

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **9th SEPTEMBER 2015**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **EXTENSION OF THE EXISTING WASTE MANAGEMENET SITE TOGETHER WITH THE RETENTION OF A NEW WASTE TRANSFER BUILDING AND ERECTION OF PRODUCT STORAGE BAYS, RETENTION OF A NEW WEIGHBRIDGE AND RETENTION OF A BUILDING TO PROVIDE OFFICE ACCOMMODATION AT FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE.**

APPLICATION NUMBER: **052359**

APPLICANT: **THORNCLIFFE BUILDING SUPPLIES LTD**

SITE: **FLINTSHIRE WASTE MANAGEMENT, EWLOE BARNS INDUSTRIAL ESTATE, MOLD ROAD, EWLOE, DEESIDE, FLINTSHIRE**

APPLICATION VALID DATE: **13/10/2014**

LOCAL MEMBERS: **COUNCILLOR CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This proposal is for the extension of an existing waste management site. The proposal is retrospective as the Applicant has already erected weighbridges, an office and the transfer building. The majority

of the proposal site is located within the Ewloe Barns Industrial Estate, with an area of approximately 1ha extending to the south of the existing industrial estate on land which is unallocated for any particular use within the Flintshire Unitary Development Plan.

- 1.02 The Applicant proposes to manage up to 75,000 tonnes of waste per annum, including mixed municipal wastes, commercial and industrial wastes and inert wastes. The non-hazardous wastes would be managed within the proposed waste transfer building and inert wastes would be managed in the open air, as they currently are within the existing waste management facility.
- 1.03 Subject to the inclusion of conditions to secure landscaping, mitigation for protected species, highway controls and amenity controls, the proposal is considered acceptable, in line with policies of the adopted Flintshire Unitary Development Plan.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. Commencement
 2. Condition restricting the use of the site
 3. Tonnage restriction
 4. Contaminated land
 5. Protected species
 6. Biosecurity
 7. Hours of operation
 8. Landscape
 9. Highways
 10. Wheel wash
 11. Colour of building
 12. Height of stockpiles
 13. Dust
 14. Noise
 15. Lighting

3.00 CONSULTATIONS

- 3.01 Local Member:
Request that the application be referred to Planning Committee due to the size of the development and the impact on neighbouring properties. For the same reasons a site visit is also requested. Raises concerns regarding access and egress. Identifies dust on the road as bad during dry weather and notes the absence of controls proposed within the application. Request that Hawarden Community Council are consulted on extended operating hours due to the impact on those living nearby.

- 3.02 Buckley Town Council:
The Council was advised that a site visit had been requested, the Council confirmed its support for this request.
- 3.03 Note that the applicant has been operating outside the site boundary. The additional opening times may adversely impact on residents. The access and egress creates a problem with regard to the speed of vehicles in both directions. Reaffirm the need for a site visit and Committee determination.
- 3.04 Hawarden Community Council:
The Council object to the extension of this site because of the potential for increased noise, dust, traffic and impact on the quality of life of local residents.
- 3.05 Reiterate their objection due to the potential for increased noise, dust, traffic and impact on the quality of life for local residents.
- 3.06 Head of Assets and Transportation:
Initially requested further information regarding existing traffic generation including size of vehicles, turnover of waste at the site, more details regarding trip generation. Information regarding traffic accident data is also being compiled. Following the submission of additional supporting information confirm no objection to the proposal.
- 3.07 Head of Public Protection:
Request the inclusion of conditions to control noise and hours of operation.
- 3.08 Welsh Water/Dwr Cymru:
No objection subject to the inclusion of conditions to ensure the development does not overload the sewerage system.
- 3.09 Natural Resources Wales:
No objection subject to the inclusion of conditions to address protected species and contamination.
- 3.10 Airbus:
No objection
- 3.11 North Wales Trunk Road Agency:
Initially issued a Direction requesting the submission of further information prior to determination. Following the submission of additional information advise the inclusion of conditions to limit the number of vehicle movements at the site and to secure the provision of wheel wash facilities.
- 3.12 Ecologist:
No objection subject to the inclusion of conditions to ensure no detrimental impact on the adjacent SAC.

3.13 Landscape and trees:
No objection subject to the inclusion of conditions to secure additional landscaping and to ensure retention of existing landscaping along the eastern boundary of the site.

3.14 Drainage:
No objection subject to the inclusion of conditions to secure additional information regarding drainage within the site.

4.00 PUBLICITY

4.01 Press Notice, Site Notice
Response to publicity:
One objection received which raised the following concerns:

- Impact on residential amenity
- Visual impact of the proposals – views from the south and east are not obscured by topography and mature trees. Further screening and landscaping should be required by condition.
- Dust
- Need for noise limits
- Availability of alternative sites
- Lighting
- Height of stockpiles
- Requests a number of conditions to address the points above if the LPA is minded to grant planning permission.

5.00 SITE HISTORY

5.01 There are a number of planning permissions on the adjacent site for waste management. The most relevant are outlined below:

038502

Change of use from vacant industrial to skip hire yard/extension of existing waste transfer and recycling facility and associated building works (partly in retrospect).

044048

Single storey office building to existing weighbridge

170822

On-going enforcement investigation regarding unauthorised works. The Applicant has commenced the proposed development in advance of a determination.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
GEN 1: General Requirements for Development

GEN 2: Development inside Settlement Boundaries
 D3: Landscaping
 D4: Outdoor lighting
 WB1: Species Protection
 WB2: Sites of International Importance
 WB3: Statutory Sites of National Importance
 AC7: Protection of Disused Railway Lines
 AC13: Access and Traffic Impact
 EM3: Development Zones and Principal Employment Areas
 EM5: Expansion of existing concerns
 EM7: Bad Neighbour Industry
 EWP6: Areas of Search for New Waste Management Facilities
 EWP7: Managing Waste Sustainably
 EWP8: Control of Waste Development and Operations
 EWP11: Development on or Adjacent to landfill sites

Technical Advice Note 5: Nature Conservation and Planning (2009)
 Technical Advice Note 18: Transport (2007)
 Technical Advice Note 21: Waste (2014)

Planning Policy Wales Edition 7 (July 2014)

7.00 PLANNING APPRAISAL

- 7.01 The site is located partly within the Ewloe Barns Industrial Estate, which is accessed from the A494 trunk road. The site itself is accessed via a private road which serves a number of units on the industrial estate and lies between the industrial estate and the now closed Brookhill landfill site. This area has been affected by infilling being the location of a former brickworks. Clay was extracted within this area and the remaining depressions infilled.
- 7.02 The proposal site is adjacent to an existing waste management business and would facilitate expansion of the existing site, enabling a greater volume of waste to be managed at the site. The site is currently permitted to manage up to 75,000 tonnes per annum but has typically managed much less than this, with 27,300 tonnes of waste brought into the site in 2013 and a recorded maximum of 32,255 tonnes in 2010. The Applicant has advised that waste received at the site in 2014 totalled 53,600 tonnes. NRW has not yet published data for 2014.
- 7.03 The proposal is partly retrospective, and includes the retention of a waste transfer building which measures 10m to the eaves, and 13.55m to the top of the ridge, 26.5m x 35m in width and length respectively. The building has been partly constructed using steel portal frames with steel Kingspan cladding to the sides, rear and roof. The building would be open fronted and contain a 5m high concrete push wall. Two weighbridges and an office weighbridge building have also been erected at the entrance to the existing site. The office

measures 6.32m in height, 12.26m in length and 6.26m in width with an electric store measuring 2.2m in height, 3.78m in length and 6.26m in width. Both the office building and the electricity store are brick built with concrete roofing tiles. The office has UPVC double glazing. Two weighbridges have been erected adjacent to the office building and are raised slightly off the ground, extending just beyond the length of the office and electricity station.

- 7.04 The boundary of the existing site would extend to the south, and be used for the storage and treatment of non-hazardous inert, excavation and aggregate wastes. The southern part of the proposal site rises up by up by approximately 4m in places. An area of concrete hardstanding with sealed drainage is proposed within the areas where non-hazardous wastes would be managed. Surface water would be managed using rainwater harvesting tanks. Permeable hardstanding is proposed within the areas which the inert wastes would be managed. No change in existing floor levels are proposed.
- 7.05 The sorting and treatment of mixed wastes would take place in the building, as is currently taking place within the existing waste transfer building on a concrete base. Plant which would be used at the site would include vehicles for the sorting, loading and unloading of waste/product, a crusher and screen and a water bowser for dust suppression. The vehicles to be used would be similar to those already used on site.
- 7.06 Concrete storage bays would also be erected with a concrete base with sealed drainage for the storage of green waste and wood waste. Steel pallisade fencing is proposed. Mitigation for great crested newts is proposed to the south of the application site, outside the planning application boundary but on land within the Applicant's control. The Applicant has also commenced waste management operations within the site and is storing soils, wood waste and skips. Hours of operation proposed are 07:00 – 18:00 Monday to Saturday, including Bank Holidays, except Christmas Day.
- 7.07 Principle
The proposal site is located partly within an employment area allocated under policy EM3. Policy EM 3 supports B1, B2 and B8 uses subject to a number of tests. The Ewloe Barns Industrial Estate is identified as an Area of Search for waste management under policy EWP 6 and is directly adjacent to an existing waste management facility operated by the Applicant.
- 7.08 The southern part of the proposal lies outside of the development boundary and is not allocated for any particular use within the UDP. Policy EM5 supports the expansion of existing concerns subject to a number of detailed tests, including that the proposed extension is subsidiary to the existing operations. The area proposed which lies outside any allocation is relatively small compared with the overall

operations which lie within the employment allocation.

- 7.09 Policy EM5 also requires that the development is in keeping with both the site and its surroundings and any new site boundary is logical, utilising existing features or incorporating suitable boundary treatments. The existing industrial estate is relatively well assimilated into the surrounding landscape as it is relatively flat and well screened by mature trees and vegetation. The boundary of the industrial estate is well defined to the south by a change in topography. The Applicant proposes some landscaping to the south and further landscaping could be secured by condition.

7.10 Amenity

The proposal site is located on the edge of an existing industrial estate. The nearest residential properties are located approximately 200m to the north of the proposal site, separated from the site by the A494 and the industrial estate. There are also a small number of isolated properties along Pinfold Lane which lie just over 200m from the proposal site.

- 7.11 There are a number of UDP policies which necessitate consideration of the impact of a proposal of this nature on residential amenity, including GEN1 (d), EM3 (iii), EM7(iv), EWP8(b). Policies GEN 1 and EM3 state that there should be no significant adverse impact on the amenity of nearby residents and other users of the land through increased activity, disturbance, noise, dust or adverse effects of pollution, while policy EWP8, supports proposals which do not detrimentally affect the health and amenity of neighbouring land users.

- 7.12 An objection received in relation to this proposal raises issues relating to residential amenity from noise and the release of dust from existing operations, light intrusion, and visual impact. The objector makes reference to complaints made to the Local Planning Authority in respect of activities on the site. Monitoring was undertaken by Pollution Control Officers who concluded that no statutory nuisance had been caused. Although the development is not causing a statutory nuisance, the Local Planning Authority have been liaising with Natural Resources on this matter since a number of complaints have been received in respect of the existing site.

7.13 Dust

The site is set at some distance from the nearest residential properties and it is considered possible to limit dust through good site management. The proposal site would be regulated by Natural Resources Wales via an Environmental Permit, as the existing site is, and which would address matters such as dust control. However, the Permit may not include all elements of the proposed activities on the site and it is therefore considered necessary to ensure that dust is adequately controlled on site through the use of an appropriately worded condition. The Applicant has proposed a series of dust control

and monitoring measures which would help minimise the release of dust if implemented.

7.14 Noise

Although the site is set at some distance from the nearest residential properties it is considered noise could potentially become a nuisance due to the types of machinery and the nature of the activities that would take place on the site. There are noise conditions attached to planning permission reference 038502 which limit noise levels arising from the site at the nearest residential properties, as well as a condition restricting hours of operation.

7.15 During the operational phase, noise is a matter which would be regulated by NRW. The Environmental Health Officer did not object to the proposal subject to the inclusion of conditions to address noise and to control the hours of operation.

7.16 Visual amenity

The proposal site is located well away from residential properties and whilst distant views of the site may be possible from residential properties along Liverpool road and Smithy Lane, any impact is not considered sufficient to cause significant harm to residential amenity.

7.17 Views from Pinfold Lane are restricted due to topography and existing vegetation which provides a natural visual barrier between the proposal site residential properties. Any visual impact is considered to be relatively minor and unlikely to harm the amenity of local residents. Stockpiles of materials within the site and the transfer building are considered likely to be the most intrusive elements of the proposed development. In order to minimise the visual impact of the transfer building it is recommended that a condition is included restricting the colour of the cladding to be used in its construction, including the roof. In order to minimise the visual impact of stockpiles of waste material it is recommended that an overall height limit is secured by condition.

7.18 Highways

The proposal site would be accessed from the A494 Trunk Road via a private road within the Ewloe Barns Industrial Estate. The private road is partly hard surfaced up to and just beyond the access of the existing waste management facility. The remainder of the road is not hard surfaced and currently serves the proposal site and two units. The lack of hard surfacing along this part of the private road has the potential to cause vehicles using this road to track mud and debris along the remainder of the private road and onto the highway. It is proposed that any deposit of mud and/or debris within the internal road would be cleared using a sweeper vehicle or other similar arrangement.

7.19 The existing site managed approximately 53,600 tonnes in 2014 and generated approximately 61 vehicle movements per day. This is

predicted to increase by approximately 24 vehicles per day, as a result of the proposed extension, which the Applicant has demonstrated would be less than the vehicle movements which could be generated by a B8 use on the site without recourse to planning. The Welsh Government have not objected but have advised that a condition should be imposed to limit the total number of vehicle movements to 208 per day. Wheel wash facilities are also requested. Additionally, in Officer's view it is considered necessary to limit the tonnage of waste that can be managed at the site on an annual basis to 75,000tpa.

7.20 Ecology

The proposal site is located close to the boundaries of the Buckley Claypits and Commons Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special Area of Conservation (SAC). These sites support a nationally important population of great crested newt (*Triturus cristatus*); and in the case of the SSSI, an assemblage of the amphibian species. The proposal would involve the extension of the waste management operations onto land which was formally used as a landfill which has been restored and which could provide terrestrial habitat for newts. The proposal also involves the extension of waste management operations into land which forms part of a disused railway line. Policy AC7 aims to secure the protection of disused railway corridors where there is a reasonable prospect of the function of the line as a wildlife corridor. Much of the railway line is already occupied by the Ewloe Barns industrial estate, although a line of trees to the east of the estate helps to screen the estate to views from the east and which also has the potential to act as a wildlife corridor.

7.21 Since the application was submitted the Applicant has amended the red line boundary to include an additional area of land to the south of the proposal site, adjacent to the SAC. Neither the County Ecologist nor NRW has objected to the proposed boundary change subject to the inclusion of conditions.

7.22 All works are in close proximity to ponds with known GCN records and the land adjacent to the application site represents good amphibian terrestrial habitat, the existing hedgerows that border the western and eastern boundaries of the site are particularly important as wildlife corridors.

7.23 With regards to the Habitat Regulation Assessment any likely significant effects can be overcome providing appropriate reasonable avoidance measures and a mitigation scheme are undertaken. Mitigation is proposed, however, it is recommended that conditions are imposed to secure the implementation of such mitigation and to ensure the necessary detail is submitted.

7.24 Landscape

The proposal site lies on the southern boundary of an established

industrial estate. To the south of the site is Brookhill landfill and to the north of the estate, bisected by the A494 lies Parry's Quarry which has planning permission for landfill. The estate itself has a number of industrial style buildings with metal cladding which are in keeping with the buildings proposed under this planning application.

- 7.25 Views into the site are severely restricted from the west and south due to topography and existing vegetation. Views into the site from the east are screened by mature trees along the former railway line. Views into the general site and adjacent businesses and the proposed transfer building are possible from east-bound traffic using the A494(T).
- 7.26 The southern part of the site rises up sharply up to 10m above the existing site. Activities on this part of the site have the potential to be more visually intrusive, particularly if materials are stockpiled a number of metres high. It is stated within the application that stockpiles of material would be restricted to 5m in height. In order to minimise the visual impact of the proposal it is recommended that a condition is included to limit stockpile height across the site.
- 7.27 Drainage
Policy GEN 1 (i) seeks to ensure that proposals are not susceptible to or result in problems related to drainage, either on-site or off-site.
- 7.28 The proposal would involve the installation of an area of concrete hardstanding with sealed drainage for the management of non-hazardous wastes, as would be required by a permit, to ensure that any leachate produced would not be released into the environment. The remainder of the site would be laid with a permeable hardstanding for the management of inert wastes and soils. The proposal would also involve the erection of a waste transfer building. Collectively, the proposal would increase the rate of surface water run-off. It is proposed that surface water would be directed towards an existing underground pipe outlet.
- 7.29 Since the application was submitted the Applicant has submitted further information in respect of drainage including the use of attenuation tanks. Further information is considered necessary with respect to drainage, however, it is considered that this can be secured via condition.
- 7.30 Contaminated Land
Policy GEN 1 (i) states that development should not be susceptible to problems related to contamination. Policy EWP 14 supports the reclamation and reuse of contaminated land subject to a number of detailed tests, to ensure that appropriate measures are taken to deal with any contamination which exists on the site and to ensure that no residual risk remains on site for future receptors.

7.31 The site was originally the location of the Ewloe barn Brickworks and has previously been used for inert landfill. Contamination is therefore strongly suspected at the site and as such both the Contaminated Land Officer and Natural Resources Wales recommended that contaminated land is further investigated at the site. The Applicant has submitted further information in respect of contaminated land and the Contaminated Land Officer has confirmed, from a health perspective, sufficient information has been provided. NRW have advised that further information is required in respect of controlled waters, which are of high environmental sensitivity in this location, and this should be secured via condition.

7.32 In order to ensure that issues relating to contamination are fully addressed a number of conditions are recommended.

7.33 Environmental Impact Assessment

The Applicant requested a screening opinion, application number 052035, which concluded that the proposal would not give rise to significant adverse effects on the environment and that therefore an Environmental Impact Assessment was not required. There are no national or international ecological designations covering the site, though Buckley Claypits and Commons SSSI and Deeside and Buckley Newt sites SAC are located to the south of the site. Due to the proximity of the proposal site to the SAC and SSSI the views of Natural Resources Wales (NRW) and the County Ecologist were sought. NRW confirmed that they did not consider an EIA is required in this instance but they advised that mitigation would be necessary which can be secured by condition and/or legal agreement.

8.00 CONCLUSION

8.01 The proposal would involve the extension of an existing waste management site, which would allow waste to be managed in a sustainable way, diverting it from landfill and maximising recovery, in line with Technical Advice Note 21. The proposal has the potential to impact on protected species, residential amenity, highway safety, landscape, and contaminated land, however, as discussed in the body of the report above, it is considered these matters can be satisfactorily addressed through the use of appropriately worded conditions.

8.02 Subject to the inclusion of conditions to address the matters identified above, the proposal is considered acceptable, in line with policies of the adopted Flintshire Unitary Development Plan.

8.03 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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