

DATED

17TH SEPTEMBER 2015

**PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND
COUNTRY PLANNING ACT 1990 RELATING TO LAND AT**

**PLOTS 10, 11, 12, 13, 14 AND 16 WIGWAM LANE, HUCKNALL,
NOTTINGHAM NG15 7SZ**

BETWEEN

NOTTINGHAMSHIRE COUNTY COUNCIL.

AND

FLINT HOLDINGS LIMITED

AND

OAKFIELD RECYCLING LIMITED

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THIS DEED is dated

17TH SEPTEMBER

2015

- (1) NOTTINGHAMSHIRE COUNTY COUNCIL of County Hall, West Bridgford, Nottinghamshire NG2 7QP (Council).
- (2) FLINT HOLDINGS LIMITED (Company registration number (03591090)) of Colliers House, Dunsil Road, Moorgreen Industrial Estate, Moorgreen, Nottinghamshire NG16 3TN (Owner).
- (3) OAKFIELD RECYCLING LIMITED of Colliers House, Dunsil Road, Moorgreen Industrial Estate, Moorgreen, Nottinghamshire NG16 3TN (Applicant).

BACKGROUND

- (A) The Council is the mineral and waste planning authority and county planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated and is the enforcing authority for the matters set out in this Deed.
- (B) The Owner is the registered proprietor of the freehold interest in the Property such interest being free from encumbrances.
- (C) The Applicant and Owner hereby agree to be bound by the terms and the Planning Obligations contained within this Deed.
- (D) The Applicant is the wholly owned subsidiary of the Owner.
- (E) The Applicant has made the Planning Application and is proposing to carry out the Development.
- (F) The Council having regard to all material considerations resolved at its meeting on 21 July 2015 that the Planning Permission should be granted for the Development subject to the prior completion of this Deed.
- (G) The Council considers that the obligations contained herein satisfy the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this Deed:

1.1 Definitions:

Survey Area: means the area hatched red on the Plan identifying the section of Wigwam Lane subject to the Annual Dilapidations Survey.

Annual Dilapidation Survey: the survey or surveys to be undertaken by the Applicant and/or Owner at their own cost of the Survey Area to identify the impacts of the Development on the condition of the said section of highway when compared to the Baseline Survey and setting out any works reasonably required to maintain it to a condition identified in the Baseline Survey in accordance with the Second Schedule.

Baseline Survey: means the survey to be undertaken by the Applicant and/or Owner at their own cost to assess the condition of the Survey Area prior to the commencement of the use of the Survey Area by HGVs in association with the

Development such survey to be submitted to the Council for its approval pursuant to paragraph 1.1 of Schedule 2 herein.

Commencement of Development: the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 and the terms Commence and Commences shall be construed accordingly.

Commencement Date: the date Development Commences.

Deed: means the legal agreement entered into pursuant to the TCPA 1990.

Development: the development of the Property authorised by the Planning Permission.

Existing Access: means the Owner's existing right to use the area shown shaded green on the Plan for all purposes including access and egress to the Property, as specified at paragraph 13.2.1.2.3 of the Transfer dated 11 April 2008 referred to at clause 3 of the Charges Register of the land known as Plots 10 and 11 Wigwam Lane, Hucknall, Nottingham NG15 and registered at Land Registry with absolute title under title number NT444444, the use of which will be restricted pursuant to condition 12 of the Planning Permission.

HGVs: any goods vehicles having a gross vehicle weight exceeding 17.5 tonnes which are associated with the transport of inert materials into or from the site whether laden or unladen.

The HGV Routing Scheme: a scheme for the routing of HGVs travelling to and from the Property in connection with the Development in accordance with the hours permitted by the Planning Permission and the details set out in the First Schedule, such scheme to include details of the measures to be taken to ensure compliance with the scheme as set out indicatively at Part B of the First Schedule.

Plan: the plan attached as Annex A.

Planning Application: the application for full planning permission for the use of the Property for the recycling of inert materials (retrospective) and the construction of a 5 metre high sound attenuation wall registered by the Council on 18 November 2014 under reference number 4/V/2014/0603.

Planning Permission: the planning permission to be granted by the Council pursuant to the Planning Application and including any future amendments or replacements including any future amendments to the conditions of that permission, a draft of which is attached as Annex B.

Property: the land at Plots 10, 11, 12, 13, 14 and 16 Wigwam Lane, Hucknall, Nottingham NG15 7SZ shown shaded blue on the Plan and registered at Land Registry with absolute title under title numbers NT444444, NT477449 and NT420281 and which for the avoidance of doubt does not include the Existing Access.

TCPA 1990: Town and Country Planning Act 1990 (as amended).

VAT: value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

- Working Day:** any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.
- 1.2 Clause headings shall not affect the interpretation of this Deed.
 - 1.3 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
 - 1.4 A reference to a company shall include any company, corporation or other body corporate, wherever and however incorporated or established.
 - 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
 - 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
 - 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions.
 - 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
 - 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
 - 1.10 A reference to writing or written excludes faxes and e-mail.
 - 1.11 A reference to this Deed or to any other deed or document referred to in this Deed is a reference to this Deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this Deed) from time to time.
 - 1.12 References to clauses and Schedules are to the clauses and Schedules of this Deed.
 - 1.13 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
 - 1.14 Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
 - 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This Deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000 and any amendments to the same or other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this Deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this Deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

3. CONDITIONALITY

The covenants in this Deed shall come into effect only upon the later of:

- (a) the issue by the Council of the Planning Permission; and
- (b) except where this Deed expressly provides otherwise upon the Commencement of Development by the Owner.

4. COVENANTS TO THE COUNCIL

The Owner covenants with the Council to:

- (a) observe and perform the covenants, restrictions and obligations contained in Schedule 1 and Schedule 2 of this Deed; and
- (b) give at least 10 Working Days written notice to the Council of the intended Commencement Date.

5. RELEASE

No person shall be liable for any breach of a covenant, restriction or obligation contained in this Deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

6. DETERMINATION OF DEED

The obligations in this Deed (with the exception of clause 9) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- (a) expires;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

7. LOCAL LAND CHARGE

This Deed is a local land charge and shall be registered as such by the Council.

8. LAND REGISTRY

The Owner hereby agrees to apply to register a notice of the terms of this Deed on the Charges Register of the Land Registry against Title Numbers NT444444, NT477449 and NT420281 within 14 Working Days of completion of this Deed and will inform the Council's solicitors as soon as such registration has been notified by the Land Registry and will supply the Council's solicitors at no expense to the Council or its solicitors with office copies of such registration within 14 Working Days of the completion of the said registration.

9. COUNCIL'S COSTS

The Owner shall pay to the Council on or before the date of this Deed the Council's reasonable and proper legal costs incurred in the negotiation, preparation, completion and registration of this Deed to a maximum of £1,744.00 together with disbursements.

10. REASONABLENESS

Any approval, consent, direction, authority, agreement or action to be given by the Council under this Deed shall not be unreasonably withheld or delayed.

11. CANCELLATION OF ENTRIES

11.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

11.2 Following the performance and full satisfaction of all the terms of this agreement or if this Deed is determined pursuant to clause 6 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council on the written request of the Owner shall forthwith cancel all entries made in the local land charges register in respect of this Deed and shall consent to the removal of the relevant Land Registry entries.

12. DISPUTES

Any dispute, controversy or claim arising out of or relating to this Deed, including any question regarding its breach, existence, validity or termination or the legal relationships established by this Deed, shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

- (a) the tribunal shall consist of one arbitrator being a person of not less than ten years standing with relevant experience of the matter in dispute and to be agreed and appointed jointly by the parties;
- (b) in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Town Planning Institute (or the Royal Institution of Chartered Surveyors if more appropriate);
- (c) the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and
- (d) the seat of the arbitration shall be London.

13. NO FETTER OF DISCRETION

Nothing (contained or implied) in this Deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

14. WAIVER

No failure or delay by the Council to exercise any right or remedy provided under this Deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

15. MODIFICATION

No modification variation or amendment of any provisions of this Deed shall be effective unless in writing and signed by the Parties' duly authorised signatories acting on authority to vary such terms.

16. FUTURE PERMISSIONS

Nothing in this Deed shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

17. AGREEMENTS AND DECLARATIONS

The parties agree that:

- (a) nothing in this Deed constitutes a planning permission or an obligation to grant planning permission; and
- (b) nothing in this Deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

18. NOTICES

18.1 Any notice to be given under this Deed must be in writing and must be:

- (a) delivered by hand; or**
- (b) sent by pre-paid first class post or other next working day delivery service.**

18.2 Any notice to be given under this Deed must be sent to the relevant party as follows:

- (a) to the Council at Floor 2 North Wing, County Hall, West Bridgford, Nottingham NG2 7PL marked for the attention of the Head of Legal Services;**
- (b) to the Applicant at its registered office marked for the attention of the Managing Director;**
- (c) to the Owner at its registered office marked for the attention of the Managing Director;**

or as otherwise specified by the relevant party by notice in writing to each other party.

18.3 Any notice given in accordance with clause 18.1 and clause 18.2 will be deemed to have been received:

- (a) if delivered by hand, on signature of a delivery receipt or at the time the notice or document is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or**
- (b) if sent by pre-paid first class post or other next working day delivery service, at 10.00 am on the second Working Day after posting.**

18.4 A notice given under this Deed shall not be validly given if sent by e-mail.

18.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

19. THIRD PARTY RIGHTS

A person who is not a party to this Deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

20. VALUE ADDED TAX

20.1 Each amount stated to be payable by the Council or the Owner to the other under or pursuant to this Deed is exclusive of VAT (if any).

20.2 If any VAT is at any time chargeable on any supply made by the Council or the Owner under or pursuant to this Deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice.

21. SEVERABILITY

If any term condition provision or covenant in this Deed is held to be invalid unlawful or unenforceable to any extent then amendments to this Deed may be made by the deletion of wording as appropriate to remove such invalid term condition provision or covenant but so otherwise to retain the provision and the other provisions of this Deed to the maximum extent permissible under applicable law so as not to affect the legality validity or enforceability of the remaining parts of this Deed.

22. GOVERNING LAW

This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

Schedule 1

The HGV Routeing Scheme

Part A

1. The Applicant and the Owner jointly and severally covenant with the Council as follows:
 - 1.1 prior to Commencement of the Development to submit to the Council for its written approval the HGV Routeing Scheme;
 - 1.2 not to Commence the Development or permit or allow Commencement of the Development unless and until it has delivered to the Council the HGV Routeing Scheme in accordance with the requirements of paragraph 1.1 to 1.5 hereof and has received the Council's approval to the HGV Routeing Scheme in writing;
 - 1.3 to implement the approved HGV Routeing Scheme from the Commencement of Development and to continue to comply with terms of the approved HGV Routeing Scheme for the life of the Development;
 - 1.4 The Applicant and Owner jointly and severally for themselves and their successors in title to the Property hereby covenant to ensure that all HGVs owned or controlled or contracted by the Applicant and/or Owner shall not in the course of HGV movements of any description whatsoever in connection with the Development travel to or from the Property via Hucknall High Street.
 - 1.5 The Applicant and/or Owner shall take such proper and reasonably necessary steps (including the provision and maintenance of suitable signs and notices) to require drivers of all HGVs travelling to and from the Property to observe the restrictions specified in paragraph 1.4 hereof.

Part B

- 1.6 The Applicant and/or Owner shall in order to comply with the provisions of paragraph 1.1 to 1.5 above:
 - 1.6.1 issue or cause to be issued directives to the drivers of HGVs under the direct control of the Applicant and/or Owner or otherwise lawfully entering or leaving the Property setting out and requiring compliance with the restrictions set out in paragraph 1.4 above and requiring avoidance of any alternative routes to those specified by the approved HGV Routeing Scheme;
 - 1.6.2 use reasonable endeavours to ensure compliance with such directives including the inclusion of such directive requirements within the Conditions of Contract of all haulage contractors employed by the

Applicant and/or Owner to travel to and/or from the Property and such Conditions of Contract to include an escalating sanctions regime whereby a warning will be issued for a first breach of such requirements by a contractor followed by a written warning for any second breach and then for any third breach a notice suspending a contractor's haulage contract for a period of not less than seven days and in the event that a contractor or its drivers fail to comply with such HGV routeing restrictions on four or more occasions the termination by the Applicant and/or Owner of such contractor's haulage contract;

- 1.6.3 use reasonable endeavours to enforce such contractual requirements where any breaches come to the attention of the Applicant and/or Owner;
- 1.6.4 inform the Council of the steps it has taken to comply with the requirements of this paragraph 1.6;
- 1.6.5 monitor the routeing of such HGVs travelling to and from the Property by carrying out random spot checks at the exit to the Property and on the local road network to ensure such compliance and such checks to be taken not less than four times per calendar year evidence of which shall be provided to the Council within one month of a written request from the Council; and
- 1.6.6 issue to all HGV drivers a map indicating the routes to be used and any prohibited routes.

Schedule 2
Annual Dilapidation Survey

1. **The Applicant and the Owner further jointly and severally covenant with the Council as follows:**
 - 1.1 **within one month of the date of this Deed to carry out and submit to the Council for its written approval the Baseline Survey;**
 - 1.2 **prior to each anniversary of the date of the submission of the Baseline Survey carried out in accordance with the requirements of paragraph 1.1 above and for the life of the Development to carry out and submit to the Council for its written approval the Annual Dilapidation Survey;**
 - 1.3 **to promptly carry out any reasonable remediation measures identified by the Annual Dilapidation Survey and all such subsequent surveys undertaken as is necessary to repair such damage as is identified as being caused by the carrying out of the Development, such measures to be implemented to the reasonable satisfaction of the Council.**
2. **The Council covenants to provide all such assistance as may be reasonably necessary in the granting of any permits in connection with any remediation works required to be carried out by the Applicant and Owner in accordance with its obligations under this Deed.**

Annex A. Plan



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The representation of a road, track or path is no evidence of a right of way

Supplied By John E Wright
Serial number: 001102702

The representation of features as lines is no evidence of a property boundary

Plot Centre Coordinates: 454514, 348800

Annex B. Draft Planning Permission



Nottinghamshire
County Council

Notice of Planning Decision

Town and Country Planning Act 1990

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

APPLICATION REF. NO.: 4/V/2014/0603

APPLICANT: Oakfield Recycling Limited

DEVELOPMENT: Use of site off Wigwam Lane for the recycling of inert materials (retrospective) and the construction of a 5 metre high sound attenuation wall

LOCATION: Plots 10, 11, 12, 13, 14 and 16, Wigwam Lane, Hucknall

Following consideration of an application for the above development as shown on the submitted plans, NOTTINGHAMSHIRE COUNTY COUNCIL, in pursuance of their powers under the above Act, hereby

GRANT PLANNING PERMISSION

for the development in accordance with the application, subject to compliance with the attached conditions and for the following reasons.

Failure to comply with the terms of this permission may render the development unlawful.

Date of decision

Authorised to sign on behalf of the County Council

APPLICATION REF NO. 4/V/2014/0603

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If you want to appeal against the local planning authority's decision then you must do so within six months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements(*), to the provisions of any development order, and to any directions given under a development order.

(* The statutory requirements are those set out in section 78(6) of the Town and Country Planning Act 1990, namely sections 70(1)-(3) and 72(1) of the Act.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to any area for which there is no district council), London Borough council or Common Council of the City of London in which the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

Judicial Review

The validity of this decision may be challenged by persons with sufficient interest through a claim for judicial review. Any such claim must be filed with the Administrative Court promptly and in any event not later than three months after the date of the decision. Such claims can be costly and should be pursued as a last resort after all other action has been exhausted. You would be advised to seek professional legal advice before pursuing a claim for judicial review. The full procedures governing the making of such a claim are set out in the Civil Procedure Rules Part 54.

NOTE: THIS PERMISSION REFERS ONLY TO THAT REQUIRED UNDER THE TOWN AND COUNTRY PLANNING ACTS AND DOES NOT INCLUDE ANY CONSENT OR APPROVAL UNDER ANY OTHER ENACTMENT, BYLAW, ORDER OR REGULATION.

STATEMENT OF POSITIVE AND PROACTIVE ENGAGEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions, and assessing the proposals against relevant Waste Local Plan policies and the National Planning Policy for Waste, including the accompanying technical guidance. The Waste Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees and the applicant to resolve issues and progressing towards the determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise, dust and traffic and these have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

SCHEDULE OF CONDITIONS AND REASONS

Commencement

1. This permission is for the retrospective use of the land for the recycling of inert material and new development involving revisions to site layout and the construction of a 5.0m high acoustic wall. The revisions to the site layout and construction of the acoustic wall shall take place in accordance with the timescales outlined below. This permission takes effect on the date of issue.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990 and to minimise the impact of the development on the quality of life of those living or working nearby in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

2. The Waste Planning Authority (WPA) shall be notified in writing within 7 days of:
 - (a) The completion of the revised site layout;
 - (b) The completion of the erection of the permanent five metre high acoustic wall as required by Condition 14;
 - (c) The completion of the installation of the dust suppression sprinklers as required by Condition 24(a).

Reason: To assist with the monitoring of the conditions attached to the planning permission and for the avoidance of doubt.

Approved details

3. Except where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - (a) Planning application forms received by the WPA on 18 November 2014;

APPLICATION REF NO. 4/V/2014/0603

- (b) Planning Statement received by the WPA on 18 November 2014;
- (c) Plan entitled 'Location Map' received by the WPA on 18 November 2014;
- (d) Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014;
- (e) Drawing Number 10428/102F – Layouts as Proposed (Cross Sections) received by the WPA on 13 January 2015;
- (f) Noise Assessment Report received by the WPA on 13 March 2015;
- (g) Dust Emissions Management Plan received by the WPA on 18 November 2014;
- (h) Transport Assessment Revision A received by the WPA on 18 November 2014;

Reason: For the avoidance of doubt.

Hours of operation

4. Prior to the installation of the permanent five metre high noise barrier as required under Condition 14, and prior to the installation of the dust suppression sprinklers as required under Condition 24(a), and except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), or with the prior written approval of the WPA, operations associated with the development hereby permitted shall only take place during the following hours:

Monday to Friday 7.30am to 5.30pm

Saturday 8am to 1pm

There shall be no processing of inert waste on Saturdays.

There shall be no working at all on Sundays, Public or Bank Holidays.

Reason: To minimise the impact of the development on the quality of life of those living or working nearby in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

5. Upon the installation of the permanent five metre high noise barrier to the satisfaction of the WPA, as required by Condition 14, and upon the completion of the installation of the dust suppression sprinklers to the satisfaction of the WPA, as required under Condition 24(a), and except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), or with the prior written approval of the WPA, operations associated with the development hereby permitted shall only take place during the following hours:

Monday to Friday 7am to 6pm

Saturday 7am to 1pm

APPLICATION REF NO. 4N/2014/0603

There shall be no processing of inert waste on Saturdays.

There shall be no working at all on Sundays, Public or Bank Holidays.

Reason: To minimise the impact of the development on the quality of life of those living or working nearby in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

Vehicle movements and highways matters

6. The number of heavy goods vehicles (HGVs) entering the site shall not exceed 100 vehicles per day (200 two-way vehicle movements) and 550 vehicles per working week (1,100 two-way vehicle movements). Records shall be maintained by the operator of the number of HGV movements into and out of the site on a daily basis and these shall be made available to the WPA in writing within seven days upon written request from the WPA. All such records shall be kept for at least 12 months.

Reason: To ensure the number of HGVs entering and leaving the site can be satisfactorily accommodated by the local highway network in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impact of the development on the quality of life of those living or working nearby in accordance with Policy WCS13 of the Nottinghamshire and Nottingham Waste Core Strategy.

7. Within three months of the date of this permission a Transport Report incorporating a methodology for the surveying of traffic generated by the development hereby permitted, including an assessment of employee car parking and the speed of traffic on Wigwam Lane, shall be submitted to the WPA for its approval in writing. The Transport Report shall provide for separate surveys and analysis to be undertaken in accordance with the approved methodology at periods of 12 and 24 months after its approval and the submission of these surveys and analysis to the WPA within one month of their completion. The Transport Report shall provide for the updating of the national TRICS database in accordance with the Standard Assessment Methodology, or a similar methodology to be approved in writing by the WPA, and shall summarise the trip data collected over the monitoring period and categorise the data into vehicle types, speed, associated loads and equivalent HGV loads.

Reason: To provide baseline data in the interest of highway safety.

8. Within one month of the date of this permission a Traffic Management Plan demonstrating how the vehicles associated with the development hereby approved access and egress the site so as not to compromise highway and pedestrian safety shall be submitted to the WPA for its approval in writing. The development hereby permitted shall be operated in accordance with the approved details.

Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

9. Within one month of the date of this permission internal roadways up to the two site access/exit points onto Wigwam Lane shall be surfaced in a bound material for a minimum distance of 30 metres of the highway boundary. The areas subject to the

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surfacing works shall be maintained throughout the life of the development to ensure the continued presence of a bound surface in these areas.

Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

10. Within one month of the date of this permission the wheelwash, as detailed on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, shall be installed. The wheelwash shall be maintained in working order at all times throughout the development hereby permitted and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site. Pending the relocation of the wheelwash to the location detailed on Drawing Number 10428/03 all vehicles shall exit the site over the wheelwash located on Plots 12-14.

Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

11. In the event that the wheelwash to be installed in accordance with Condition 10 fails to prevent the deposit of mud, dirt or other debris upon Wigwam Lane, then within 2 weeks of a written request of the WPA a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of mud, dirt or other debris upon Wigwam Lane shall be submitted to the WPA for approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within 7 days of approval and thereafter at all times.

Reason: To reduce the possibility of mud and deleterious material being deposited on the public highway in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

12. Within one month of the date of this permission all vehicles using the site shall only enter or exit the site via Wigwam Lane. The gates at the existing vehicular access in the northern corner of the site, as identified on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, shall not be used in accordance with the development hereby permitted and shall be kept permanently locked except when life, limb or property are in danger.

Reason: In the interest of residential amenity in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

13. Within one month of the date of this permission the office, car parking spaces and a notional turning area, as identified on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, shall be provided and thereafter retained and made available for their designated purposes at all times.

Reason: To ensure the safe and satisfactory operation of the development hereby permitted in the interests of highway and pedestrian safety in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

14. Within one month of the date of this permission details of the specification and construction (including timetable) of the permanent five metre high noise barrier, the extent of which is detailed on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014, and the five metre high temporary noise barrier identified in Appendix 9 of the Noise Impact Assessment received by the WPA on 13 March 2015 shall be submitted to the WPA for its approval in writing. The submitted details shall also include details of measures to raise ground levels on the southern section of the line of the permanent five metre high noise barrier to negate the need for the barrier to be stepped. The permanent noise barrier and the temporary noise barrier shall be constructed in accordance with the approved details and timetable and satisfactorily maintained throughout the life of the development.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to help screen the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

15. The five metre high temporary noise barrier provided in accordance with the details approved under Condition 14 shall be moved into the location identified in Appendix 9 of the Noise Impact Assessment received by the WPA on 13 March 2015 when stockpiled materials to its immediate southwest are less than 3.5 metres high. The barrier shall remain in position until such time as stockpiled materials to its immediate southwest have been built up to a height of at least 3.5 metres. The barrier shall be retained on site and shall be available for such use whenever these stockpiles are less than 3.5 metres high.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to help screen the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

16. The rating level of the noise emitted from the site shall not at any time exceed the existing background noise level by more than 5dB (including a 5dB penalty for tonal/impulsive noise) when measured in the garden area 3.5 metres from the nearest façade of the closest residential property and when assessed in accordance with BS4142:2014 – Method for Rating and Assessing Industrial and Commercial Sound.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

17. In the event of a noise complaint being received by the WPA regarding the development hereby permitted which, in the considered opinion of the WPA may be justified, the operator shall, within one month of a written request from the WPA, undertake a BS4142:2014 noise survey to determine if the noise level detailed in Condition 16 is being breached and submit the survey results in a report to the WPA for its approval in writing. Details of the noise survey, including the position of noise monitoring equipment, the methodology to be used and the date(s) for the survey to be undertaken, shall have been agreed with the WPA prior to the survey taking place. In the event that the noise survey indicates that the noise criterion detailed in Condition 16 is being exceeded, the submitted report shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion,

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including a timetable for the implementation of these additional measures. The additional mitigation measures shall be implemented in accordance with the approved details and thereafter maintained for the life of the development to ensure that the permitted noise levels detailed in Condition 16 are complied with.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

18. All plant and vehicles under the control of the operator must only employ white noise (broadband) reversing alarms when operating on the site.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

19. With the exception of 360° excavators feeding the crusher or screener within plot 16, plant and machinery involved in any operations associated with the development hereby permitted shall operate at ground level at all times. Any 360° excavator operating above ground level in plot 16 shall not operate more than two metres above ground level (ground level to be taken as that at the entrance to the public highway).

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

20. All stockpiles of waste and processed inert material on site, including stockpiles of incoming inert waste, stockpiles of processed waste in the screener/conveyor area and stockpiles of processed material awaiting export from the site, shall not exceed five metres in height above ground level. The height of stockpiles on the south western boundary of the site shall not exceed the height of the noise barrier constructed in accordance with details pursuant to Condition 14.

Reason: In the interest of visual amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to minimise the impacts of dust in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

21. Crushing and screening operations shall only be undertaken in Plot 16 and broadly in accordance with the locations detailed on Drawing Number 10428/03 – Site Plan Proposed received by the WPA on 18 November 2014.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

22. The maximum plant and machinery complement permitted to operate at any one time at the site shall be as follows:

1 x Crusher

1 x Screener

1 x Loading Shovel

2 x 360° Loaders

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The noise emissions of any alternative or replacement plant and machinery shall not exceed that which it replaces.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

23. All plant and machinery on site shall be regularly serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications. In the event that the manufacturers' maximum operating noise levels are exceeded then the machinery shall be switched off and repaired/adjusted so as to ensure compliance with these operating noise levels.

Reason: To minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

24. Within one month of the date of this permission a dust management scheme shall be submitted to, the WPA for its approval in writing. The dust management scheme shall set out measures to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors to acceptable levels and provide a scheme for dealing with complaints. The dust management plan shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- (a) The submission of details for dust suppression sprinklers to be installed around the perimeter of the site, details to include the operation of the sprinklers which shall provide for their operation both during and outside normal operating hours;
- (b) The sweeping and dampening of access and haul roads, where necessary;
- (c) Limiting on-site vehicle speeds;
- (d) Provisions for the temporary suspension of crushing, screening, stockpiling of materials and vehicle movements during periods of unfavourably dry or windy weather conditions;
- (e) Details of the mechanism for dealing with any complaints received either directly from members of the public or via the WPA.

The dust management plan shall be implemented in accordance with the approved details and the dust suppression sprinklers shall be suitably maintained throughout the life of the development.

Reason: To minimise the dust impacts associated with the operation of the development in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Operational matters

25. Prior to the installation of the permanent five metre high noise barrier as required under Condition 14, and prior to the installation of the dust suppression sprinklers as required under Condition 24(a), the maximum quantity of inert waste processed at the

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site shall not exceed 75,000 tonnes per annum. Records of the tonnage of inert waste imported to the site shall be maintained by the operator and provided to the WPA in writing quarterly from the date of the permission. Only inert wastes shall be imported, processed and stockpiled at the site and no non-inert waste materials shall be brought onto the site. In the event that any non-inert waste arises from the inert waste processing, such waste shall be stored within separate waste skips and, once full, shall be removed from the site and disposed of at a suitably licensed facility.

Reason: In the interest of local amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

26. Upon the installation of the permanent five metre high noise barrier to the satisfaction of the WPA, as required by Condition 14, and upon the completion of the installation of the dust suppression sprinklers to the satisfaction of the WPA, as required under Condition 24(a), the maximum quantity of inert waste processed at the site shall not exceed 150,000 tonnes per annum. Records of the tonnage of inert waste imported to the site shall be maintained by the operator and provided to the WPA in writing quarterly from the date of the permission. Only inert wastes shall be imported, processed and stockpiled at the site and no non-inert waste materials shall be brought onto the site. In the event that any non-inert waste arises from the inert waste processing, such waste shall be stored within separate waste skips and, once full, shall be removed from the site and disposed of at a suitably licensed facility.

Reason: In the interest of local amenity and to minimise the impact of noise from the site in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Drainage

27. Within one month of the date of this permission a surface water drainage plan shall be submitted to the WPA for approval. The drainage plan shall indicate how all surface water and foul drainage is to be collected and disposed of from the site, including the provision of trapped gullies, oil interceptors and connections to any mains drainage and a timetable for its implementation. The drainage plan shall also confirm that there are no direct connections from the site into the adjacent Baker Brook. The drainage scheme shall be implemented as approved and maintained for the duration of the development.

Reason: To prevent pollution of the water environment and to ensure compliance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Floodlighting

28. No floodlighting shall be erected at the site until details have been submitted to and approved in writing by the WPA. The details shall include the location and height of any floodlights; shall ensure that they are angled downwards and suitably shielded to ensure that they do not result in glare or dazzle to surrounding land, property and other users; confirm that they shall not be used outside the hours of 7am to 6pm Mondays to Fridays, 7am to 1pm on Saturdays and not at all on Sundays, Bank or Public Holidays; and shall confirm that outside these hours any external lighting shall

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be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes. The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

Reason: In the interest of residential amenity.

Landscaping

29. Within one month of the date of this permission a landscaping plan and landscaping details shall be submitted to the WPA for its approval in writing. The landscaping plan shall include the following details:

- (a) The erection of green plastic coated mesh on the south western face of the noise barrier approved in accordance with details submitted under Condition 14;
- (b) Details of ground preparation works for the planting of ivy and Leylandii on the south western side of the noise barrier approved in accordance with details submitted under Condition 14, including the location, width and depth of concrete to be broken and the specification of topsoil to be imported;
- (c) Details of the ivy and Leylandii to be planted, including species, sizes, spacings and the provision of compost and fertilizer;
- (d) A schedule of maintenance for the life of the development hereby permitted.

The landscaping shall be provided in accordance with the approved details and thereafter maintained in accordance with the approved maintenance details.

Reason: To screen the site from adjacent residential properties and reduce its visual impact in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

NOTES TO APPLICANT

1. The development hereby permitted must be carried out in accordance with the conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution.
2. If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the County Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.
3. Where appropriate there is a fee payable currently £97 where a written request is made for the discharge of one or more conditions on the same permission or for confirmation that condition(s) on a permission have been complied with. The fee is payable for each request and not for each condition. When submitting a fee, please provide the planning application reference number making cheques payable to Nottinghamshire County Council and send them to

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the Planning Support Officer in Planning Services at, Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford Nottingham, NG2 7QP.

- 4. Where pre-commencement conditions may be specified in this decision notice, the justification as to why such conditions are imposed and need to be discharged prior to the commencement of development is stated in accordance with Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.**
- 5. Your attention is drawn to the Standing Advice from The Coal Authority dated 1 January 2015 set out below.**

DN1.562

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IMPORTANT NOTICE: STANDING ADVICE
Planning Application Consultations with the Coal Authority

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 7626848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

This document has been executed as a Deed and is delivered and takes effect on the date stated at the beginning of it.

The common seal of
NOTTINGHAMSHIRE COUNTY COUNCIL
was affixed to this document in the presence of:



.....
[Redacted Signature]

Authorised signatory

SEAL REGISTER
NO. - 212231

Executed as a Deed by
FLINT HOLDINGS LIMITED
acting by

MARK FLINT, a director and

[Redacted Signature]

Director

ELIZABETH FLINT, its secretary

[Redacted Signature]

Secretary

Executed as a Deed by
OAKFIELD RECYCLING LIMITED
acting by

MARK FLINT, a director and

[Redacted Signature]

Director

ELIZABETH FLINT, its secretary

[Redacted Signature]

Secretary

