

FLINTSHIRE COUNTY COUNCIL

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

DATE: **16 NOVEMBER 2016**

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

SUBJECT: **APPLICATION FOR VARIATION OF CONDITION NOS 5 & 15 ATTACHED TO PLANNING PERMISSION REF: 054201 TO ENABLE THE SORTING OF WASTE WITHIN THE TRANSFER BUILDING AND SUBSEQUENT REMOVAL OFF-SITE OF RECYCLABLE MATERIAL AND TO EXTEND PERMITTED HOURS FOR THE WASTE TRANSFER STATION TO ENABLE RECEIPT OF WASTE AND BULKING FROM 0600 HOURS AND SORTING OPERATIONS FROM 07:30 HOURS MONDAY – SATURDAYS AT PARRYS QUARRY, PINFOLD LANE, ALLTAMI.**

APPLICATION NUMBER: **055921**

APPLICANT: **MOLD INVESTMENTS LTD**

SITE: **PARRYS QUARRY,
PINFOLD LANE, ALLTAMI.**

APPLICATION VALID DATE: **24/08/2016**

LOCAL MEMBERS: **CAROL ELLIS**

TOWN/COMMUNITY COUNCIL: **BUCKLEY MOUNTAIN**

REASON FOR COMMITTEE: **MEMBER REQUEST**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 Planning permission 054201 for the construction of a waste transfer building, weighbridge, weighbridge office, access road and ancillary development was approved on the 24th March 2016. This application

is a Section 73 application to vary conditions 5 and 15.

- 1.02 Condition 5 states that *“The transfer building approved by this permission shall be used for the storage and management of waste prior to deposit in the landfill and for no other purpose.”* The Applicant is proposing that the condition is amended to read: *“The transfer building approved by this permission shall be used for the storage and management of waste prior to deposit in the landfill and for the removal of recyclable material from the waste stream.”*
Condition 5 was included because the application was submitted and considered on the basis that its use would be incidental to the operation of the landfill. Any processing of wastes would necessitate consideration of the proposal afresh, in accordance with policies GEN 1 and AC13 of the UDP.
- 1.03 The waste types which would be managed at the site would not change as a result of the proposed variation to condition 5. The main potential for change would be to the number of vehicle movements which the site would generate as wastes would be entering *and* leaving the site carrying wastes.
- 1.04 Vehicle movements are not predicted to change as a result of the proposed variation since vehicles used to deliver wastes would also be used to remove recyclable material from the site. The sorting of waste prior to deposit in landfill would help divert waste from landfill, in accordance with the waste hierarchy, in line with national policy and guidance and policy STR10 (d) of the adopted Flintshire Unitary Development Plan.
- 1.05 Condition 15 relates to the hours of operation and states that: *“The hours of operation, including site preparatory work and maintenance of plant and equipment shall be restricted to:*
 - *0730 to 1800 Mondays to Fridays*
 - *0800 to 1300 on Saturdays**The importation of waste shall be limited to:*
 - *0830 to 1700 Mondays to Fridays*
 - *0830 to 1200 on Saturdays**Subject to the exemptions listed below, there shall be no working whatsoever on Saturday afternoons after 1300, Sundays, Public and Bank Holidays.*
The following operations are exempted from the above working hours limitations:
 - *The operation of drainage and leachate pumping, pollution prevention control and monitoring equipment, and landfill gas control equipment.*
 - *Any emergency remedial actions necessary to safeguard members of the public, employees and the environment as may arise from fire, collapses and failure of essential environmental control equipment subject to the local planning authority being notified the next working day.*

- *Any other activities as are agreed beforehand by the local planning authority."*

1.06 The approved hours of operation are currently in line with the landfill permission, which prevent working before 0730 Monday to Friday and 0800 on Saturdays, though planning committee resolved to approve a recent S73 application to allow site preparatory works to commence from 0700 Mondays to Saturdays, 055280. The Applicant originally requested to extend the hours of operation so that working can commence from 0600 Monday to Saturday, however, they have since requested that the condition is amended to allow working to commence from 0700 Mondays to Saturdays. This would bring it in line with application 055280 referred to above which is pending a S06 agreement.

1.07 The main consideration in relation to the hours of operation is the potential for nuisance through the generation of noise. The noise assessment submitted in support of the application demonstrates that noise levels at sensitive receptors would not be increased as a result of the proposal to extend hours of operation and as such allowing working to commence from 0700 Mondays to Saturdays is considered acceptable, in line with policies GEN 1, EWP 8 and EWP 13 of the adopted Flintshire UDP. Hours of operation for the remainder of the site would remain unchanged by the proposal.

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

- 2.01
- 1) Commencement.
 - 2) The inclusion of a time limit, linked to the end date of the landfill.
 - 3) Development shall be carried out in accordance with the approved plans and documents.
 - 4) Confirmation that the conditions attached to this permission shall in no way invalidate conditions attached to the landfill permission.
 - 5) Restriction of the use of the transfer building for the storage and management of non-hazardous and inert wastes prior to deposition in the landfill and removal of recyclable material off-site.
 - 6) Restriction of vehicular access and egress via the access approved under planning permission 054050
 - 7) Scheme detailing highway improvement works on Pinfold Lane.
 - 8) Secure highway improvements prior to the receipt of waste.
 - 9) Scheme for the turning of vehicles.
 - 10) Scheme for the prevention of run-off of surface water onto the highway.
 - 11) Condition to secure implementation of the surface water scheme.
 - 12) Condition preventing drainage from the site connecting to the highway.
 - 13) Scheme for the provision of wheel wash facilities.
 - 14) Requiring the submission of a scheme to control noise.
 - 15) Hours of operation

- 16) Requiring the submission of a landscaping scheme.
- 17) The submission of a scheme to secure mitigation for protected species.
- 18) Restricting the colour of the waste transfer building to holly green.
- 19) The submission of scheme to secure details regarding external lighting.
- 20) The submission of a drainage scheme for the site.

3.00 CONSULTATIONS

- 3.01 Local Member: Request Committee determination due to possible effect on residents and highway implications.
- 3.02 Neighbouring Ward Member Councillor Mackie: Note that the Applicant feels that the extra hours will not cause any issues because the noise profiles show the operations will not be heard at most sensitive receptors.
- 3.03 Town/Community Council: No observations
- 3.04 Head of Assets and Transportation: The Planning design and access Statement submitted in support of this application states that those vehicles delivering waste to the site will be utilised to remove recyclable materials and that current proposals will not generate additional traffic. On this basis, raise no objection to the proposal and make no recommendation on highway grounds.
- 3.05 Head of Public Protection: Initially requested additional information to confirm that noise would not be an issue at nearby sensitive receptors. Following receipt of additional information advise that even with some potential variations in background sound levels, any noise generated by the Waste Transfer Station operations are likely to be below these background levels and will not add to the sound levels at the nearest sensitive receptors.
- 3.06 Natural Resources Wales: Do not have any comment to make on the proposed development. The Applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.
- 3.07 Welsh Government: Does not issue a direction in respect of this application.
- 3.08 Local Issues Action Group: No comments received.

4.00 PUBLICITY

- 4.01 Press Notice, Site Notice, Neighbour Notification

5.00 SITE HISTORY

- 5.01 The site was granted planning permission for the construction and operation of a solid waste landfill on appeal on 03/02/2009, local authority reference 042468, appeal reference APP/A6835/A/08/2068136/WF.
- 5.02 Planning application 054201 was approved on 24/03/2016 for the construction of a transfer station. The application was submitted on the basis that it would be incidental to the use of the landfill site and that no processing would take place within the transfer building.
- 5.03 Planning application 055280, to vary condition 9 to allow site preparatory works to commence from 0700 Monday to Saturday was considered by Planning Committee on 07/09/2016 and a resolution to grant made subject to entering into a S106 agreement. The permission has not been issued to date, but would allow working to commence from 0700 Monday to Saturday.

6.00 PLANNING POLICIES

- 6.01 Flintshire Unitary Development Plan
STR10: Resources
GEN1: General Development Considerations
AC13: Access and Traffic Impact
EWP7: Managing Waste Sustainably
EWP8: Control of Waste Development and Operations
EWP13: Nuisance

Planning Policy Wales: Edition 8, Chapter 12

Technical Advice Note 21: Waste (2014)

Towards Zero Waste (2009) National Waste Strategy
Collections, Infrastructure and Markets Sector Plan (2013)

7.00 PLANNING APPRAISAL

- 7.01 **Introduction**
This is a Section 73 application to allow planning permission 054201 to be implemented without compliance with condition 5: to allow sorting of waste within the transfer building; and condition 15: to allow waste to be received within the transfer building from 0600 Monday to Saturday.
- 7.02 **Condition 5**
The waste types which would be accepted at the site would not change as a result of this proposal. Condition 5 currently prevents any sorting of waste within the transfer building. The reason for including the condition was that application 054201 was considered on this basis and in the interests of amenity and highway safety since

processing waste and exporting waste off site has the potential to generate additional impacts.

7.03 Need

Policy EWP 7 of the adopted Flintshire requires that proposals for waste management meet an identified need within the Regional Waste Plan. The appeal decision relating to the landfill permission carefully considered the question of need and was approved on the basis that there was a need for disposal capacity. In accordance with the requirements of Technical Advice Note 21 the application is supported by a Waste Planning Assessment. The Assessment states that although the landfill will accept wastes which have already been largely sorted, there is the potential for small quantities of recyclable wastes to remain and it is this material which would be removed from the site for re-use or reprocessing off-site. It also states that inputs to the Waste Transfer Station will accord with the limits set by the landfill permission, which was submitted and assessed on the basis that the site would manage up to 150ktpa. Diverting additional waste from landfill is in line with the waste hierarchy and accords with policy STR10 of the adopted Flintshire Unitary Development Plan.

7.04 Amenity

The site has planning permission to manage non-hazardous and inert wastes and would not manage different wastes as a result of this proposal. The proposal includes manual sorting of non-hazardous wastes and the use of a screen to process mixed demolition and construction wastes including glass, soil, concrete, wood and asphalt. Managing the waste within the building would help minimise the impact of the development on nearby sensitive receptors. The transfer building is set away from the nearest sensitive receptor and noise is not predicted to increase at such properties as a result of the proposal.

7.05 **Condition 15: Hours of Operation**

Condition 15 relates to the hours of operation and states that: *“The hours of operation, including site preparatory work and maintenance of plant and equipment shall be restricted to:*

- *0730 to 1800 Mondays to Fridays*
- *0800 to 1300 on Saturdays*

The importation of waste shall be limited to:

- *0830 to 1700 Mondays to Fridays*
- *0830 to 1200 on Saturdays*

Subject to the exemptions listed below, there shall be no working whatsoever on Saturday afternoons after 1300, Sundays, Public and Bank Holidays.

The following operations are exempted from the above working hours limitations:

- *The operation of drainage and leachate pumping, pollution prevention control and monitoring equipment, and landfill gas control equipment.*

- *Any emergency remedial actions necessary to safeguard members of the public, employees and the environment as may arise from fire, collapses and failure of essential environmental control equipment subject to the local planning authority being notified the next working day.*
- *Any other activities as are agreed beforehand by the local planning authority.”*

7.06 The Applicant was originally requesting to extend the hours of operation so that working can commence from 0600 Monday to Saturday, however, they have since requested that the condition is amended to read:

The hours of operation shall be restricted to:

- *0700 to 1800 Mondays to Fridays*
- *0700 to 1300 on Saturdays*

Except for the use of the mobile screener which shall not commence operations until 0730 Monday to Saturday.

The importation of waste shall be limited to:

- *0700 to 1700 Mondays to Fridays*
- *0700 to 1200 Saturdays*

Subject to the exemptions listed below, there shall be no working whatsoever Saturday afternoons after 1300, Sundays, public and Bank Holidays.

The following operations are exempted from the above working hours limitations:

- *The operation of drainage and leachate pumping, pollution prevention control and monitoring equipment, and landfill gas control equipment.*
- *Any emergency remedial actions necessary to safeguard members of the public, employees and the environment as may arise from fire, collapses and failure of essential environmental control equipment subject to the local planning authority being notified the next working day.*

Any other activities as are agreed beforehand by the local planning authority.”

7.07 The hours of operation are currently in line with the landfill permission, which prevent working before 0730 Monday to Friday and 0800 on Saturdays. The Applicant originally requested to extend the permitted hours for the Waste Transfer Station to enable the receipt of waste and bulking from 0600 hours and sorting operations from 0730 hours Monday – Saturdays with no operations on Sundays, Public and Bank Holidays. The Applicant has since requested that the permitted hours are extended to enable the receipt of waste and bulking from 0700 Monday to Saturdays, with other restrictions remaining the same. It should be noted that members of the Planning Committee resolved to approve a previous planning application, reference 055280, which would allow site preparatory works to commence from 0700 Mondays to Saturdays. The application is pending a S106 agreement, however, the hours requested under this application would bring it in line with

start times for the rest of the site.

7.08 The application is supported by a Noise Assessment Report and, following a request for further information by the Local Planning Authority a BS4142 Noise Assessment Report using BS 4142:2014 Method for Rating and Assessing industrial and Commercial Sound. This was done to investigate the potential cumulative impact of the waste Transfer Station and the existing operation of the landfill work on the nearest relevant noise receptors. The existing background levels are high and the dominant noise source at all receptors is road traffic, particularly from the nearby A55 expressway and A494.

7.09 There are some inconsistencies between background noise monitoring contained in the information submitted in support of this application and information submitted in support of previous applications. Nevertheless, the assessment demonstrates that noise levels at nearby sensitive receptors would not be adversely effected as a result of working from 0600 Monday to Saturday within the transfer building. The Environmental Health Officer has not objected to the proposal and has concluded that noise generated by the transfer operations would not add to the sound levels at the nearest sensitive receptors.

7.10 **Other Matters**

Because the proposal is a Section 73 application it would result in a new planning permission being issued. It is therefore considered essential that conditions which were applied to the previous permission are applied to any S73 permission. In order to ensure compliance with conditions it is recommended that conditions which remain unmet should be included as prior to commencement of development authorised under this permission. This would ensure that the necessary schemes are secured and/or implemented prior to waste being received within the transfer station.

8.00 CONCLUSION

8.01 The proposed variation would ensure that any recoverable waste is diverted from landfill, in accordance with national and local policy. Extending hours of operation are considered unlikely to impact on local amenity and any impacts can be controlled via condition. Subject to the inclusion of conditions, the proposal is considered acceptable, in line with conditions STR10, GEN 1, EWP 8 and EWP 13 of the adopted Flintshire Unitary Development Plan.

8.02 **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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