300 hours  
Sunday/public or Bank Holidays Closed*
- ii) Working within the waste buildings during the following hours:  
Monday – Friday 0400 hours – 2300 hours  
Saturday 0400 hours – 1900 hours  
Sunday/public or Bank Holiday 0400 hours – 1900 hours*
- iii) Roller shutter doors to the buildings to remain closed during the hours of:  
Monday – Friday 0400 hours – 0800 hours and 1900 hours – 2300 hours  
Saturdays, Sundays and Bank holidays 0400 hours – 0800 hours, except in an emergency.*
- iv) Biomass boiler operating hours:  
Monday – Friday 0000 hours – 2400 hours  
Saturday 0000 hours – 2400 hours  
Sundays/Bank Holidays 0000 hours – 2400 hours*
- v) During the construction phase of the canopy and extension of the boundary wall all earthmoving and engineering work on the development,*

*including the movement and installation of plant/machinery, shall be carried out between the hours of 0700 hours to 1830 hours Monday to Fridays and between 0830 hours to 1300 hours on Saturdays. Work shall not be carried out on Sundays and public or Bank Holidays.”*

This condition was imposed to minimise the impact of the development on the amenity of the area.

The applicant proposes broader allowance for opening and working hours by suggesting wording for a condition that would in effect replace Condition 7 above, to enable working to reflect more accurately the practical needs of the applicant's operations. The wording proposed for such a new condition to prescribe broader hours for opening and working is as follows:

*“Activities under the operation of this permission shall take place during the following periods:*

- i) Site open for the receipt and removal of wastes, working within the external yard and waste buildings within the following hours:  
Monday – Friday 0400 hours – 2300 hours.  
Saturday 0400 hours – 1900 hours.  
Sunday, public or Bank Holidays 0400 hours – 1900 hours.  
Biomass boiler operating hours:  
Monday – Friday 0000 hours – 2400 hours.  
Saturday 0000 hours – 2400 hours.  
Sundays/Bank Holidays and public holidays 0000 hours – 2400 hours.”*

The applicant also proposes that conditions to a new permission would refer to a revised version of the noise management plan reference No. 4035-058-NMP (dated 5 August 2019) that applies to the consolidating permission. The revised version is under document, 4035-0580-NMP-V1.5 as updated 17 November 2020, to reflect the proposed changes to the operating hours.

No additional vehicle movements or increase in the quantities of waste accepted are proposed, although vehicle movements would be spread throughout the extended working hours. Up to ten Refuse Collection Vehicles (RCVs) would be required to leave the site to commence their rounds between 0400 hours and 0600 hours daily.

## **Consultations**

### **Local Members**

Councillor Frudd and Councillor Major have been notified of the application.

### **Erewash Borough Council – Planning**

Have been notified of the application.

### **Erewash Borough Council – Environmental Health Officer**

The Environmental Health Officer (EHO) has raised concerns regarding the methodology of the noise assessment, particularly the way that background noise levels were assessed for sensitive, night-time hours, and the proposal to remove elements of the current condition which prohibit operations while the doors to the building are open. These concerns regarding the noise assessment have now been addressed.

### **Trowell Parish Council**

Councillor D Pringle, Vice Chair of Trowell Parish Council and Broxtowe Borough Councillor for Awsorth, Cossall and Trowell, has raised the following concerns and suggestions.

#### Concerns:

- Odour arising from the application site.
- Dust arising from the application site.
- Lack of enforcement action to control dust and noise nuisance.
- Extension of working hours will result in increased disturbance to local residents including goods vehicle noise at night and early in the mornings when people are trying to sleep.
- Noise, dust and odour claims should not be taken at face value, the Planning Authority should commission their own reports.
- Air pollution from the site and associated vehicle movements.
- The complaints reporting process states that issues will be reported to 'Elmbridge Borough Council'.

#### Suggestions:

- All vehicle routing is via Quarry Hill Road.
- Strict noise controls are required before 0700 hours and after 1900 hours on weekdays, weekends and bank holidays.
- Any complaints received should automatically be shared with Stanton Recycling, the Environment Agency, Derbyshire County Council and Erewash and Broxtowe Borough Councils.
- Weighbridge records should be maintained and available for examination by Derbyshire County Council.
- Any issues of odour problems should be resolved before planning consent is granted.

### **Stanton by Dale Parish Council, British Horse Society, Sustrans and the Coal Authority**

Have been notified of the application.

### **Environment Agency, Canals and Rivers Trust and the Highway Authority**

No comments.

## **Derbyshire Wildlife Trust**

Has advised that there are no ecological issues associated with the proposal.

## **Publicity**

The application has been advertised by site and press notices (Derbyshire Times) with a request for comments by 13 August 2020. In response to this publicity, 12 representations have been received raising objection to the proposal on the following grounds:

## **Objections Summary:**

- There are many out of town locations where this kind of industry should be sited. Noise 24 hours per day and 7 days per week should not be tolerated.
- Extended operating hours will cause more disturbance.
- Noise and vibration from the site and from traffic.
- Odour from wastes and from the biomass boiler.
- Traffic congestion, safety and the condition of the highway.
- Air pollution from the site and from heavy goods vehicle (HGVs) traffic.
- Vermin, flies and rats in a garden.
- Detriment to the users of the Nutbrook Trail; conflict between vehicles and trail users, particularly at weekends and bank holidays.
- Potential impact on the viability of the Stanton Regeneration Site proposals.
- Fires and explosions causing damage to buildings.
- Deposition of dust.
- Cumulative impacts of all of the above.

## **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 other material considerations indicate otherwise. In respect of this application, the relevant development plan policies are contained in the saved policies of the adopted Derby and Derbyshire Waste Local Plan (DDWLP) (2005) and Adopted Erewash Core Strategy (March 2014) (ECS). The National Planning Policy Framework (NPPF) (February 2019), the associated Planning Practice Guidance (PPG), the National Planning Policy for Waste (NPPW) (October 2014) and Erewash Borough Council's adopted Stanton Regeneration Site - Supplementary Planning Document (SPD) (2017) are material considerations.

In determining this application, another material consideration is that the principle of the waste recycling development at this site has been established. The planning permissions granted by this Authority (listed above) have been implemented. I do not propose, therefore, to set out the merits of the nature of

the recycling works against the development plan. For this site, the facility is now well established and the existing permissions on this site must be taken as material factors in the determination of this Section 73 application. The permissions, including the consolidating permission, were granted with planning controls to manage the site operations and the development is also regulated by an Environmental Permit. The essential question now is whether the proposed changes under a new planning permission to enable the development to be carried on without complying with Condition 7 referred to above (but subject to alternative conditioning either as proposed by the applicant, or otherwise) would be acceptable.

## **Policy Considerations**

### **National Planning Policy Framework**

The NPPF, as amended 2019, includes a requirement to approve development proposals that accord with an up-to-date development plan, or, where there are no development plan policies, to approve the development unless there is clear reason for refusing the development proposal or where adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In addition, economic, social and environmental objectives are included in Chapter 2 (8) of the NPPF. These seek to help build a strong, responsive and competitive economy, support strong vibrant and healthy communities and to promote the use of natural resources prudently, minimising waste and pollution, including moving to a low carbon economy.

Chapter 15 (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.”*

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

11: The presumption in favour of sustainable development.

46-48: Decision-making.

54-55: Planning conditions.

80,82: Building a strong, competitive economy.

91c: Promoting healthy and safe communities

109: Considering development proposals.

### **National Planning Policy for Waste**

Section 3 of the NPPW (2014) states that local plans should seek to drive waste management up the waste hierarchy, recognising the need for a mix of types and scales of facility.

Section 4 requires that a broad range of locations for waste facilities should be considered, including industrial sites with priority being given to previously developed land and sites identified for employment uses, taking account of existing and proposed neighbouring uses, the capacity of the existing and proposed transport infrastructure and 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.

When determining planning applications for waste facilities, the planning authority must consider the likely impact on the local environment and on amenity, including traffic and access, air emissions including dust, odours, litter, noise, light and vibration. When considering noise, light and vibration, the impacts from goods vehicle movements to and from the site should be considered.

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

The Waste Management Plan for England clearly sets out the Government's intention to secure greater reuse and recycling rates across all waste streams, moving waste up the hierarchy. The plan recognises that to achieve the goals of increased reuse and recycling, there will be a need to increase the provision of waste recycling facilities, and in particular, those catering for the recycling and preparation of domestic waste for reuse and recovery.

### **Derby and Derbyshire Waste Local Plan**

Regard must be had to the DDWLP, in particular, policies W6: Pollution and Related Nuisances and W10: Cumulative Impact.

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 on people or communities, the site of the development, nearby land uses or the wider environment.”*

Policy W10 of the DDWLP (Cumulative Impact) states that proposals for waste development will be assessed in light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. Waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.

### **Erewash Core Strategy 2011 – 2028 adopted March 2014**

The most relevant policies to the determination of this planning application are:

A: Presumption in Favour of Sustainable Development.

4: Employment Provision and Economic Development.

- 11: The Historic Environment.
- 3: Culture, Sport and Tourism.
- 16: Green Infrastructure, Parks and Open Spaces.
- 17: Biodiversity.
- 18: Infrastructure.

### **Stanton Regeneration Site Supplementary Planning Document**

The site is close to the area allocated in the ECS for the Stanton Regeneration Project. The bulk of the regeneration proposal is separated from the application site by an area of existing industrial uses, and a belt of landscaping and wildlife sites crossed by a multi-user trail network. Issues of noise from the Hallam Fields area have been identified in the regeneration strategy, which points out that the landscaping/wildlife buffer between the regeneration site and Hallam Fields is unlikely to be sufficient to reduce the noise to an acceptable level.

The regeneration proposal includes a number of highway improvements to take account of both existing and anticipated traffic generated by the regeneration proposals. These include the re-alignment of the Ilkeston Road/Lows Lane/Littlewell Lane junctions to form a new roundabout to the east of New Stanton. This highway realignment will alleviate some of the traffic impacts arising from goods vehicle movements to and from Quarry Hill/Hallam Fields industrial estates and those arising from the regeneration scheme.

Since the first local plan inclusion of the regeneration scheme proposal in 1994, it has progressed very slowly and such infrastructure improvements as it may bring should be considered as offering potential, rather than certain, future improvements. Similarly, it would be inadvisable to permit developments that may compromise the potential for the wider development of the regeneration site and the benefits to the locality that it may bring. However, it may not be reasonable to impose extra controls to immediately restrict existing businesses in order to accommodate future, noise or disturbance sensitive potential developments.

### **Assessment of the Proposal**

The application site receives and processes kerbside collected waste from Ilkeston and the wider area. These wastes include green waste and co-mingled recyclable wastes, the delivery of which currently includes weekends and bank holidays. It is stated that amendments to the permitted hours of operation are required to adequately manage the wastes produced in the area, to enable kerbside waste streams to be processed efficiently and to provide flexibility in the event of emergencies, such as breakdowns. It is not proposed to increase vehicle movements, but to allow similar deliveries to those that are currently accepted at the site to be distributed more evenly, throughout an extended working day, with no additional deliveries being

contemplated. However, the applicant has stated that up to ten RCVs would be required to leave the site to commence their rounds between 0400 hours and 0600 hours daily.

The applicant has stated that the operation of amended hours as proposed is required to maintain the economic viability of the business and ongoing commitments to providing both local authorities and commercial businesses with a destination for the recycling of waste to suit their ongoing needs, while driving waste up the hierarchy and reducing the amount of waste sent to other destinations including landfill.

The proposed amendments to the hours of operation would, in my view, result in additional impacts, principally a potential increase in noise and HGV movements during early morning and late evening. Routes to and from the industrial estates are already subject to public concern regarding HGV movements at anti-social hours. Further noise impacts would be likely to arise from the operation of the site, particularly if the shutter doors were no longer required to be shut during working within the building. However, I am satisfied that the development, as proposed to be amended, would continue to accord with the high level aims of the NPPW and the Government's waste management objectives, to move waste up the hierarchy.

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous applications and planning conditions were imposed to mitigate potential impacts where identified at that time. However, in context of the current development plan and national guidance, I have given consideration below as to whether the extension of operating times, would be likely to give rise to any significantly different or additional impacts to those previously considered.

### **Noise**

The site lies within a large industrial estate, near to the M1 motorway, main line railway and less than 1km north of a number of other industrial and distribution uses on the former Stanton Iron Works Site which has been in heavy industrial use since the 1780s. Given the location of the application site, within this predominantly industrial area, a degree of noise, including traffic noise, must be expected. The nearest residential receptor lies approximately 480m from the site to the north-east and north-west

Previous applications for waste operations in the Quarry Hill and Hallam Fields industrial estates have generated public concern relating to noise, from operations within the industrial estates and that created by HGV traffic at anti-social hours, both early in the morning and late at night.

A variation of hours is sought to enable the receipt and unloading of wastes, including into the external bays in the eastern part of the site, and within the

building. There would also be deliveries of waste by HGV and the egress of a small number of RCVs (up to ten) during the additional early morning hours between 0400 hours and 0600 hours. To mitigate disturbance to local residents, access to and from the site would remain via Crompton Road to Merlin Way and the B6096 in accordance with an existing, approved, routing plan.

The applicant has submitted an Environmental Noise Assessment report and a Noise Management Plan with the application. The Waste Planning Authority commissioned an independent report to assess the technical veracity of both the Environmental Noise Assessment and the Noise Management Plan (NMP) submitted with the application. As a result, the applicant has submitted revised documents (ref: 058-002-NIA-V1.5 and ref: 4035-058-NMP V1.5) which are considered in this report.

The most significant sources of noise associated with the proposal are identified in the revised NMP, as the early morning egress of empty waste vehicles, loading of HGVs using a grab in the yard to the east of the main building, the delivery of waste by articulated lorries and dumper trucks, and the pushing up and handling of wastes in bays within the building. A shredder is used on site but the applicant proposes that this would only operate during the existing operational hours (0800 hours – 1800 hours). The revised NMP identified the main sources of noise arising from the operations and sets out how these would be reduced and managed through maintenance of plant and vehicles, and through the establishment of good practice including the minimisation of drop heights when loading or unloading, prohibiting the shaking of tipper bodies when unloading, the use of white noise reversing alarms and switching off plant and vehicles when not in use. The NMP aims to reduce the noise impact of the operation on nearby residential receptors.

Many of the waste processing activities are carried out within the building, currently behind closed doors, as required by a Condition 7 of planning permission code no.CW8/0819/41, which this application seeks to remove. Restrictions on the timing and routing of HGV access to and from the site and the requirement for the doors to the building to be kept closed, will have played an important part in controlling noise both from on-site operations and that associated with HGV traffic. The extension of hours, to allow the egress of RCVs, and for the receipt of wastes at the site, along with the proposed relaxation of the requirement to keep the shutter doors closed are, in my opinion, likely to give rise to increased noise nuisance caused by the receipt, deposit, loading and processing of wastes. The concern is that this increase in noise, including traffic noise, would have a potentially detrimental impact on local amenity.

Noise monitoring has been undertaken by the applicant at the nearest residential receptors on Hexham Avenue and Somerleyton Drive in Hallam

Fields and at St Helen's Crescent in Trowell. It should be noted that monitoring took place during national Coronavirus (COVID-19) restrictions when people were asked to stay at home and a number of businesses were closed, including the 'Festival Inn' off St Helen's Crescent, Trowell. It is therefore reasonable to assume that activity and traffic noise, particularly along the M1 motorway, would be somewhat reduced, resulting in lower than normal background noise levels.

The main access routes to and from the site pass through the residential areas of Ilkeston, Kirk Hallam, Trowell, Stapleford and Sandiacre, whether accessing the M1 motorway or other arterial routes to Nottinghamshire or Derbyshire and beyond. Although no formal complaints have been received regarding early morning or late night vehicle movements from this site specifically, the Waste Planning Authority has received general complaints regarding machinery noise and noisy HGV movements before 0600 hours and after 2200 hours which are most likely to have arisen from the industrial estate.

This proposal has the potential to add to this disturbance by extending the hours during which wastes can be received at, and removed from the site by an average of 10 hours a day, 7 days a week (proposed additional number of hours being Monday to Friday, 9 additional hours, Saturday, 10 additional hours, Sunday and Bank Holidays, 15 additional hours). Nearly all representations received refer to noise generated by the operation of the site, but also noise arising from traffic accessing and leaving the site by the local road network. While it is accepted that there are goods vehicles using the site, not all goods vehicle movements on the local road network can be attributed to the applicant's site. In addition to traffic generated by the Quarry Hill/Hallam Fields industrial estates, the locality also includes the West Hallam Storage Depot (4.5km) and Lows Lane Industrial Estate with its large logistic operations. The applicant does not propose additional vehicle movements to and from the site, and the proposal would not therefore contribute to an overall increase in traffic noise, although the change in working hours is likely to result in a displacement of some of these movements and the resultant noise, to the more disturbing hours, before 0600 hours and after 1900 hours. It is the applicant's stated intention to distribute vehicle movements throughout the day and to avoid peak traffic times.

In response to consultation, Erewash Borough Council's EHO has not reported any noise complaints being received about the site. The EHO has, however, raised concerns regarding the 'average background noise levels' between 0400 hours and 0800 hours and 1600 hours and 2300 hours used in the original assessment. Partly as a result of these concerns and those of an independent noise consultant appointed by this Authority, the applicant has submitted a revised Noise Impact Assessment and NMP. The Environment Agency has made no comment on the topic of noise. Controls on noise from

the site form part of the Environmental Permit issued and regulated by the Environment Agency. Paragraph 183 of the NPPF states that planning decisions should assume that this [Environmental Permitting] regime will operate effectively. This does not mean that the planning system should not consider the impacts of noise on local amenity, in this case, increases in traffic noise at anti-social hours and the potential for increased noise levels arising from operations while the shutter doors are open, form an important component of the cumulative impacts of the proposal.

The NMP states that noise from site traffic would have a low probability of generating disturbance. Control measures would include adopting good site practice, ensuring that all plant and vehicles are operated in accordance with manufacturers' guidelines and are well maintained. Drivers would be required to turn off engines when vehicles are not in use, adhere to on-site speed limits and only low tone or ambient/white noise reversing alarms would be permitted. Plant and equipment would be switched off when not in use and located to ensure that noise, at the nearest receptor, is kept to a minimum. Noise from loading and unloading would be managed by reducing drop heights and the prohibition of shaking vehicle tipper bodies while raised. The NMP states that, as a variation of Condition 7, *"site management will endeavour to ensure roller shutters remain closed where possible."* To introduce a degree of certainty, the issue of the shutter doors must be controlled by a suitably worded planning condition requiring the shutter doors to remain closed when not in use during specific working hours, during which disturbance is likely to be greatest.

It is proposed that deliveries would be evenly spread throughout the working day, which may actually add to disturbance by introducing vehicle movements, loading and unloading during the anti-social hours before 0600 hours and after 1900 hours. No additional vehicle movements are proposed above the current 70 vehicle movements per day (35 in and 35 out consisting of RCVs, roll on-offs and articulated bulk loaders for the importation and removal of waste). However, there is a stated requirement for up to ten outbound RVCs to leave the site each day between 0400 hours and 0600 hours. Other vehicle movements would include the arrival and departure of staff in private cars and light vehicles, approximately 12 each way per day.

Representations have made reference to additional noise concerns relating to the biomass boiler and the impact it is likely to have. I consider these concerns to be unfounded as the boiler has been in operation for over a year (permitted by application code no.CW8/0819/41) and, during this time, there have been no complaints about noise or odour from the boiler, and no changes to the operation of the boiler are proposed. A number of respondents were unaware that the boiler had been commissioned and in operation for nearly 12 months. During a general site visit to the industrial estate by officers, noise from the biomass boiler had not been identified as an issue.

The Nutbrook Trail passes to the south of Quarry Hill and Hallam Fields industrial estates through the site of the former Stanton Iron Works. From its start at the former colliery, now Shipley Country Park, to the Erewash Canal adjacent to the application site, the Trail passes through a former or current industrial and edge of urban landscape. Given this setting, the user is unlikely to anticipate the type of quiet experience that may be expected in a more rural area. The extended operating periods, particularly at weekends and on bank holidays, may have an impact on recreational and commuter users of the Trail which is likely to be at its busiest during these periods. Although there would be some additional noise experienced by Trail users during these periods, I consider that the most significant impact would be due to potential conflict between trail users and traffic on the short section (64m) of Crompton Road shared by Trail users and vehicles accessing the site (to be considered below). I do not consider that the impact of additional noise would be significant for the users of the Nutbrook Trail as this should be anticipated when passing through an industrial estate.

The Environmental Noise Assessment submitted by the applicant concludes that noise associated with the development, as proposed to be amended, would not have a significant impact on the surrounding area, and the existing noise character of the area would be unlikely to alter, even in the worst case scenario where the shutter doors remain open. However, I consider this to be an important consideration of cumulative impact, where taking the activities in the locality as a whole, small incremental increases can contribute to a reduction in local amenity. The Waste Planning Authority has sought an independent opinion on the Environmental Noise Assessment and NMP submitted by the applicant, this concludes that, with the shutter doors closed during waste processing, the noise impact of activities within the building would not generate an adverse noise impact over the proposed additional activity periods.

As stated above, concerns have been raised regarding fires and explosions on site. However, there are no records of either relating to this site, although elsewhere on the industrial estate the mechanical shredding of gas bottles has resulted in 'explosion like' events. The process causing this is not associated with the applicant or application site, is monitored by the Environment Agency, and has now been effectively ended. As a result, I do not consider that concerns regarding noise or other nuisance from explosions is relevant to this application.

Therefore, I consider that the proposed new hours of operation would have the potential to generate a cumulative noise impact contrary to policies W6 and W10 of the DDWLP, and that controls on the generation of noise are required to reduce the impacts of the site, and of HGV movements during the additional anti-social hours, at weekends and on bank holidays, times when the public may reasonably anticipate some respite from the disturbance.

However, I consider that the proposal can be made acceptable through any new permission to be granted under this application being granted, subject to conditions including suitably worded planning conditions regarding vehicle routing, restricting early morning vehicle movements, the operating hours of the shredder, and stipulating the hours of working when the shutter doors must be closed except for access and egress. I am therefore satisfied that, subject to the recommended conditions, the proposal would accord with policies W6 and W10 of the DDWLP.

### **Odour**

Representations received state that odours from the site have forced local residents to keep their windows closed and have, on occasion, discourage them from using their gardens. The EHO has made no comment specifically regarding odour, other than to state that 'nuisance' type complaints should be dealt with by the Environment Agency as part of the environmental permitting regime. The Environment Agency has responded to consultation and has made no adverse comments regarding odour from this site. Neither the EHO nor the Environment Agency have reported odour related complaints.

Three representations have been received relating to odour from the site, two of these from the Trowell area, approximately 500m to the east of the site. Whilst it is accepted that the wastes received and processes carried out have the potential to generate odours, it should be noted that a large sewage treatment works is also located between the application site and the village of Trowell and that this, along with other activities at Quarry Hill/Hallam Fields industrial estates, may also contribute to odour. The Environmental Permitting regime regulated by the Environment Agency has not identified odour as a regulatory issue. During a number of visits to the industrial estates by officers over the past 18 months, some announced and others unannounced odour from this site has not been identified as an issue. Measures are in place, through the operator's Odour Management Plan and in compliance with the Environmental Permitting regime, to control odour emissions from the site.

An Odour Management Plan (ref: 4035-058-OMP) has been submitted as part of the application in which measures for the monitoring and control of odours have been identified, including procedures for the investigation of complaints, odorous waste quarantining and removal, and the maintenance of an 'odour diary' recording complaints and the results of odour monitoring. The Odour Management Plan also identifies the location of residential and non-residential odour sensitive receptors in the area. The proposed changes to working hours would not contribute to an increase in odour from the site as the quantity and nature of the wastes received would remain unaltered. I therefore consider that odour can be adequately controlled through the Environmental Permitting regime and by the inclusion of suitably worded planning conditions. In respect of odour, I am satisfied that the proposal accords with policies of the DDWLP, ECS and the NPPF.

## Dust

Representations have stated that dust, arising from Hallam Fields Industrial Estate, is a problem for local residents. While the Stanton Recycling Site has not been identified as the sole source of dust, the cumulative impact of dust from both Quarry Hill and Hallam Fields industrial estates contributes to poor local air quality and nuisance. As with odour, the creation and suppression of dust is regulated by the Environmental Permitting regime monitored by the Environment Agency. Visits to the industrial estates and to the site have not identified dust from this site to be a significant issue and it is controlled through conditions of both the existing planning consent and the Environmental Permit regulated by the Environment Agency. The existing Dust Management Plan has been updated (ref: 4035-058-DMP V1.2) and forms part of the submitted application. This plan identifies the location of sensitive residential and commercial receptors, and the methods by which dust will be controlled. These include a requirement to have vehicles accessing or leaving the site either sheeted or otherwise contained, the wetting down of dusty loads before unloading, and the reduction of drop heights whilst unloading. In addition, surfaces and haul routes are swept and damped down, and reduced on-site speed limits of 5mph enforced to prevent the creation of dust. Stockpiles are pre-wetted before loading during dry or windy weather. I consider that the proposed amendment to the hours of operation would not result in an increase in dust associated with the site and therefore the proposal does not conflict with Policy W6 of the DDWLP.

## Traffic, Highway Safety and Public Rights of Way

The applicant does not propose to increase traffic movements to and from the site, nor are there proposals to increase the annual through-put of waste. The main concerns raised regarding traffic relate to the extension of operating hours, potentially allowing HGV movements early in the morning and later at night. Such movements between 0400 hours and 0600 hours in the morning and between 1900 hours and 2300 hours in the evening are considered to be during anti-social hours and complaints about such movements are primarily based on the associated noise which has been considered above.

The main traffic concern raised by the proposal is the departure of RCVs between 0400 hours and 0600 hours and the resulting potential for additional disturbance to residents along the routing, particularly through Trowell. Representations have been received which state that HGV and RCV movements are particularly disturbing early in the mornings and late at night, with reports of movements starting before 0500 hours, continuing until 2300 hours and disturbing sleep. During these early morning and late night hours, the passage of empty RCVs, but particularly skip lorries, can create disturbing noise. The continuation of, or increase in, such disturbance and its extension to seven days a week could have a considerable impact on the quality of life for residents along the various haulage routes. Recent monitoring of vehicle movements to and from the industrial estate between 0400 hours and 0600

hours indicate that such movements are a feature of some other businesses operating at Quarry Hill and Hallam Fields industrial estates, but comprise only a small proportion of the traffic on the local roads during these hours. However, it is also understood that RCVs leaving the site in the early morning conduct refuse collections in the Erewash area. In addition to the proposed ten RCV movements out of the site, there would also be approximately 12 cars and light vans as staff arrive for work. These light vehicles have not been reported as creating the noise issue associated with the banging and rattling of empty skip vehicles. Consultation with the Highway Authority has raised no concerns relating to highway network capacity or condition.

I consider that conflict between users of the Nutbrook Trail and HGVs accessing the site via Crompton Road are unlikely to be significant. Although Trail users are required to cross the access to one other industrial site (Johnson Recycling), the route of the Trail does not cross the flow of traffic. At this point, although there is no pavement or marked cycle route, the carriageway is wide enough for HGVs to pass one another with ease and sightlines are good. This section of Crompton Road is a dead end, giving access to four recycling sites, Stanton Recycling amongst them. Vehicle speeds are therefore likely to be low, with HGVs either entering or leaving the site whilst using the 64m section of the road shared with the Trail users. Barriers and signage are in place at the access points of the Trail to ensure that users, particularly cyclists, reduce speed or dismount prior to entering Crompton Road.

As the proposal does not seek to add to traffic numbers, it is not anticipated that there would be any adverse impact on the capacity of the highway network, or conflict with the existing rights of way in the locality. User groups, including Sustrans and the British Horse Society, have been consulted and neither have made any adverse comment.

Potential traffic impacts may be reduced through the control of routing to and from the site. Whilst it is accepted that there are no additional movements proposed, the timing of traffic would be distributed over a greater number of hours, impacting on the early morning and potentially later into the night. I therefore consider that a suitably worded planning condition should be included in any new permission to require the submission of a routing plan and details of how it will be communicated to drivers, employed by Stanton Recycling, their customers and contractors, to be submitted for approval by the Waste Planning Authority within two months of the date of that approval. Subject to such a condition, I am satisfied that the proposal would accord with Policy W10 of the DDWLP.

### **Ecology, Conservation and Heritage**

The site lies adjacent to the Erewash Canal (ER215) and beyond that, the West Hallam Towpath Scrub (ER055), both of which are local wildlife sites.

The site itself contains no features of ecological interest, having been formerly part of a larger industrial complex and in its present use for many years; this is confirmed by the responses of Derbyshire Wildlife Trust. The only vegetation on the site is a narrow belt of planting along the eastern boundary and adjacent to the Erewash Canal; this would remain.

The nearest listed buildings are Hallam Fields Bridge (Grade II) and Hallam Fields Lock (Grade II), both some 150m to the north. The tower of St Bartholomews Church (Grade II) is located at the junction of Crompton Road and Hallam Fields Road, over 500m from the site entrance. The current approved routing plan requires that HGV traffic, accessing or leaving the site, does so via Merlin Way and Quarry Hill Road. This routing avoids passing the tower of St Bartholomews Church. Hallam Fields Bridge and Hallam Lock are at the end of Hallam Fields Road and cannot be accessed via vehicle. I propose that a similar routing plan should be conditioned. I am therefore satisfied that the proposal would not adversely affect any listed buildings, or local wildlife sites.

### **Cumulative Impacts**

The key issues to consider here are the extent to which the operation of extended working hours could have adverse environmental or health effects on people, communities, nearby land uses or the wider environment as set out in Policy W10 of the DDWLP. There are a cluster of waste facilities in this area and the cumulative impact of these developments in combination is a factor to be taken into consideration.

The application site is located within a large industrial estate to the south of Ilkeston and that estate undoubtedly generates HGV traffic on the local road network. It is the level and nature of goods vehicle movement on the local road network and its associated pollution, dust, noise and vibration, which have generated the bulk of objections to this application. However, not all of the vehicle movements can be attributed to the operation of Stanton Recycling, nor indeed to the Quarry Hill and Hallam Fields industrial estates, although it is reasonable to assume that a substantial proportion of the vehicle movements are related to the industrial estates, as well as logistics companies located at Lowes Lane and at the West Hallam Storage Depot. The application does not seek to increase the total number of vehicle movements, but would, if approved, extend the time period during which the site would accept and process waste. The vehicle movements would therefore be dispersed throughout the working hours, potentially avoiding peak traffic periods. This is the stated intension of the applicant. There are several waste businesses on the industrial estates. Should these all operate the receipt and removal of materials at such hours, the cumulative impacts may be significant and reduce the quality of life for those living near to the site and particularly along the haul routes.

I therefore consider that the proposal can only be made acceptable in relation to Policy W10 of the DDWLP and NPPF by the imposition of suitably worded planning conditions limiting site access and egress by commercial vehicles during the anti-social hours, requiring compliance with, and communication of an approved vehicle routing plan, limiting the operating hours of the shredder, and to reduce noise, controlling the hours during which the shutter doors may remain open.

### **Conclusion**

The applicant company is seeking approval for a significant extension of the operating hours of the site and to enable operations with the shutter doors open during the extended hours from 0400 hours until 2300 hours Monday to Friday and 0400 hours until 1900 hours on Saturdays, Sundays and Bank. Given that the site is set within an industrial environment, a degree of noise is to be expected. However, the unfettered cumulative impacts of this site and of those other operations on the industrial estates and environs, is likely to be detrimental to the amenity of local residents and those living in the nearby settlements of Ilkeston, Stapleford, Sandiacre and particularly, Trowell. However, this consideration must be set against the contribution of the development to the management of wastes and the role it plays in moving waste materials up the waste hierarchy in support of national recycling targets, the Waste Management Plan for England, and the potential to reduce the impacts of the development through the use of planning conditions.

I therefore consider that granting a new permission to allow for extended opening and working hours as proposed, would be acceptable, subject to suitably worded planning conditions to which the new permission would be subject, including conditions to continue to limit site access and egress by commercial vehicles during anti-social hours, and require compliance with, and the communication of, an approved vehicle routing plan, and limiting the operating hours of the shredder, and controlling the hours during which the shutter doors may remain open. The recommendation below is made accordingly.

(3) **Financial Considerations** The correct fee of £234 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 Recommendation.

(5) **Environmental and Health Considerations** The activities proposed would contribute to the movement of materials up through the waste hierarchy and improve recycling through efficiency gains for the operator. Any net change to emissions contributing to climate change will be negligible as no

increases in throughput or total vehicle movements are proposed. The use of the existing biomass boiler is likely to result in a saving of greenhouse gas emissions but no data has been provided to support this assumption. Other environmental and health issues are as indicated in the report.

(6) **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.

(7) **Background Papers** File No. 8.9001.17

Application documents:

Application form dated 9 June 2020.

Planning Statement 001-058-A V1.4 dated 22 June 2020.

Environmental Noise Assessment 002-058-C V1.4 dated 22 June 2020.

Noise Management Plan 4035-058-NMP V1.4 dated 22 June 2020.

Additional Traffic data, dated 30 September 2020.

Revised Noise Impact Assessment, 002-058-C V1.5 dated 17 November 2020.

Revised Noise Management Plan, 4035-058-NMP V1.5 dated 17 November 2020.

Dust Management Plan 4035-058-DMP V1.2 dated 5 August 2010.

Odour Management Plan 4035/058-OMP V1.2 dated 5 August 2019.

Noise assessment, Spire Environmental dated 22 August 2018.

Planning permission CW8/0818/29 dated 7 January 2019.

Planning permission CW8/0819/41 dated 8 January 2020.

Additional documents:

Response to Sharps Acoustics report 058-003 Noise Response, Oaktree Environmental Ltd dated 4 December 2020.

Noise Review, Sharps Acoustics dated 7 October 2020.

Consideration of Comments, Sharps Acoustics dated 4 January 2021.

Consultation responses from:

Environment Agency dated 7 August 2020.

Canals and Rivers Trust dated 14 August 2020.

Erewash Borough Council Environmental Health Officer dated 28 August 2020.

Trowell Parish Council dated 17 August 2020.

Derbyshire Wildlife Trust dated 23 September 2020.

12 Letters of representation – various dates.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted** subject to the conditions substantially in accordance with the following draft conditions:

## Form of Development

- 1) The development shall be carried out in accordance with the details submitted under application code no. CW8/0819/41 dated 5 August 2019, as approved by the Waste Planning Authority on 8 January 2020, as amended by application code no. CW8/0620/23 dated 9 June 2020, except as may be modified or amended by other conditions attached to this planning permission. The approved plans and documents are:

In respect of Application CW8/0620/23:

- Application form dated 9 June 2020
- Planning Statement 001-058-A V1.4 dated 22 June 2020
- Revised Noise Management Plan, 4035-058-NMP V1.5 dated 17 November 2020
- Dust Management Plan 4035-058-DMP V1.2 dated 5 August 2010
- Odour Management Plan 4035/058-OMP V1.2 dated 5 August 2019

In respect of Application CW8/0819/41:

- Site Layout Plan, drawing No. 4035/058/01 dated 23 May 2019
- Site Layout Plan, Revision C, drawing No. 4035/058/03, dated 21 October 2019
- Proposed Canopy Elevations, Revision B, Drawing No. 4035/058/05, dated 9 July 2019
- Weighbridge Office Elevations, Unrevised, drawing no. 4035/058/08, dated 20 June 2019
- Proposed Canopy Building Construction details, drawing no. 1119-2 dated 6 February 2019
- E-mail from Oaktree Environmental Ltd confirming the external colour finish to the existing concrete wall east of the proposed canopy building, dated 4 November 2019
- E-mail from Oaktree Environmental Ltd specifying maximum annual throughput figures, dated 11 November 2019

In respect of Application CW8/0818/39:

Application form dated 15 August 2018

Supporting statement dated 23 August 2018

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

- 2) A copy of these conditions, including all documents referred to in them, shall be available for inspection during working hours, and the terms and conditions of the permission shall be made known to any person(s) given responsibly for the management and control of operations.

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

- 3) The site shall not be available to the general public.

**Reason:** To ensure the development does not have an adverse effect on neighbouring amenity.

#### **Types of Waste and Annual Throughput**

- 4) The types of waste received and processed at the site shall be limited to those listed in the planning application details, set out in Condition 1, only. The site operator shall keep accurate records of the total amount of wastes arriving at the site and these records shall be made available for inspection by the Waste Planning Authority upon request.

**Reason:** To safeguard the amenity of users of nearby land and to ensure that continuation of the waste management facility does not give rise to unacceptable environmental impact.

- 5) The amounts in weight of waste imported to the site annually (1 January to 31 December each year), shall not exceed 95,000 tonnes in total nor exceed:

- 60,000 tonnes of municipal waste (non-hazardous household) of which no more than 15,000 tonnes may comprise of green waste; and
- 35,000 tonnes of commercial and industrial waste and construction, demolition and excavation waste (non-hazardous), of which no more than 2,000 tonnes may comprise clean waste wood fuel in respect of the biomass boiler.

**Reason:** For the avoidance of doubt and in the interest of local amenity.

#### **Environmental Protection**

- 6) Except for the tipping of waste materials for composting, as approved by separate permission(s), there shall be no tipping, sorting or processing of waste materials outside the buildings.

**Reason:** To clarify the details approved and to ensure the development does not have an adverse effect on neighbouring commercial interests and local amenity.

- 7) There shall be no open fires or burning of wood or other materials on the site other than the operation of the biomass boiler.

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

- 8) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

**Reason:** In the interests of local amenity and the environment.

### **Waste Stockpiles**

- 9) All external stockpiles of recycled materials and windrows, shall not be constructed to a height greater than 5m when measured from ground level at the side of each stockpile.

**Reason:** In the interests of the protection of visual amenity.

### **Hours of Operation**

- 10) Activities under the operation of this permission shall only take place during the following periods (other than in the event of emergency whereupon the Waste Planning Authority will be notified in writing within seven days):

- i) Working within the external yard and waste buildings within the following hours:

Monday - Friday 0400 hours - 2300 hours

Saturdays 0400 hours – 1900 hours

Sundays, public and bank holidays 0400 hours - 1900 hours

- ii) Biomass boiler operating hours:

Monday – Friday 0000 hours -2400 hours

Saturday 0000 hours – 2400 hours

Sunday, public or Bank Holidays 0000 hours – 2400 hours

- iii) The site shall be open for the receipt and removal of wastes during the following hours:

Monday – Friday 0600 hours – 2000 hours

Saturday 0600 hours – 1900 hours

Sunday, public or Bank Holidays 0600 hours – 1900 hours

- iv) A maximum of ten vehicles involved in kerbside and trade waste refuse collection shall be permitted to leave the site to commence collection rounds from 0400 hours and 0600 hours.

- v) The shutter doors to the buildings are to remain closed during the hours of:

Monday – Friday 0400 hours – 0600 hours and 2000 hours – 2300 hours

Saturday, Sunday, Public or Bank Holidays 0400 hours – 0600 hours

**Reason:** To minimise noise disturbance, in the interests of protection of local amenity.

**Dust**

- 11) Dust management at the site shall be undertaken in accordance with the measures set out in the Dust Management Plan prepared by Oaktree Environmental Ltd, document reference no. 4035-058-DMP V1.2, dated 5 August 2010.

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

- 12) Any wind-blown wastes or litter arising from the operations on the site shall be collected immediately and removed from the site.

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

- 13) Any skips or containers which receive waste materials and which may give rise to dust and cause nuisance or environmental degradation, must be lidded, netted or otherwise covered at all times other when the waste materials are being added or removed.

**Reason:** To prevent dust arisings and in the interest of protection of local amenity.

- 14) At all times, all operations hereby approved at this site shall be carried out in a manner to minimise the generation of dust. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until weather and site conditions improve and the operations can be resumed without causing nuisance.

**Reason:** To prevent dust arisings and in the interest of protection of local amenity.

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

**Reason:** To prevent dust arisings and in the interest of protection of local amenity.

- 16) Areas on the application site where vehicular activity takes place must be hard-surfaced and well-maintained, and appropriate dust suppression methods, such as the use of water bowsers and/or hosepipes, applied.

**Reason:** To prevent dust arisings and in the interest of protection of local amenity.

**Noise**

- 17) All noise management at the site shall be undertaken in accordance with the measures set out in the Noise Management Plan, prepared by Oaktree Environmental Ltd, document reference no. 4035-058-NMP V1.5 dated 17 November 2020.

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

- 18) Efficient silencers shall be fitted to, used, and maintained in accordance with the manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purpose of maintenance, none of the above shall operate with the covers removed.

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

- 19) The use of powered tools, including pneumatic hammers to break up or reduce the size of any material, is prohibited until such times that a satisfactory noise management scheme, which makes an assessment of this equipment, has been submitted to and approved by the Waste Planning Authority. The scheme shall then be implemented as approved.

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

- 20) At all times, all vehicles, plant and machinery employed on the site shall operate only during permitted hours except in an emergency.

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

- 21) Waste shredding and screening equipment shall not be operated except during the following hours:

Monday - Friday 0800 hours - 1800 hours

Saturdays 0800 hours – 1300 hours

Sundays, public and bank holidays: no shredding or screening of waste

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

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

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

### Odour

- 23) Odour management at the site shall be undertaken in accordance with the measures set out in the Odour Management Plan prepared by Oaktree Environmental Ltd, document reference no. 4035-058-OMP V1.2, dated 5 August 2019.

**Reason:** To ensure that any odour emissions from the development does not have an adverse effect on neighbouring amenity.

- 24) Each working day, the surrounds of the site shall be monitored for any odours arising from the development. If any materials result in noticeable odours they shall be contained, or removed from the site as soon as practicable.

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

### Lighting

- 25) No external lighting shall be installed unless details have been submitted to and approved in writing by the Waste Planning Authority.

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

### Drainage and Pollution Control

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

**Reason:** To prevent contamination of underground water.

- 27) All bunds surrounding tanks containing liquid will be constructed to a minimum height of 45.5m Above Ordnance Datum (AOD).

**Reason:** To minimise the impact of flooding and to facilitate a quicker recovery in the event of a flood.

- 28) Any electrical equipment or cable to be installed shall be no lower than 45.5m AOD.

**Reason:** To minimise the impact of flooding and to facilitate a quicker recovery in the event of flooding.

- 29) The site operators will ensure that all surface water drainage continues to operate in an efficient manner.

**Reason:** To ensure that the site drains efficiently.

- 30) No foul or contaminated surface water or trade effluent shall be discharged from the site into either ground water or surface water drainage systems.

**Reason:** To ensure that the site drains efficiently.

### Highway Safety

- 31) No mud, debris or other dirt shall be carried out from the site on to the public highway.

**Reason:** In the interests of highway safety.

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

**Reason:** In the interests of highway safety.

- 33) All loaded vehicles entering or leaving the site shall be sheeted.

**Reason:** In the interests of highway safety.

### HGV Movements

- 34) The total number of HGV movements associated with the operation of the site hereby permitted shall not exceed the following limits:

- 70 HGV movements (35 in: 35 out) per day.
- No HGV movements shall take place outside the hours of operation authorised in Condition 10 of the planning permission.

**Reason:** In the interests of local amenity and highway safety.

### **HGV Routing**

- 35) The site operator shall provide and maintain signage at the weighbridge and at the site exit to inform drivers egressing the site of the route to be used by HGVs, in accordance with the HGV routing plan approved under Condition 36 for the duration of the development. A copy of the routing plan shall also be issued to all drivers.

**Reason:** In the interests of local amenity and highway safety.

- 36) All journeys by HGVs or other vehicles for transporting materials to and from the site shall be undertaken via the route specified in accordance with the HGV routing plan prepared by Oaktree Environmental Ltd, document reference no. 4035-058-09, dated 25 June 2019 and approved by planning consent Code no.CW8/0819/41 dated 8 January 2020, except for any such journeys which cannot practicably be undertaken via this route.

**Reason:** To ensure that the proposed development does not have an adverse impact on neighbouring amenity and adjoining land uses.

### **Landscaping**

- 37) Trees planted in accordance with the details shown on drawing no. 4035/058/03 Revision C entitled site layout plan, dated 21 October 2019, shall be maintained for a period of five years from the date of planting. If, within the five year period any tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Waste Planning Authority, seriously damaged or defective), another tree or shrub of the same species and size, as that originally planted, shall be planted at the same place during the next planting season, unless the Waste Planning Authority gives its written approval to any variation.

**Reason:** In the interest of visual amenity.

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

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The Authority has requested clarification on the application where required, which the applicant has provided. The Authority has provided the applicant with details of consultation comments and representations received and kept the applicant informed of progress with the application.

**The Coal Authority: Development Low Risk Area - Standing Advice**

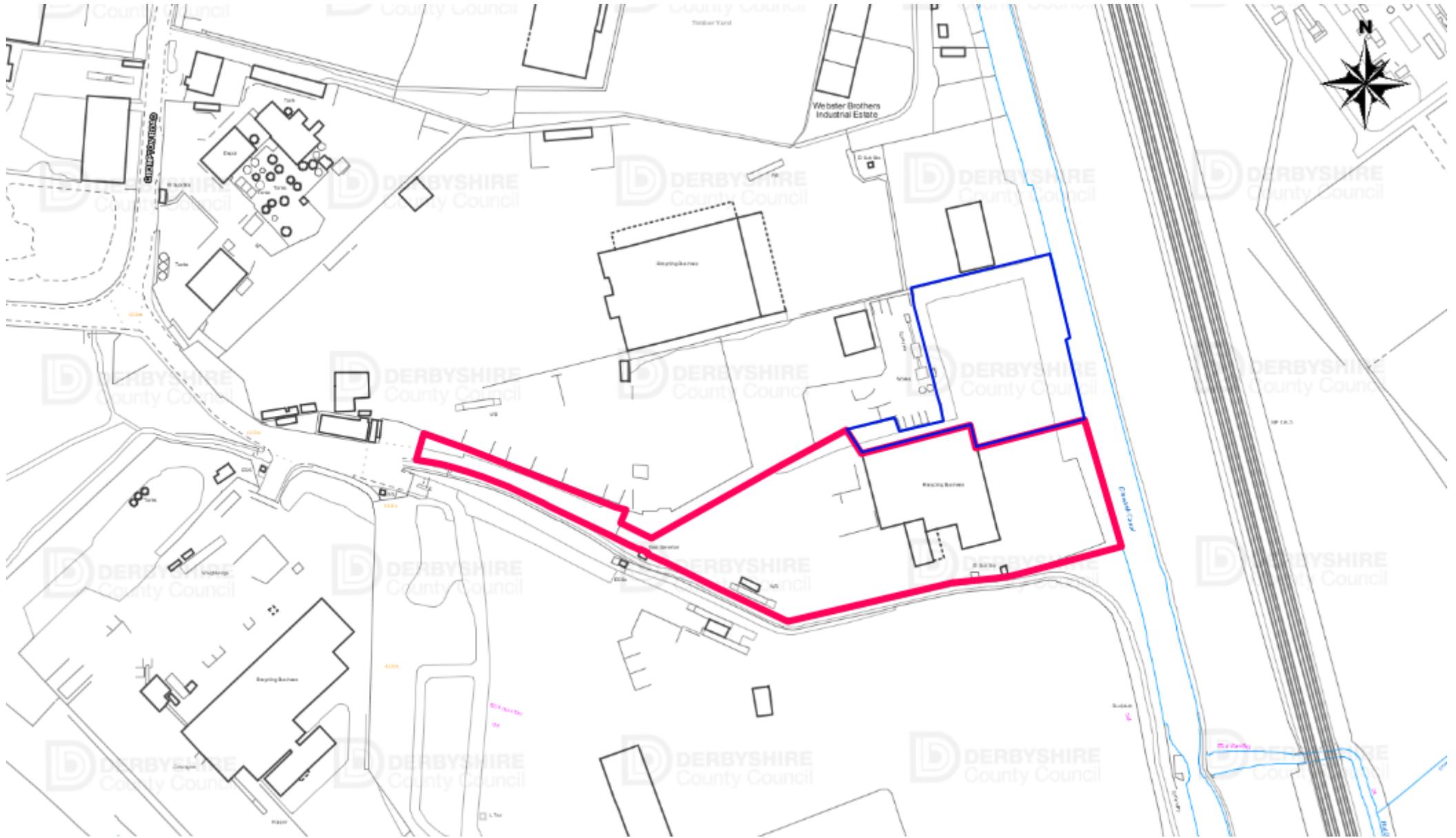
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Standing Advice valid from 1<sup>st</sup> January 2021 until 31<sup>st</sup> December 2022

**Tim Gregory**  
**Director – Economy, Transport and Environment**

cw8/0620/23 Stanton Recycling Ltd



50 m

Scale = 2500

16-Jul-2020