

FLINTSHIRE COUNTY COUNCIL

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

DATE: **23RD MARCH, 2016**

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

SUBJECT: **APPLICATION FOR VARIATION OF CONDITION NUMBERS 2, 14 AND 18 FOLLOWING GRANT OF PLANNING PERMISSION 042468 AT PARRY'S QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION NUMBER: **054135**

APPLICANT: **MOLD INVESTMENTS LTD**

SITE: **PARRY'S QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION VALID DATE: **13/08/2015**

LOCAL MEMBERS: **CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN**

REASON FOR COMMITTEE: **MEMBER REQUEST DUE TO IMPACT ON THE HIGHWAY AND NEARBY BUSINESSES AND RESIDENTIAL PROPERTIES**

SITE VISIT: **YES: SITE VISIT WAS UNDERTAKEN ON THE 22ND FEBRUARY**

1.00 SUMMARY

- 1.01 Members will note that this application was deferred by Planning Committee on the 24th February 2016 to allow clarification to be provided regarding the proposed conditions and the reason for any amendments to conditions imposed on the original landfill permission. Because a Section 73 application results in a new permission, a review of the conditions attached to the original planning permission has been undertaken and amendments and/or additional schemes required where considered necessary.
- 1.02 To address the concerns raised by Members, Appendix 1 has been included which identifies the wording imposed on the original landfill permission, the wording proposed for inclusion on any conditions attached to this application

and the reason for any change. To summarise, the proposed changes can be broadly grouped into:

- **Wording changes which are necessary as a direct result of the proposal:** Conditions 2 (list of approved plans and documents), 13 (vehicle manoeuvring, plant storage, parking and internal site access roadways), 14 (approved points of access), 15 (wheel washing facilities), 17 (no drainage onto highway), 18 (highway improvement works);
- **Wording changes which are necessary to ensure compliance with an approved scheme:** Conditions 10 (noise), 12 (dust), 21 (litter), 24 (drainage), 26 (leachate and gas), 31 (liaison committee).
- **Wording changes which are necessary because an approved scheme needs updating in light of changes to the development:** Conditions 4 (working programme), 6 (landscaping), 8 (ecology), 28 (restoration) and 29 (Aftercare).
- **Wording changes to reflect the fact that the development has commenced:** Conditions 1 (commencement), 7 (topographical surveys)
- **Conditions which are to remain unchanged:** 3, 5, 9, 11, 16, 19, 20, 22, 25, 27

1.03 N.B Condition 23 has been amended to allow waste to be stored within the waste transfer building proposed under application 054201 and condition 32 added to secure a traffic management plan.

1.04 This application is to amend condition 2 to include the new access proposed under application 054050, to amend condition 14 which restricts site access to that currently consented to allow the use of another access, which is the subject of planning application 054050, and to amend condition 18 which requires improvements to the site access and the junction of Pinfold Lane with the A494 to be made prior to the receipt of waste.

1.05 It is recommended that condition 14 is amended to read:

“Site access from the public highway shall only be at the point shown on ‘Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006’ and ‘Proposed Road Access layout Retaining Existing Gates’, drawing number CL(0)02 dated September 2006.

Upon the satisfactory completion of the new access point, as approved in writing by the Local Planning Authority, shown on drawing ‘1735-01-SK101 Proposed New Site Access General Arrangement’ dated 23rd July, the existing approved access point shown on ‘Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006’ and ‘Proposed Road Access layout Retaining Existing Gates’, drawing number CL(0)02 dated September 2006 shall be for cars and light vehicles only and shall not be used for Heavy Goods Vehicles. Heavy Goods Vehicles shall then only access and egress the site using the point shown on drawing ‘1735-01-SK101 Proposed New Site Access General Arrangement’ dated 23rd July.

- 1.06 It is recommended that condition 18 is amended to read:
“Within 3 months of the date of this permission, a scheme detailing highway improvement works on Pinfold Lane, including a timetable for their implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall include detailed design, geometric layout, construction and drainage. All works adjacent to the A494 trunk road shall meet the standards required by the Design Manual for Roads and Bridges (DMRB). The scheme shall be implemented as approved, prior to the receipt of waste unless otherwise agreed in writing by the Local Planning Authority.”

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

- 2.01 Supplementary S106 agreement to attach the obligations contained in the S106 agreement dated 16 December 2008 in relation to planning permission 042468 to the permission arising out of this application.

- 2.02 Subject to the following conditions:

- (1) Linking commencement to date of permission
- (2) Development to be carried out in accordance with approved plans
- (3): Approved plans and documents to be kept at site office.
- (4) Detailed working programme to be submitted and agreed
- (5) Reviews of the development to be submitted and agreed
- (6) A landscaping scheme to be submitted and agreed
- (7) Topographical surveys to be submitted and agreed.
- (8) A scheme to secure mitigation and compensation for great crested newts to be submitted and agreed
- (9) Hours of operation.
- (10) Development to be carried out in accordance with approved noise scheme
- (11) Noise limits at nearby sensitive properties.
- (12) Development to be carried out in accordance with approved dust scheme.
- (13) A scheme to secure details of hard surfacing of internal site access roadways, parking, vehicle manoeuvring and plant storage areas to be submitted and agreed.
- (14) Restriction of site access to existing approved and new approved only
- (15) A scheme to prevent the deposition of mud, dust, debris and litter onto

the public highway to be submitted and agreed.

(16) Sheeting of vehicles.

(17) No drainage from the site shall be connected to or allowed to discharge onto the highway, unless otherwise agreed in writing by the Local Planning Authority.

(18) Require the submission and implementation of highway improvement works prior to the receipt of waste.

(19) Implementation of odour neutralisation around site periphery.

(20) External lighting.

(21) Development to be carried out in accordance with approved scheme for the control of litter.

(22) Location of the storage of plant, skips or any other item.

(23) Restriction of temporary stockpiles of waste outside of the transfer station.

(24) Development to be in accordance with approved scheme for the management of surface water and ground water.

(25) Storage of oils, fuels and liquid chemicals.

(26) Development to be in accordance with the approved scheme for facilities to deal with leachate and gas.

(27) Restriction of levels within the site.

(28) A scheme detailing progressive restoration to be submitted and agreed.

(29) An aftercare scheme to be submitted and agreed.

(30) Cessation of the deposition of waste no later than 20 years from the notified date of commencement and restoration in accordance with approved schemes.

(31) Implementation of approved liaison committee scheme.

(32) A traffic management plan to be submitted and agreed.

3.00 CONSULTATIONS

3.01 Local Member: Request that the application be referred to Planning Committee and a site visit due to the impact on the highway and nearby businesses and residential properties.

3.02 Buckley Town Council: The original planning permission in 2005 was for a landfill site. The two applications (054050 and 054135) appear to be moving away from that original application. With regard to the variation of condition number 18 placed on the planning permission in relation to 042468, the Town Council believes that the traffic light junction with the A494 still requires to be

changed and upgraded as, since 2005, traffic flows have increased from the site in question, but also Flintshire County Council has substantial vehicle movements at the location due to the development of its Alltami Depot since 2005. The Committee, therefore, requests a site visit to consider the impact of current and future vehicle movements on the highway as it currently stands and the environmental and visual impact of the proposed changes.

- 3.03 Hawarden Community Council: No objection
- 3.04 Head of Assets and Transportation: Initially recommended refusal in the interest of highway safety. Raise no objection to the amendment of conditions 2 and 14 of permission 042468 subject to the approval of 054050. However, raise concern regarding the removal or amendment of condition 18. There are two parts to condition 18: removal of the requirement to widen the site access and removal of the requirement to widen the approach to the A494 junction. Whilst the first part could be considered acceptable following the grant of planning application 054050, no justification has been submitted to warrant agreement to the second part of the proposal. Pinfold Lane, on approach to the junction is less than 6m wide; this is considered to be too narrow to allow two large HGVs to pass comfortably. The previous proposals allowed for the widening of the road up to 10.5m (3 no. 3.5m wide lanes). These widths were proposed in the Environmental Statement dated 2006 and there has been no recent review as to whether these improvements continue to be appropriate.
- 3.05 Following the submission of additional information, including a road widening scheme along Pinfold Lane, do not object subject to the inclusion of conditions to secure a detailed scheme for the widening of Pinfold Lane and to ensure its implementation prior to the development being brought into use, and to secure positive means to prevent the run-off of surface water from any part of the site onto the highway.
- 3.06 Environmental Health Officer: No objection subject to the retention of the noise conditions included on the original landfill consent.
- 3.07 Forestry Officer: Detailed comments regarding trees and landscaping with respect to the three applications. Requests the inclusion of additional landscaping along the western boundary of the site and on bunds.
- 3.08 County Ecologist: No objection subject to the inclusion of a condition to secure an updated detailed mitigation and compensation scheme with respect to great crested newts.
- 3.09 Natural Resources Wales: No objection subject to the inclusion of a condition to secure an updated detailed mitigation and compensation scheme with respect to great crested newts.
- 3.10 Welsh Government Transport Division: Initially issued a direction that permission be withheld pending the submission of suitable information/evidence, which concludes that no further improvements to the A494/Pinfold Lane Junction are necessary. Initially issued a direction that

permission be withheld pending the submission of suitable information/evidence, which concludes that no further improvements to the A494/Pinfold Lane Junction are necessary. Following the submission of additional information removed the direction and now direct that any planning permission shall include a number of conditions to secure adequate provision for vehicles to turn, wheel washing facilities, full details of the highway improvement works, and measures to prevent drainage from flowing onto the trunk road.

- 3.11 Airbus: No comment received at time of writing report.
- 3.12 Coal Authority: Recommend including the Coal Authority's Standing Advice within the decision notice as an informative note to the Applicant.
- 3.13 Archaeology: There are no archaeological implications relating to the variation of condition.

4.00 PUBLICITY

- 4.01 Press Notice, Site, Notice, Neighbour Notification
- 4.02 Objection: Pinfold Lane is derestricted i.e. 60mph national speed limit, is narrow and is not suitable for further entrances and exits for vehicles in such proximity to other high intensity vehicle users such as FCC Depot.
- 4.03 Objection: Pinfold Lane is not considered suitable for HGVs at present. The swept path drawings demonstrate that the road is not wide enough for two lorries to pass. The proposal would result in increased traffic movements closer to private properties and the hotel, resulting in increased noise, dust. Concern regarding past performance of the operator.

5.00 SITE HISTORY

- 5.01 The proposal site was previously worked under a mineral permission which is subject to an undetermined ROMP.
- 5.02 038425: Waste transfer station including weighbridge, highway protection, lorry parking and raising of levels to create a hardstanding. Approved by Planning Committee, date of decision 21/04/2005
- 5.03 042468: Construction and operation of a solid waste landfill with associated infrastructure and enhanced site access. Granted on appeal, reference APP/A6835/A/08/2068136.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
 - GEN 1: General requirements for development
 - GEN 3: Development outside development boundaries
 - D3: Landscaping

D4: Outdoor lighting
WB1: Species protection
WB2: Sites of International Importance
WB3: Statutory Sites of National Importance
AC13: Access and Traffic Impact
EM5: Expansion of existing concerns
EM7: Bad Neighbour Industry
EWP6: Areas of Search for Waste Management
EWP7: Managing Waste Sustainably
EWP8: Control of Waste Development
EWP11: Development on or adjacent to landfill sites
EWP16: Water Resources

- 6.03 Planning Policy Wales Edition 8, January 2016
Technical Advice Note 5: Nature Conservation and Planning, 2009
Technical Advice Note 18: Transport, 2007
Technical Advice Note 21: Waste, 2014

7.00 PLANNING APPRAISAL

7.01 Principle

The principle of a waste management use in this location is well established through the grant of previous planning permissions. The most significant of which is for the construction and operation of a solid waste landfill which was granted on appeal, reference number 042468, appeal reference APP/A6835/A/08/2068136. This proposal would not significantly change the landfill planning permission but is intended to provide an alternative access to the site for HGVs.

7.02 Highways

Pinfold Lane is an unclassified road with a 60mph speed limit. The road connects with the A494 Trunk Road. The proposal would enable the Applicant to use an access to the north of the existing access approximately 90m to the north of the Pinfold Lane/A494 Junction through revision to condition 14 attached to the landfill permission and would remove the need for the highway improvement works required by condition 18. The proposed access is the subject of a separate planning application, reference number 054050.

7.03 Condition 14

Condition 14 restricts site access from the public highway to the existing quarry access, as shown on '*Plan 2. Block Plan Showing Main Elements of Proposed Landfill Project*', Sheet 1 of 2 dated 9 November 2006 and '*Proposed Road and Access Layout Retaining Existing Gates*', Drawing No CL(0)02 dated September 2006. The Applicant is seeking to vary condition 14 to read: "*Site access from the public highway at the point shown on 'Plan 2. Block Plan Showing Main Elements of Proposed Landfill Project*', Sheet 1 of 2 dated 9 November 2006 and '*Proposed Road and Access Layout Retaining Existing Gates*', Drawing No CL(0)02 dated September 2006 shall be for cars and light vans only. Heavy Goods Vehicles shall only use the site access from the public highway at the point shown on drawing '1735-01-SK101 Proposed

New Site Access General Arrangement' dated 23rd July 2015."

- 7.04 For clarity, and in order to restrict the points of access to the site from the highway it is recommended that condition 14 is amended to read:

"Site access from the public highway shall only be at the point shown on 'Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006' and 'Proposed Road Access layout Retaining Existing Gates', drawing number CL(0)02 dated September 2006.

Upon the satisfactory completion of the new access point, as approved in writing by the Local Planning Authority, shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July, the existing approved access point shown on 'Plan 2, Block Plan Showing Main Elements of Proposed Landfill Project, Sheet 1 of 2 dated 9 November 2006' and 'Proposed Road Access layout Retaining Existing Gates', drawing number CL(0)02 dated September 2006 shall be for cars and light vehicles only and shall not be used for Heavy Goods Vehicles. Heavy Goods Vehicles shall then only access and egress the site using the point shown on drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July."

- 7.05 Condition 18

The Applicant is also seeking to vary condition 18, which has two parts; firstly, removal of the requirement to widen the site access and removal of the requirement to widen the approach to the A494 junction.

- 7.06 The improvements proposed as part of the application included:

- Improvements to existing site access to allow heavy goods vehicles to enter and leave the site at the same time;
- Widening of the approach to the signals from Pinfold Lane to provide a two lane entry at the junction to increase capacity;
- Relocation of existing splitter island and traffic signal pole on the A494 (east) to provide additional manoeuvring area for long vehicles leaving Pinfold Lane (north) and travelling east.

- 7.07 The Applicant initially requested that the condition be amended to read "*No waste material shall be brought onto the site until the Heavy Goods Vehicle site access point has been fully constructed in accordance with approved drawing '1735-01-SK101 Proposed New Site Access General Arrangement' dated 23rd July 2015*". The Highway and Development Control Manager objected to the proposal and Welsh Government issued a direction due to concerns related to the highway improvements rather than the improvements to the access, which could be considered acceptable following the grant of approval 054050. Pinfold Lane on approach to the junction is less than 6m wide, which is too narrow for two large HGVs to pass comfortably. Concern has also been raised by members of the public and the Town Council.

- 7.08 In response to this the Applicant submitted a Technical Note which comprises a revised road widening scheme which widens the Pinfold Lane (north)

approach to the A494 junction by 0.75m. The Technical Note also sought to demonstrate that the landfill development would result in a strictly limited increase in vehicle movement across the local highway and would have a negligible impact on the operation of the A494/Pinfold Lane Junction.

7.09 A further iteration of the road widening scheme has been submitted, which demonstrates that increasing the approach by 0.75m would result in a carriageway width of 3.75m at the approach to the junction. The Welsh Government has now removed their direction subject to the inclusion of conditions to secure further detail regarding movement of vehicles within the site, highway improvements, the provision of a wheel wash, and drainage.

7.10 It is recommended that condition 18 is amended to read:
“Within 3 months of the date of this permission, a scheme detailing highway improvement works on Pinfold Lane, including a timetable for their implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall include detailed design, geometric layout, construction and drainage. All works adjacent to the A494 trunk road shall meet the standards required by the Design Manual for Roads and Bridges (DMRB). The scheme shall be implemented as approved, prior to the receipt of waste unless otherwise agreed in writing by the Local Planning Authority.”

7.11 At Planning Committee on the 24th of February 2016 Members resolved to grant planning application 054050 for the creation of a new access subject to the submission of a traffic management plan. For the avoidance of doubt it is recommended that the same condition is included on any S73 permission. Subject to the inclusion of conditions to address the matters raised above the proposal is considered acceptable in highway terms, in line with policy AC13 of the adopted Flintshire Unitary Development Plan.

7.12 **Landscape**

The new access is located approximately 290m along Pinfold Lane and is located within a line of semi-mature trees which extend along much of the western periphery of the quarry. The proposed road widening scheme and the creation of adequate visibility splays would necessitate the cutting back and/or removal of vegetation, some of which has already been removed to facilitate the creation of the new access. The trees provide an important visual screen and form part of the approved landscaping scheme for the overall site. In order to ensure that the proposed amendments to the highways conditions do not have a detrimental impact on the landscape it is recommended that condition 6 is amended to secure further landscaping and to help ensure that the landscaping for the entirety of the site links in with any landscaping required under application 054201 and 054050.

7.13 There are no landscape designations which would be affected by the proposal and any visual impacts would be limited due to the location of the entrance.

7.14 **Ecology**

The site is in close proximity to the Buckley Claypits and Commons Site of Special Scientific Interest (SSSI) and Deeside and Buckley Newt Sites Special

Area of Conservation (SAC), with part of the designations falling within land within the ownership of the Applicant. A scheme to secure mitigation for the landfill works was secured under reference 051710 and the site as a whole requires a licence under Regulation 53 of the Habitats Regulations. Given the proposed changes to the site both NRW and the County Ecologist have recommended that further details are secured via condition.

7.15 **Amenity**

Concern has been raised by members of the public regarding the impact of allowing a new access to be used. The Environmental Health Officer has not raised concern regarding the proposal. The new access would be located at distance from residential properties and is considered to have no further impact on amenity than the existing access. The Environmental Health Officer has not objected to the proposal subject to the retention of the original noise conditions.

7.16 **Environmental Impact Assessment**

The landfill planning permission, reference 042468, was subject to Environmental Impact Assessment as it fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as amended. The proposed development comprises a change to the development and has been considered against category 13(a) of Schedule 2: Changes or extensions to development within Schedule 2.

7.17 The proposed changes are considered to be of local importance only and do not significantly change the development already approved.

7.18 **Other matters**

A review of the conditions attached to planning permission 042468 has been undertaken and it is recommended that those conditions which are still relevant should be duplicated on the any approval given under Section 73, for the avoidance of doubt and to ensure there is sufficient control over the entirety of the site since a S73 planning permission results in a new planning consent. Appendix 1 identifies the original conditions imposed on the landfill consent, the proposed conditions and the reason for any change.

8.00 **CONCLUSION**

8.01 The proposed amendment to condition 14 would permit the use of a new access approximately 90m to the north of the A494/Pinfold Lane junction. The new access would be used to serve HGVs and is considered to be better located than the existing location as its location away from the Pinfold Lane/A494 junction is less likely to cause disruption to the operation of the junction.

8.02 The Applicant has proposed highway improvements along Pinfold Lane to remove the need to undertake the improvements approved under the landfill consent under condition 18. Further detail regarding the highway improvements is considered necessary and could be secured via condition.

- 8.03 A Section 73 gives a permission in its own right. For the avoidance of doubt and to ensure that there is adequate control over the entire site the conditions attached to the original landfill consent, reference 042468, are recommended for inclusion on any permission granted or where considered necessary, amended due to intervening approval of schemes, discharge of conditions or changes to the development by virtue of other planning consents. The conditions being changed or others altered as a direct consequence of the proposal being sought are listed in full and have been assessed in this report.
- 8.04 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, and has had due regard to its public sector equality duty under the Equality Act 2010.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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