

FLINTSHIRE COUNTY COUNCIL

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

DATE: **18 JANUARY 2017**

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

SUBJECT: **DEVELOPMENT OF AN INTEGRATED WASTE MANAGEMENT FACILITY COMPRISING A MIXED WASTE TREATMENT FACILITY, A CONSTRUCTION WASTE MATERIALS RECYCLING FACILITY, AND A CONTAMINATED SOILS TREATMENT FACILITY AT STONEYBEACH QUARRY, PINFOLD LANE, ALLTAMI, FLINTSHIRE**

APPLICATION NUMBER: **052364**

APPLICANT: **BROCK PLC**

SITE: **STONEY BEACH QUARRY, PINFOLD LANE, ALLTAMI**

APPLICATION VALID DATE: **27/06/2014**

LOCAL MEMBERS: **COUNCILLOR ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN WARD**

REASON FOR COMMITTEE: **MEMBER REQUEST, SITE AREA AND HEIGHT OF PROPOSED BUILDING EXCEEDS THAT FOR WHICH DELEGATED POWERS TO DETERMINE EXIST. NEED FOR SECTION 106 AGREEMENT.**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 The proposed Integrated Waste Management Facility (IWMF) comprises: a commercial and industrial waste materials recycling facility, a construction waste recycling facility, and a contaminated soils treatment facility.
- 1.02 Members will note that this is a resubmission of an application,

reference number 043948, which was subsequently dismissed on appeal, appeal reference number APP/A6835/A/12/2175345. The application was refused by the local planning authority due to a lack of need for the landfill element of the proposal and was dismissed by the Inspector due to a lack of need for the landfill element of the proposal.

- 1.03 The proposal as originally submitted included a non-hazardous landfill of approximately 1.7 million cubic metres capacity, however, the Applicant has now removed this element of the scheme following the conclusion of legal matters relating to the lawful implementation of an adjacent site with planning consent for landfill.
- 1.04 The Applicant has submitted an addendum to the Environmental Statement to outline any required changes and revised the planning application form and red line boundary. The scale of the proposed development is significantly reduced as a result of the amendment and now extends to 3.8ha instead of 13.6ha.
- 1.05 The main planning considerations are considered to be the impact of the proposal on: sites of nature conservation importance; protected species and biodiversity; public rights of way, local amenity from noise, odour, and dust, highways, and the landscape. Subject to the inclusion of conditions, it is considered that any impacts can be satisfactorily mitigated. The proposal would enable waste to be diverted from landfill and managed further up the waste hierarchy, in line with national and local policy, including policy STR10 (d) of the adopted Flintshire Unitary Development Plan. The proposal is considered to be beneficial and in line with policy.

2.00 RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 2.01 S106 to prevent any further mineral extraction within the application site.
1. Commencement- requiring that the development be commenced within 5 years of the date of the permission.
 2. Require that the development be carried out in accordance with the approved documents and plans.
 3. Secure the submission of a topographical survey showing current levels within the site and a plan showing the final levels.
 4. Restriction on use of fixed plant and machinery, buildings, structures, erections or private roads to that which is approved.
 5. Restriction on throughput to the facility, in accordance with application.

6. Restriction on waste types which can be received at the facility.
7. Prior to commencement of development highway improvements shall be implemented, as previously approved in writing by the LPA.
8. Details of wheelwashing facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to receipt of waste.
9. Scheme to secure facilities for the loading/unloading/parking/turning of vehicles.
10. Scheme to secure details regarding the construction of the site access.
11. Marking out of the route of public footpaths 1&2.
12. Fencing – details of fencing shall be submitted to and approved in writing prior to the commencement of development.
13. Protected species – scheme to secure the implementation of compensation and mitigation including Reasonable Avoidance Measures etc.
14. Submission of a landscape scheme, including measures to protect the adjacent woodland from development and management of the adjacent woodland.
15. Require the submission of a construction noise management plan.
16. Submission and implementation of a noise scheme during the operational phase, including provision for monitoring.
17. Dust scheme, including provision for monitoring.
18. Scheme showing the location, extents and heights of stockpiles of wastes, products and plant and equipment storage.
19. Submission of a detailed drainage scheme prior to commencement of development.
20. Access – restriction to approved access
21. Require all loaded vehicles entering and exiting the site to be sheeted.
22. Retention of adequate visibility splays.
23. Require the submission and implementation of a Biosecurity Risk Assessment.

24. Hours of operation to be restricted to between 0700 and 1900 Mondays to Saturdays with no working on Sundays and public holidays, with identified exceptions. No restriction on operations carried out within the building not likely to give rise to noise nuisance.

25. Lighting – Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to installation and use on site.

26. Lighting – require lighting to be directed away from wooded areas or hedgerow.

27. Restriction on stockpile heights to no greater than 10m.

28. Require the colour of building to be green.

29. Action to be taken in the event of visible dust emissions leaving the site.

30. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

31. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

3.00 CONSULTATIONS

3.01 Further consultations since the removal of the landfill element and to publicise further information which has been received by the Local Planning Authority. In light of the removal of the landfill element, consultation responses made specifically in relation to the landfilling of waste have not been included within this report since they are no longer relevant.

3.02 **Local Member Councillor Ellis:** Requests that the application be considered by Planning Committee due to potential impact on residential and commercial businesses in nearby locations and due to the highway impact.

Councillor L A Sharps: Verbal confirmation received that Cllr Sharps is happy for the proposal to be dealt with under delegated powers.

Town/Community Council:

Buckley Town Council:

The Town Council recommends refusal on the grounds that there is no proven need for the facility as there are waste transfer stations at Ewloe Barn and Parry's Quarry, both of which are in close proximity to

the application site. There are also concerns in relation to the increased traffic flow on the A494, particularly with regard to the traffic lights at the Elm cross roads and the environmental impact of the treatment of contaminated soil at the site. Request that Flintshire County Council justify the need for this application when presenting it to Planning Committee.

Hawarden Community Council: No objection.

Northop Community Council: No objection.

Northop Hall Community Council: No objections.

Head of Assets and Transportation: Note that the transport assessment confirms that the anticipated quantity of additional development traffic during critical periods as: 4 vehicle movements during the morning peak period; 12 vehicle movements during the mid-day period and 0 vehicle movements during the evening peak period. Traffic generation of this order will not have a significant impact on the operation the County Road network. On this basis raise no highway objection and the recommendations made in the initial response to the application remain valid, including a number of conditions, including the retention of visibility splays at the proposed access, submission of details regarding the construction of site access, provision of facilities for loading/unloading/parking/turning of vehicles, measures to prevent surface water run-off onto the highway, provision of wheel cleaning facilities, marking out of the public right of way (Footpaths 1 &2).

Head of Public Protection

Ecology Officer: An Appropriate Assessment under the Conservation Regulations 2010 has been drafted in liaison with NRW to assess whether the proposal would have a likely effect on the SAC. The initial conclusions are the same as those drawn up for the previous application which concluded that the loss of the quarry for landfill would not have a long term adverse effect providing certain conditions are applied, including measures to ensure great crested newts are excluded from working areas, woodland communities of SAC interest are subject to appropriate safeguards, there is appropriate provision of on and off site mitigation, retention of semi-natural habitat connections to the wider countryside adjacent to the site, and the provision of on-going surveillance. Advise that a licence issued by NRW would be required. A stand-off between Stoneybeach woodland and the proposed development is required.

Reiterate the requirement for conditions to secure matters relating to protected species and to secure tree protection.

Conservation and Design Officer: No specific comments to make

regarding the proposal. Recommend that CPAT are consulted due to the presence of brick kilns in the locality which are identified on the Historic Environment Record, outside of the site to the south.

Public Rights of Way Officer: Public footpaths 2, 1 and 26 abut the site but appear unaffected by the development. The path must be protected and free from interference from the construction.

Environmental Health: Do not object to the proposal but advise that a condition is necessary to secure details of lighting.

Welsh Water/Dwr Cymru: request the inclusion of a number of conditions and advisory notes on any consent issued.

Betsi Cadwaladr University Health Board: Consider public health impacts from the proposed operation to be low, particularly as the site would be regulated by Natural Resource Wales, and required to demonstrate compliance to Best Available Technology. Note that there continue to be an increase in the number of reported environmental incidents from waste storage sites, it is important that fire prevention plans are robust in order to comply with regulatory guidance.

Welsh Government: Initially issued a direction that planning permission be withheld while additional information is sought from the Applicant, including swept path analysis showing vehicles entering and leaving the trunk road and details of all highway works associated with the A494 /Pinfold Lane junction that fall within the trunk road highway boundary.

Following the submission of the information requested above, direct that any permission shall include the following conditions:
Prior to the reception of waste planning conditions 7 and 8 of decision notice 054201 shall be discharged by the Local Planning Authority.

Business Development: No issues as long as all requirements have been dealt with satisfactorily.

Natural Resources Wales: The site currently benefits from an Environmental Permit which would need to be varied to enable the site to store and treat waste.

European Protected Species

The application site is within 250m of the boundaries of Buckley Claypits and Commons SSSI and Deeside and Buckley Newt SAC. The proposal is likely to have a significant effect on the Deeside and Buckley Newt Sites SAC, therefore an Appropriate Assessment should be carried out by the decision maker. Recommend planning conditions or obligations to address impacts in the short and long term. Consider the current status of great crested newt population to

be unfavourable and advise that additional actions to be undertaken that facilitate the restoration of the conservation status of the population of GCNs at this site to favourable levels. Conclude that the applicant has failed to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of the population of great crested newts affected by the proposals and this should be addressed through the use of condition. Advise operations may only proceed after an appropriate licence has been issued by NRW and any conditions complied with, which would be issued subject to compliance with certain criteria.

Biosecurity

Advise that any consent should include a condition to address biosecurity (invasive species and diseases).

Ecological Compliance Audit

Recommend an ecological compliance audit scheme to ensure implementation of the project is carried out in accordance with details of submitted plans and method statements.

Natural Environment and Rural Communities (NERC) Act (2006)

Advise the LPA consult with their ecologist to ensure our duties are complied with.

Provide comments about the requirement to vary the environmental permit.

CPAT: There are no archaeological implications.

Campaign for the Protection of Rural Wales: Should it be recommended that planning consent be granted for the development it is requested that conditions are included to limit its impact on the area, including dust mitigation, stockpile height limits, restriction on hours of operation and noise mitigation. Subject to compliance with national and local planning policies, plans and guidance relating to waste management; in addition to environmental issues, the comment contained in the letter dated 25th November 2015 remain unchanged and relevant with regard to the proposed development.

Ramblers Association: Maintain their objection to the proposal due to the impact on the public right of way and its users. Reiterate higher rights may exist for Footpath 1.

Wales and West Utilities: Provide an extract of their mains records of the area together with a comprehensive list of general conditions.

Manweb: Provide a plan showing apparatus within the site and current electrical safety awareness and contacts document.

Airbus: No aerodrome safeguarding objection to the proposal.

Civil Aviation Authority: The proposal doesn't conflict with safeguarding criteria and accordingly have no safeguarding objection to the proposal.

Fire and Rescue Service: Advise that the Fire and Rescue Services have attended an increasing number of fires at facilities similar to the proposal. Keen to ensure that such developments have measures in place to prevent, detect, suppress, mitigate and contain fires. Include detailed guidance for the Applicant.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

7 objections received regarding:

Impact on amenity including noise and disturbance

Environmental Impact

Impact on SAC and protected species

Pollution of groundwater

Lack of need

Impact on human health

Impact on highways

Concern regarding costs associated with restoration

Impact that the site would have on restoration of other landfills

4.02 It should be noted that the objections were received prior to the removal of the landfill element of the proposal.

5.00 SITE HISTORY

5.01 Permission reference B49/68 was granted on 6 June 1949 for the continuation of extraction of fireclay and silica on these and other sites in the Buckley area. Permission reference B49/120 was granted on 26 September 1948 for the surface working of minerals.

5.02 Applications reference 97/0/664 and 97/0/665 under the Environment Act 1995 for review of the two old minerals permissions were submitted in 1997 and remain undetermined pending compliance with the EIA Regulations 1999 (as amended).

5.03 Planning permission was refused for planning application 043948 and was later dismissed on appeal; reference APP/A6835/A12/2175345. This application is a resubmission of the scheme refused by Planning Committee and dismissed on appeal with the landfill element of the scheme removed to address the concerns raised by the Inspector.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan
STR1 - New development

STR7 - Natural environment
STR10 - Resources
GEN1 - General requirements for development
GEN3 - Development outside settlement boundaries
GEN6 - Environmental Assessment
D1 - Design quality
D2 - Location and layout
D3 – Design
L1 - Landscape character
WB1 - Species protection
WB2 - Sites of international importance
WB3 - Statutory sites of national importance
WB4 - Local sites of wildlife and geological importance
WB5 - Undesignated habitats, flora and fauna
WB6 - Enhancement of nature conservation interest
HE7 – Other sites of lesser archaeological significance
HE8 – Recording of historic features
AC2 – Pedestrian provision and Public Rights of Way
AC4 - Major traffic generating developments
AC12 - Airport safeguarding zone
AC13 - Access and traffic impact
EM3 – Development zones and Principal Employment Areas
EM4 – Location of other employment development
EM7 - Bad neighbour industry
MIN8 - Protecting mineral interests
EWP6 - Areas of search for new waste management facilities
EWP7 - Managing waste sustainably
EWP8 - Control of waste development and operations
EWP12 - Pollution
EWP13 - Nuisance
EWP16 - Water resources
IMP1 - Planning conditions and obligations.

National Policy and Guidance

Planning Policy Wales Edition 7

Towards Zero Waste:

Collections, Infrastructure and Markets Sector Plan

Technical Advice Note 21

Technical Advice Note 5 Nature conservation

Technical Advice Note 11 Noise

Technical Advice Note 12 Design

Technical Advice Note 15 Development and flood risk

Technical Advice Note 18 Transport

Technical Advice Note 23 Economic Development

7.00 PLANNING APPRAISAL

7.01 The Site and the Proposed Development

7.02 The application site lies between Northop Hall and Buckley in a former

quarry, Stonybeach Quarry, which lies to the north and west of the A494/Pinfold Lane junction and separated from the junction by a small industrial estate which includes the Council's Alltami highways depot and offices. Stoney Beach Quarry, described in the application details as worked out, is accessed by a private road off Pinfold Lane, which also provides access Pinfold Lane Quarry, and also to industrial units south of the road and Tirlasgoch Farm to the west of the Alltami Brook. It is proposed to use the road for access to the IWMF and to install a site control office and weighbridge along the private access road which would serve all elements of the proposed development.

- 7.03 Public Footpath 1 runs along the private access road and Footpath 2 runs around the periphery of Stonybeach Quarry, outside of the proposal site.
- 7.04 Parry's Quarry, operated by Robin Jones and Sons Ltd, which has planning permission to operate a non-hazardous waste landfill, lies on the eastern side of Pinfold Lane.
- 7.05 The western boundary of the application site follows the Alltami Brook. and adjoins the industrial and warehouse development along the private road. Tirlasgoch Farm to the west and Elm Farm, with several other residential properties on the A494 to the south are the closest dwellings.
- 7.06 The application site area is approximately 3.8 hectares and is comprised of 3 distinct elements, all of which would also be controlled by Natural Resources Wales through Environmental Permitting:
- A construction and demolition waste Materials Recovery Facility (MRF);
 - A contaminated soils treatment facility; and
 - A mixed waste treatment facility.
- 7.07 The Applicant already operates a construction waste MRF in Pinfold Lane under planning permission 034726, to the north of the application site. Waste material, typically comprising concrete, reinforced concrete, brick, tile, some wood and excavated soils, would be transported to the site for sorting, crushing and screening prior to exportation for use off site. This operation would be unaffected by the proposal but is essentially the same as that which is proposed in the proposal site.
- 7.08 The proposed contaminated soils facility would manage soils which are lightly contaminated with hydrocarbons and some heavy metals would be remediated at the site by Windrow Bio-remediation, which involves using increased populations of naturally occurring bacteria to speed up the degradation process and a sealed drainage system to collect run-off from the process. Operations would be carried out in open air. The remediated soil would then be transported off-site for use elsewhere. It is proposed to operate the facility between 07:00 to

21:00 7 days per week.

7.09 The proposed commercial and industrial mixed waste recovery facility (C&I MRF) would be housed in an enclosed building measuring 80 metres by 50 metres and 17 metres to the ridge. The plant and equipment inside the building comprise conveyors, sorting platforms, a trommel screen and magnetic and eddy current separators. An ancillary two storey building measuring 20.5 metres by 10.4 metres and 8.6 metres to the ridge, would house offices, meeting rooms and mess and amenity facilities.

7.10 It is proposed to operate the facility on a 24 hour basis and traffic movements to and from the site restricted to between 0700 and 2200 7 days per week.

7.11 The application site lies within 250m of the Buckley Claypits and Commons SSSI and the Maes-y-Grug SSSI. The woodland adjoining the Alltami Brook is designated Ancient Woodland. Tree Preservation Orders have been made in respect of Stonybeach Wood.

7.12 **Principle**

Pinfold Lane Quarry is identified within the UDP as an area of search for waste management under policy EWP 6. Although Stoneybeach Quarry is not specifically named within the policy it is not precluded from such activities by the policy. Furthermore, policy EM4 permits new employment uses and EM7 permits development which is potentially polluting to suitable brownfield sites or derelict, underused or vacant land. The land which lies between Pinfold Lane Quarry and Stoneybeach Quarry is identified as a Principle Employment Area under policy EM3 and is occupied by a number of different employment uses.

7.13 The principle of a waste development is therefore considered acceptable in this location, in accordance with policies EM4, EM7 and EWP 6 of the adopted Flintshire Unitary Development Plan.

7.14 **Need**

This proposal is a resubmission of a scheme which has previously been refused by the Local Planning Authority and which was the subject of an appeal, heard at Public Inquiry, and subsequently dismissed due to lack of need for the landfill element of the proposal given the presence of an extant permission for landfill at the adjacent Parry's Quarry. The Applicant has sought to challenge the lawful implementation of Parry's Quarry, however, following conclusion of legal matters and in light of the Inspector's decision in relation to the Inquiry, the Applicant has revised the scheme to remove the landfill element of the proposal. It should be noted that the need for the non-landfill elements of the proposal, i.e. the elements which are now the subject of this revised application, were not identified as contrary to the provisions of the Unitary Development Plan. Furthermore, the

Inspector identified the non-landfill elements as 'benefits' since they move the management of waste up the waste hierarchy.

- 7.15 Policy EWP 7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested to ensure that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during consideration of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The revised TAN 21 instead requires consideration of proposals against national waste policy. Given the change in national policy and guidance and the fact that the data upon which the Regional Waste Plan 1st Review is based is over 7 years old it is considered that it is appropriate to look beyond the 1st Review when assessing need. This is the view that the Inspector took when considering this proposal previously and is considered to continue to be an appropriate stance in relation to this application.
- 7.16 There are a number of different elements to the proposal, including a mixed waste treatment facility, a construction waste materials recycling facility and a contaminated soils treatment facility. These facilities are intended to recover waste and divert it from landfill, are considered in line with the waste hierarchy and would bring benefit through the recovery of resources which can beneficially be used elsewhere, displacing the need for raw materials.
- 7.17 Existing and projected future demand
The Applicant provides an assessment of existing and projected future demand within their Waste Planning Assessment and addendum, submitted in support of the application, as required by TAN 21 paragraph 4.2. The assessment of landfill demand is no longer relevant in light of the amendment to the proposal and this is reflected in the addendum.
- 7.18 The current proposal is intended to manage up to 195,000 tonnes per annum, comprising approximately 100,000 throughput at the soils recovery facility and 95,000 throughout at the industrial and commercial MRF and construction and demolition MRF combined. The Applicant advises that the proposal is intended to serve markets within a radius of 30-50km of Alltami, which could include markets within North West England.
- 7.19 Significant capacity has been and is in the process of being developed to help divert waste from landfill and ensure that it is managed in a more sustainable way, in line with the waste hierarchy. Much of the concern has been raised in relation to the landfill element of the proposal which has now been removed, however, the Town Council has raised concern for the proposal in light of planning consents at Parry's Quarry and Ewloe Barns Industrial Estate.

- 7.20 National policy makes it clear that excessive provision of recovery and disposal capacity can be harmful because it can result in waste being managed lower down the waste hierarchy than it otherwise could be. Significantly, this was the key argument put forwards at the Planning Inquiry into this proposal previously and was held by the Inspector to constitute harm. However, the same argument cannot be applied to the current proposal since each element would result in the diversion of waste from landfill.
- 7.21 There are no permitted contaminated soils facilities of the type proposed within North Wales which would enable soils contaminated with hydrocarbons and heavy metals, for example, to be treated to enable them to be returned to the originating or similar sites. The proposal is intended to enable the Applicant to manage wastes generated by his own business to be diverted from landfill, as well as wastes generated by third parties. Given the nature of the facility type and the limited availability of this type of facility elsewhere it is likely that such wastes would be drawn from a wider area, providing an opportunity to divert waste from landfill, in line with the waste hierarchy.
- 7.22 Other facilities which can manage construction and demolition wastes and municipal, commercial and industrial wastes do exist in both Flintshire and North Wales, including sites in close proximity to the proposal site. However, there is no identification of the level of need required at either the local authority level nor at the regional level for these types of waste management facility. The commercial and industrial and Construction & Demolition MRFs would sort wastes, removing recyclable wastes for reuse or recycling. The proposal site is well located in terms of the strategic road network and would provide additional capacity for the Applicant's own business which generates significant quantities of waste.
- 7.23 **Economic Development**
Since the appeal decision was issued there have been a number of policy changes published by the Welsh Government including Planning Policy Wales Edition 7 and Technical Advice Note 23: Economic Development, which requires Local Planning Authorities to consider the potential economic benefits that a proposal can bring and to balance these with environmental and social considerations.
- 7.24 All elements of the proposal would bring economic benefit through the provision of jobs, both directly and indirectly. The proposal would also help divert waste from landfill across a variety of waste streams, helping to retain resources within the economy and reducing the need for raw materials.
- 7.25 **Highways**
Policy AC13 of the adopted Flintshire Unitary Development Plan

seeks to ensure that new development does not have a detrimental impact on public safety, health and amenity as a result of additional traffic generation. Access to the site is off the private road that also forms the industrial estate access on to Pinfold Lane, which is subject only to the national speed restriction. There is a traffic light controlled junction where Pinfold Lane meets the A494 Mold Road, which forms part of the trunk road network in Wales and for which Welsh Government is the highway authority. There are a number of industrial uses which use this junction, including but not limited to, the Council Depot and Parry's Quarry. Parry's Quarry secured planning permission on appeal for the construction and operation of a solid waste landfill. As part of the permission highway improvements, which includes widening of Pinfold Lane, are required prior to the receipt of waste. The highway improvements have not been implemented to date.

- 7.26 A Transport Assessment (TA) has been submitted which considers the position without the proposal and projections taking into account the proposed development as well as other authorised development in the vicinity of the junction. The projections were made on the basis that the highway improvements to be secured under the Parry's Quarry permission, referred to above, are implemented. The TA notes that given the site's previous use as a quarry it has accommodated HGVs and highlights that accident data demonstrates no fatalities and no recurring causation factors or trends as a result of adverse highway design or layout. The TA modelled the highways position at the Pinfold Lane/A494 junction without the development and then projected the level of saturation taking into account predicted increases taking into account growth rates as well as the proposed development in 2018 and 2033. It is predicted that under all scenarios the junction would be within saturation levels, nevertheless, in 2033 the junction would experience capacity and queuing problems with or without the proposed development due to the use of background transport rates which the assessment concludes are unlikely to be realised in practice.
- 7.27 The contribution made by the proposed development is concluded to be negligible since HGV movements generated by the development are predicted to be a total of 4 per hour during the am peak period, the period at which saturation levels would be neared. HGV movements would be up to 12 per hour during the inter-peak period, however, during this time period flows are well within saturation levels and capacity of the junction is not identified to be an issue.
- 7.28 The Welsh Government as highway authority for the A494 trunk road raised no objection but directed that any permission should include a condition to ensure that prior to the receipt of waste, highway improvements which are secured by condition in relation to a third party site are discharged. These highway improvements comprise the widening of Pinfold Lane and relate to the implementation of a landfill

permission at Parry's Quarry. The highway improvements have not been secured to date but are to be secured prior to the receipt of waste at Parry's. They also identified a number of points which should be brought to the attention of the Applicant. Since the improvements are to be secured under another permission, beyond the scope of this application, in order to ensure that the improvements proposed are in place, it is recommended that a Grampian style condition is used so that no development can take place until such time as the improvement works are implemented. In addition, it is recommended that a condition is included to limit the overall tonnage of material which can be managed at the facility since the application, including transport modelling was undertaken on this basis. It is also recommended that a condition is included to ensure that the site is only accessed via the private access road as proposed within the application.

- 7.29 The recommendations of the Head of Highways and Transportation include a requirement for approval of means of marking out the route of Footpaths 1 and 2 which run along the private road, as well as a requirement to ensure the provision of suitable visibility splays, the submission of details regarding the site access, provision of facilities for loading/unloading/parking/turning of vehicles, measures to prevent surface water run-off onto the highway and provision of wheel cleaning facilities. Due to the nature of the materials which would be managed by the development, it is also recommended that a condition is included to require vehicles entering and exiting the site to be sheeted.
- 7.30 It must be taken into account that the private road and its junction have been in use for many years by traffic from the industrial estate and until the Pinfold Lane and Stoneybeach quarries were closed the junction was also used by mineral haulage traffic. In the case of Pinfold Lane Quarry, the junction is also used by traffic connected with the construction waste recycling operation located within the Pinfold Lane quarry, both of which would be unaffected by this proposal. Stoneybeach Quarry has no limits set on production or throughput levels by its planning permission and would have been operated on a campaign basis, during which time quarry activity could be intense and HGV movements significant.
- 7.31 Although both quarries are stated by Brock plc to be worked out within the application it is evident that there is mineral reserve remaining in each. There is nothing to prevent their re-activation and the resumption of use of the junction by quarry traffic. The planning permission for the recycling operation extends to 2042 and the operation may be expected to resume whether or not planning permission is granted for the IWMF. If the proposed development were to take place it is understood that there would be no further working of minerals within Stoney Beach Quarry, though this application would not prevent working within Pinfold Lane Quarry. In

order to ensure that no further mineral working takes place within Stoneybeach Quarry it is recommended that the Applicant enters into a legal agreement to prevent any further mineral working.

7.32 Concern regarding the impact of the proposed development on the highway has been raised by a number of consultees, including the Town Council and members of the public. In particular, the concerns relate to structural and environmental damage which may be caused by the increase in traffic. The structural integrity of the road network is a matter for the relevant highway authority and neither the Head of Highways and Transportation or the Welsh Government objected to the proposed development on highways grounds. The imposition of conditions can prevent the deposition of mud, dust, debris and litter onto the public highway. Subject to the inclusion of conditions and a S106 agreement to address the points raised above, the proposed development is considered to be in accordance with policy AC13 of the adopted Flintshire Unitary Development Plan.

7.33 **Public Rights of Way**

Policy AC 2 seeks to protect Public Rights of Way. There are a number of Public Rights of Way within the vicinity of the site, including Footpath 1 which runs along the private access road to the site. The Applicant proposes to install a weighbridge and office facilities along the private road which could impact on the public right of way and may necessitate a temporary closure whilst construction works are being undertaken.

7.34 The Public Rights of Way Officer has not objected to the proposal, however, they have advised that a temporary closure order to facilitate the construction of the weighbridge may be required. It is considered that there is sufficient space to accommodate the footpath, which must be 12ft, and the weighbridge in this location. The Rambler's Association objected to the proposed development due to the potential impact that it would have on the footpath. In particular, they have advised that the footpath may benefit from higher rights as a bridleway. The Public Rights of Way Officer has advised that there is no evidence of a mapping anomaly in this instance and that the rights are as identified on the definitive map and statement. The Rambler's Association have also raised concern regarding the safety and enjoyment of the path by its users. The nature and volume of vehicles already permitted to use the site is such that the proposal is considered to have no greater impact on the footpath. The measures proposed above would help ensure that the safety of users of the ROW is maintained.

7.35 It is considered feasible to retain a suitable width of path along the private access road. If planning permission were to be granted, a diversion order under the Town and Country Planning Act may be required to ensure that the footpath and its users are protected, in accordance with policy AC2 of the UDP.

7.36 **Archaeology**

Policies HE7 and HE8 seek to ensure that local archaeology is adequately considered during determination of planning applications. The Environmental Statement (ES) did not address archaeology and no mitigation is proposed within the document. The Clwyd Powys Archaeological Trust did not object to the proposed development and following removal of the landfill element of the scheme advised that the proposal would not have archaeological implications. No conditions are therefore proposed.

7.37 **Ecology**

Policies WB1, WB2 and WB3 seek to protect important species and their habitats, as well as sites of international and national importance. The Flora and Fauna chapter of the Environmental Statement notes that there are 16 designated Wildlife sites within 3 km of the proposed development and 5 within 1 km. Deeside and Buckley Newt Sites is designated a Special Area of Conservation (SAC) for its population of Great Crested Newts (GCN). The SAC comprises a number of isolated sites including a small area within Parry's Quarry, which lies approximately 360m from the main part of the proposal site. Stoney Beach Quarry. Cobbler's Wood and Stonybeach Wood are semi-natural broad-leaved woodland and follow the valley of the Alltami Brook along the western flank of Stoneybeach Quarry.

7.38 The remaining three sites, Brook Park Farm Wood, The Willows Common, and Warred Wood are designated on the basis of woodland and grassland interest. Cobbler's Wood and Stonybeach Wood are designated Ancient Woodlands and a Tree Preservation Order in respect of the woodland on the eastern flank of the Alltami Brook adjoining the proposal site. Stonybeach Wood is considered to have SAC qualities and whilst not SAC designated is considered worthy of preservation in its own right. The imposition of a stand-off between the Ancient Woodland and the activities within the site would help ensure that there is no adverse impact on the Ancient Woodland from the development. Within that stand-off development would be limited to a perimeter track, security fencing, surface water drainage, and such other minor developments as would not harm the woodland or individual trees.

7.39 **Protected Species and SAC**

Ecological reports have been submitted in respect of great crested newts, badgers and breeding birds, bats, reptiles and water voles. It is not considered that the site offers sufficient habitat of interest to invertebrates to warrant reports at the application stage. Mitigation and avoidance measures for GCN are proposed within the Environmental Statement. The ecological reports rely on surveys carried out in 2012. The County Ecologist recommended that an addendum report should be provided by the Applicant to identify any changes on the site since the surveys were carried out, but to date, no

report has been submitted to the Local Planning Authority. However, the County Ecologist has since confirmed that sufficient information has been provided to enable a decision to be taken with respect to ecology.

7.40 The application site is located within 360m of part of the Deeside and Buckley Newts SAC. An ecological appraisal of the site in 2007 identified two ponds to the south of the main Pinfold Lane Quarry and recorded two or three specimens in one of the ponds and a single female in an adjacent ditch. Since this survey was undertaken drainage works have taken place which resulted in the ponds being filled in and vegetation removal works and removal of part of the bund which forms part of a wildlife corridor identified in application 4/0/25073. As a result of these works it is considered that the favourable conservation status of the population of great crested newt will have been harmed.

7.41 Natural Resources Wales initially issued a holding objection to the proposal in respect of GCN owing to the submission of inadequate information and consequent inability to demonstrate no detriment to the maintenance of the favourable conservation status of the population of great crested newts affected by the proposal. NRW has now advised that they have no objection to the proposal in respect of GCN, subject to conditions. This view is reiterated by the County Ecologist who has carried out an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 in liaison with NRW to assess whether the proposal would have a likely effect on the SAC. It was concluded within the Appropriate Assessment that the loss of the site would not have a long term adverse effect on the SAC providing certain conditions are applied. In particular, as the applicant has submitted inadequate information to demonstrate no detriment to the maintenance of Favourable Conservation Status of the great crested newt, any consent will need to be subject to the imposition of conditions concerning the short and long term safeguard and restoration of conservation status.

7.42 Since there is evidence of great crested newts within 250m of the site, which are a protected species, a licence under the Habitats and Species Regulations 2010 would be required from NRW before any work could take place. A licence may only be granted for imperative reasons of overriding public importance and NRW would have to be satisfied that there were no practicable alternatives and that the development would not be detrimental to maintenance of the protected species population of the site at a favourable conservation status.

7.43 Biodiversity

The site itself is a recently worked out quarry and much of the exposed surface is barren with little ecological interest. Stonybeach Quarry would become permanently developed. The Council as LPA is

required under the terms of the Environment Act 2016 to have regard to conservation of biodiversity in the determination of schemes of this nature. On balance, subject to the inclusion of conditions, it is considered that the proposals meet the principles of the Flintshire Biodiversity Action Plan.

- 7.44 Due to the nature of the proposal and the materials which would be managed there is the potential for invasive non-native species (INNS) and diseases to be imported to the site. Given the importance of the area to protected species and the importance of the adjacent woodland NRW have advised that any consent should include a condition to ensure that measures are put in place to prevent INNS being imported to the site
- 7.45 **Amenity:** Policies GEN 1 and EWP 8 seek to ensure that proposals do not have an unacceptable impact on residential amenity by way of noise, dust, odour. Concern has been raised by a number of consultees regarding the impact of the proposed development on amenity, including noise and disturbance.
- 7.46 **Noise** A noise assessment was undertaken in support of the application and reported in the Environmental Statement. The noise assessment indicates that background noise levels at nearby sensitive receptors are relatively high, dominated by traffic noise, which is consistent with previous assessments for the area. Noise level predictions considered the impact that the proposed development would have at nearby sensitive receptors including Old Farm Cottages, Bungalow, Tirlasgoch Farm, Mold Road, Ewloe Wood House and the Hotel. Some of these receptors are of more relevance to the development of Pinfold Lane Quarry rather than Stoney Beach and since the proposal no longer includes landfill, with Tirlasgoch Farm and Mold Road properties being closest to the proposed operations at Stoneybeach Quarry. Tirlasgoch Farm is the closest residential property, lying approximately 100m from the main area of proposed activity.
- 7.47 Noise levels at Tirlasgoch are predicted for the construction phase and the operational phase. During the construction phase predicted noise levels are 70dbLAeq,1h at Tirlasgoch and 56 dbLAeq,1h at the properties along Mold Road. Background noise levels at Tirlasgoch Farm would be exceeded by >10dB, however, it is proposed that bunds of 2m in height are constructed around the screening areas which would provide a predicted 12dB(A) attenuation. Minerals Technical Advice Note 1:Aggregates, recognises that there may be a need to allow higher noise levels over short periods of time to facilitate the construction of bunds and other noise mitigation. The noise assessment for construction was undertaken between the hours 07:00 – 19:00 Monday to Saturday with no intention to conduct construction work on Sundays or Bank Holidays. The commercial and industrial

waste materials recovery facility would be operated on a 24 hour basis, though HGV delivery of wastes for processing would be limited to 0700-1900 Monday to Sunday. It is recommended that a condition is included which restricts hours of operation.

7.48 The proposals have the potential to cause nuisance through constructional, operational and traffic noise to local residents and other land users, particularly through noise at night and on Sundays and bank and public holidays. It is considered that, if planning permission were to be granted it would be appropriate to impose conditions regarding hours and days of work, including a temporary provision for 24 hour and 7 day week operation of the C&I MRF in order to assess impacts. The period should be long enough for monitoring and valid assessment of those impacts: an appropriate period would be 12 months from the date of completion of commissioning. It is considered that the operational periods for HGV traffic involved in importation of wastes and exportation of residual wastes and product should be restricted in order to prevent nuisance.

7.49 It is recommended that if permission be granted a series of conditions be imposed to deal with noise, including a construction noise management plan, a condition to secure a noise scheme, including monitoring, and restrictions on days and hours of both construction works and operation of the integrated waste management facility. Construction work has the potential to generate particular noise issues, as identified above. Although the proposed facility would be regulated by Natural Resources Wales via an Environmental Permit, at this time it is not known what area the permit would cover. Furthermore, a permit would not be required during the construction stage, it is therefore considered necessary to include the conditions referred to above in order to minimise the impact of the development on the nearest sensitive receptors.

7.50 Dust

The Environmental Statement includes a quantitative air quality assessment of particulates, including PM10. It concludes that the development would meet the Air Quality Standard for Wales and that PM10 emissions are not likely to exceed the national Air Quality objectives. Natural Resources Wales has raised no objection in principle to the development on the grounds of air quality and would regulate the site through the Environmental Permit. However, at this stage it is not known what area the Permit would cover. As such, the imposition of conditions are recommended to control the release of dust and to provide a scheme of monitoring to ensure that the proposal would comply with policies GEN 1 and EWP 8 of the adopted Flintshire Unitary Development Plan.

7.51 Given the nature of the material which would managed at the site there is the potential for the movement of material to generate dust and for material and debris to be deposited onto the highway and into

the atmosphere. To prevent this, it is recommended that a condition is included which requires loaded vehicles accessing and egressing the site to be sheeted.

7.52 Odour

The proposed treatment facility would deal with soils which are lightly contaminated with hydrocarbons or heavy metals. The process would be similar to composting, relying on aerobic bacterial action to eliminate the contamination or reduce it to levels which would allow the materials to be re-used. The materials would be laid out in windrows and bacterial action would be encouraged by the addition of suitable nutrients, ensuring an optimum flow of air and moisture and maintaining an optimum temperature. The windrows would be covered by tarpaulins and air drawn through the deposited material would be discharged through a filter to control emissions of odours, gases, particulates and bioaerosols. Odours may arise from the input materials through hydrocarbon contamination and from the treatment process. It is unlikely that the odours would be of such intensity as to result in a significant and sustained nuisance to local residents or other land users.

7.53 Other potential sources of odour would be from the commercial and industrial MRF, though it is stated that very little putrescible waste would be handled at the facility given the source of the material. The material would be managed within an enclosed building, thereby minimising the potential release of odour. Natural Resources Wales has not objected to the proposed development on the grounds of odour. The site would require an Environmental Permit which would be issued by Natural Resources Wales and which would control odour. Furthermore, the Environmental Health Officer has not objected to the proposal on the grounds of odour.

7.54 Health

Policy EWP 8 (b) seeks to ensure that proposals for new waste management facilities do not detrimentally affect the health of neighbouring users of land. The Applicant has provided an assessment of the potential impacts on human health and has identified pathways, which include airborne and waterborne.

7.55 Measures are proposed to minimise the release of pollutants from the site. The site would require an Environmental Permit to operate, which is concerned with the impact of the proposed development on human health and would impose requirements and conditions to prevent or minimise any resultant risk to human health. The Betsi Cadwaladr University Health Board, on behalf of Public Health Wales and Public Health England, advise that they consider the public health impacts from the proposed operation to be low, and have not objected to the proposed development subject to the inclusion of conditions to address dust, odour, noise, containment of contaminated soils during transport and routing to avoid populated areas. Dust, odour, noise,

and containment of contaminated soils are addressed elsewhere in the report. It is not considered reasonable to include a condition or obligation requiring the routing of vehicles since including a condition which requires vehicles to be sheeted would ensure that material is not released and measures to control odour are already included within the submission. Subject to the inclusion of conditions to address dust, noise and sheeting of vehicles, as discussed elsewhere in this report, the proposal is considered in line with policy EWP 8 (b) of the adopted Flintshire Unitary Development Plan.

7.56 **Pollution of groundwater and surface water**

Policies GEN 1 and EWP 8 seek to ensure that proposals do not have a detrimental impact on water quality. The site lies within the catchment of the River Dee. The Alltami Brook, which is located approximately 30m to the west of the site within a small wooded ravine and joins the Wepre Brook some 600 metres to the north east of the site, which in turn joins the River Dee some 3.5 km to the north east. Pinfold Lane Quarry currently drains into the Alltami Brook via a channel cut through the northern boundary. Stonybeach Quarry is also drained to the Alltami Brook.

7.57 Following the removal of the landfill element of the proposal the principle concerns would be in relation to management of surface water, and management of contaminated run-off. The contaminated soils facility would be regulated by Natural Resources Wales via an Environmental Permit which would require a sealed drainage system and management of any contaminated run-off. This would prevent contamination of surface and groundwater. It is considered that further information in respect of surface water management and management of contaminated run-off can be secured via a suitably worded condition.

7.58 **Landscape**

Policies GEN 1, L1 and EWP 8 of the adopted Flintshire Unitary Development Plan seek to ensure that proposals do not have an unacceptable impact on the landscape. The application site lies within a gently undulating landscape of tree and hedge lined fields and linear tree belts following watercourses, with small pockets of industry centred on former clay pits, brick works and colliery sites. The proposed development site is presently substantially screened by trees as it is located between Stonybeach Wood to the west. The council depot and industrial buildings break up views of the recycling site from the south and east.

7.59 A landscape and visual survey are included in the ES and conclude that the landfill site during operations and once completed would have a small impact on the landscape. The landfill element of the proposal has since been removed and the proposal as is now proposed is considered unlikely to have a significant impact on the landscape/ There are no landscape designations affecting the site although Tree

Preservation Orders protect Stonybeach Wood and the ancient woodland adjoining the proposed landfill site.

7.60 Nevertheless, in order to minimise the impact of the proposal on landscape it would be necessary to include conditions to secure the submission of a detailed landscape plan. In addition, it is considered necessary to secure information regarding the existing and final topographical levels within the site. It is also recommended that a condition to require that the proposed MRF building be green would help the building assimilate into the landscape and reduce the visual impact of the development. A condition to limit stockpile heights is also recommended to reduce the visual impact of externally stored material. In Officer's view, subject to the inclusion of the above suggested conditions, any landscape impacts would be limited and not out of keeping with the locality.

7.61 **Birds, flies, vermin and litter**

The control of vermin and flies at waste sites is a matter for Natural Resources Wales under the Environmental Permitting system.

7.62 **Environmental Impact Assessment**

The planning application was accompanied by the submission of an Environmental Statement and has previously been screened and scoped to be development requiring environmental impact assessment. A substantial body of environmental information has been submitted. In making this determination, the Council has taken all the environmental information available to it into consideration, including the information presented in the application and the Environmental Statement. It has also considered the responses from consultees and to representations received from third parties.

8.00 CONCLUSION

8.01 This is significant waste management proposal with a number of different elements including a materials recovery facility, a construction and demolition recycling facility and contaminated soils facility. The environmental impacts of the proposed development have been assessed and the conclusion drawn that impacts can be prevented or minimised through the use of suitably worded conditions.

8.02 The proposal would enable waste to be diverted from landfill and managed further up the waste hierarchy, in line with national and local policy, including policy STR10 (d) of the adopted Flintshire Unitary Development Plan. The proposal is considered to be beneficial and in line with policy, as is the provision of employment. The proposal site is a worked out quarry, directly adjacent to an existing industrial estate.

8.03 **Other Considerations**

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no

significant or unacceptable increase in crime and disorder as a result of the recommended decision.

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.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

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

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