

FLINTSHIRE COUNTY COUNCIL

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

DATE: **22 MARCH 2017**

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

SUBJECT: **FULL APPLICATION – CONSTRUCTION AND OPERATION OF A HOUSEHOLD RECYCLING CENTRE AT LAND OFF CHESTER ROAD, OAKENHOLT.**

APPLICATION NUMBER: **056547**

APPLICANT: **FLINTSHIRE COUNTY COUNCIL, STREETSCENE**

SITE: **LAND OFF CHESTER ROAD, OAKENHOLT.**

APPLICATION VALID DATE: **14 FEBRUARY 2017**

LOCAL MEMBERS: **COUNCILLOR RITA JOHNSON**

TOWN/COMMUNITY COUNCIL: **FLINT TOWN COUNCIL**

REASON FOR COMMITTEE: **DEPARTURE**

SITE VISIT: **YES - MEMBER REQUEST**

1.00 SUMMARY

1.01 Flintshire County Council's Streetscene Department have applied for full planning permission for the construction and operation of a Household Recycling Centre (HRC) to the east of the existing 'Dependable Concrete' batching facility, on land off Chester Road (A548), in Oakenholt. The facility would replace existing HRC's currently located in Flint and Connah's Quay.

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

2.01

1. Commencement.
2. Approved Plans.
3. Retention of plans on site.
4. Site layout – as per General Arrangement Plan in relation to site road layout, boundary fencing and security/access gates.
5. Permitted Construction hours (07.30 – 18.00 hours Mon-Sat).
6. Hours of operation; (08.00 – 20.00 daily).
7. Highways; Permanent closure of existing Dependable Concrete access.
8. Highways; The access and off-site works in accordance with approved plans.
9. Highways; The construction of the access shall not commence until the details have been approved.
10. Highways; The access and off-site highways works shall be completed to the satisfaction of the County Council prior to the importation of waste.
11. Highways; site gates shall open inwards and positioned a minimum distance of 10 metres from the edge of the carriageway.
12. Highways; provision for parking, turning, loading and unloading of vehicles.
13. Highways; submission of a construction management plan.
14. Noise mitigation measures.
15. Revised landscaping scheme to include revised planting mix maintenance and enhancement, details of temporary screening details and timescales of construction.
16. Standard aftercare.
17. Construction works outside of the Bird Breeding season.
18. Lighting scheme.
19. Land contamination assessment.
20. Validation/verification report of land remediation works.
21. Intrusive site investigations of the mine shaft.
22. Revised surface water drainage scheme.
23. No surface and/or land drainage to connect directly, or indirectly with the public sewerage network.
24. Sheeting/covering of skips.
25. Dust management.
26. Bird Hazard Management plan for aerodrome safeguarding.
27. Protection of railway resources; no damage to the operational railway land.
28. Any new surface and foul waters to drain away from the Chester – Holyhead railway.
29. Erection of 1.8 metre high fencing to protect the railway.
30. Scaffolding specification in relation to the railway.
31. Risk and method statement in relation to piling/vibro-compacting machinery.
32. Risk assessment and method statement for work within 10 metres of the operational railway land.
33. Details of boundary kerbing.

3.00 CONSULTATIONS

3.01 *Local Member: Councillor R Johnson*

I wish it to be recorded that I did tell Stephen Jones (Chief Officer; Streetscene) and the cabinet member for Waste Strategy; Councillor Kevin Jones about the problems with the A548. It is a very busy, and at times congested road, and this should be taken into consideration before any work is undertaken on this site. Whenever there are problems on the A55, which happens frequently, the traffic is diverted down to A548.

3.02 Ever since I was elected 8 years ago, I have said that we need a proper bypass but nothing ever changed. I still believe that a bypass is the way to go before anything else is added that will cause further congestion.

3.03 *Town/Community Council: Flint Town Council*

The volume of material submitted with the application was formidable and whilst Members could identify concerns they felt unable to arrive at an informed decision. It was felt that the town Council needed to have advice from the County Highways Officers to assess the traffic management issues. Resolved that an urgent meeting is sought with the Highway Authority and the matter be deferred until a meeting could take place. Recognising the timetable for your deliberations on the 22nd of this month the Committee further resolved that the Town Clerk be given powers to act in consultation with the Town Mayor, and/or the Chair of the Committee if it proved possible to submit the Councils comments to you before the 22nd. A meeting has been arranged with the Highway Authority for this on Thursday at 6.00pm, and if the Highway Authority are able to address the Members Concerns I shall be happy to write to you on Friday 17th March. In the meantime the comments made to the pre-application consultation remain the Councils substantive response.

3.04 Note: The comments made to the pre-application consultation were issued to the agent preparing the application and for clarity, the pre-application consultation report submitted with the application identifies Flint Town Council's response to have raised concerns relating to the following: Highway impact requesting a full traffic study and traffic management be provided given the nature and use of the dual carriageway; consideration of impact on the RSPB site; protection of the visual amenity; and assurances be provided for means proposed to eliminate any noxious odours.

3.05 *Neighbouring Ward Local Members:*

Councillor P Shotton agreed that the application could be determined under delegated powers.

3.06 *Councillor A Dunbobbin*; at the time of writing the report, no comments had been received.

- 3.07 **Neighbouring Town Council: Connah's Quay Town Council;** at the time of writing the report, no comments had been received.
- 3.08 **Head of Assets and Transportation:** No objection subject to conditions. In addition to the drawings and Transport Assessment submitted with the planning application, I have been provided with additional detail related to proposed road markings and signage in the form of "gateway" features proposed in association with the signalised junction which would be agreed under a section 278 agreement of the Highways Act.
- 3.09 I am satisfied that the proposed revisions to the speed limit, incorporation of road markings and textured/coloured road surface, in combination with the introduction of gateway features, would enable safe operation of the proposed junction, and that the operation of the HRC would cause no significant impact on the use of the highway.
- 3.10 **Head of Public Protection; Environmental Health Officer:** I agree with the findings of the noise impact assessment which concludes that noise from the proposed facility would not affect the amenity of the nearest potential receptors. There are similar recycling facilities located throughout Flintshire that are located much closer to residential properties where amenity has not been affected. Therefore, I can support the application.
- 3.11 **Head of Public Protection; Contaminated Land Officer** has no objection in principle, subject to conditions to secure a land contamination assessment (including the location, survey and inspection of the mine shaft) and the submission of any information required, and the implementation of any remediation works which may be required. Also, a condition would be required to state; "prior to the importation of waste, the validation/verification works of the remediation works undertaken shall be submitted to the Local Planning Authority".
- 3.12 **Flintshire County Council Drainage:** The rate of discharge of 5 litres per second has been agreed. Following additional investigation works, the applicant now proposes to discharge to a final outfall on the existing highways drainage system which flows towards the north of the site travelling under the railway, as opposed to the submitted design which would flow in a southerly direction towards the highway. Subject to the approval of the details of the changes in the design, I have no objections. A condition would be required to provide details of the amendment to the proposed surface water drainage system.
- 3.13 **Natural Resources Wales/Cyfoeth Naturiol Cymru:** Does not object to the proposal. It is considered that the proposal is not likely to adversely affect any of their interests in relation to flood risk or the adjacent Dee Estuary. They have provided guidance information in

relation to waste and permitting, pollution prevention and contaminated land which would be added to the notes to applicant on the decision notice, should planning permission be granted.

- 3.14 **Dŵr Cymru Welsh Water:** As the submitted surface water drainage scheme does not connect to the public sewer, Dŵr Cymru Welsh Water does not wish to comment on this aspect of the scheme. Dŵr Cymru Welsh Water have requested that, should planning permission be granted that a condition and an advisory note be added to a consent to ensure no detriment to existing residents or the environment, or to Dŵr Cymru Welsh Water's assets.
- 3.15 **Airbus:** No objection, subject to the submission of a Bird Hazard Management Plan prior to the importation of waste.
- 3.16 **Clwyd-Powys Archaeological Trust:** There are no archaeological implications for the proposed development at this location. There is only one recorded site of archaeological interest lying immediately adjacent to the development area. The PRN 39733 Oakenholt Shaft lies just beyond the eastern boundary of the site. The site would not be impacted by the proposed development, and is of low archaeological value having been destroyed at ground level. A well is located in the north western corner of the site, but is of low archaeological value and is not visible at ground level.
- 3.17 A former shaft to the north is just within the northern part of the site. However, this area has been greatly altered with previous waste deposits and the laying of hard-standing for the adjacent concrete batching facility. The shaft site and any associated former buildings would have been comprehensively destroyed and then backfilled at the original ground level, which may now be 1-2 metres below present ground level. As there would only be surface works in the northern area of the site to create an access road the impact is considered to be negligible. Therefore, there are no archaeological concerns relating to this development site.
- 3.18 **Network Rail:** Have not objected to the proposal but have suggested a number of conditions and informatives which would be included on the decision notice should planning permission be granted, which concern the protection of the Chester-Holyhead railway and operational railway land.
- 3.19 **The Coal Authority:** The site falls within the defined 'Development High Risk Area'. The Coal Authority records indicated the presence of a recorded mine entry (shaft) within the application boundary. The Coal Authority has no precise details as to the location of the shaft or its condition.
- 3.20 In considering the relatively minimal load bearing nature of the development, and provided that the shaft is stabilised to the relevant

industry standard, The Coal Authority raises no objection to this planning application, subject to the imposition of a planning condition in relation to further site investigation works to establish the location and condition of the mine shaft.

- 3.21 In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigations are undertaken.
- 3.22 The Coal Authority considers that the content and conclusions of the submitted Phase 1 Site Investigation Report are sufficient for the purposes of planning in demonstrating that the application is, or can be made safe and stable for the proposed development.
- 3.23 **RSPB Cymru:** at the time of writing the report, no comments had been received.
- 3.24 **ENI (formerly BHP Petroleum):** at the time of writing the report, no comments had been received. However, during the pre-application consultation, the applicant recorded that ENI had no objection and confirmed that the development would have no impact on pipelines.
- 3.25 **Sustrans:** at the time of writing the report, no comments had been received.

4.00 PUBLICITY

- 4.01 This application was advertised by press notice on 17 February 2017. On 15 February 2017 a site notice was erected in a public place adjacent to the site. On 15 February 2017 neighbour notification letters (56) were dispatched to residential receptors. The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).
- 4.02 In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Amendment Order 2016, (DMPO 2016) the applicant has undertaken the necessary consultation procedures prior to submitting a major application. This commenced on 6 January 2017. The Applicant's Pre-application Consultation Report provides further details.
- 4.03 During the consideration of this application 8 letters of representation have been received in response to the consultation of the application; 1 letter of support and 7 letters of objection. The main planning based representations that are material to the determination of this application include:
- The proposal is not an appropriate use of land;

- The land should be a conservation area due to the black poplar trees which adjoin the site to the east;
- This site was a green field site which has been concreted before planning permission has been granted;
- Impact on the open countryside, there will be no green fields left and Flint and Connah's Quay will be linked by industry and housing and this site would further destroy part of the countryside;
- The proposal including the increased traffic will cause even more congestion than exists at present;
- Traffic travelling from Connah's Quay travelling at 70 mph along the dual carriageway will be faced with stationary traffic which will cause more accidents and it will be dangerous;
- The proposed signalised junction will add to the existing congestion;
- If approved the speed limited should be reduced to 50 mph from Connah's Quay;
- The proposal presents a dangerous access;
- Oakenholt is a residential areas and the proposal would impact on residential amenity from odours, noise, flies and increased traffic;
- Impact on agricultural animals and birds from noise;
- Impact on the nearby cemetery from noise;
- Impact on the coastal footpath and cycle route; this should be a green and attractive route and not industrial and unattractive;
- Conflict with the setting of Oakenholt Hall and Plas Belin Hall Conservation areas:
- Potential for Papermill Lane, which is narrow and unsuitable for increased traffic, to be used for traffic for the Household Waste site and the proposed Crematorium;
- Innumerable accidents at the junction of Papermill Lane and along the dual carriageway;
- Flintshire has rejected numerous planning applications for development along Chester Road, for multiple reasons, such as highway safety, protection of wildlife and undeveloped land, and to be consistent this applications should be refused;
- The proposal will be an unsightly eyesore as it is visible to the local residents when the other sites are out of sight;
- The proposal is premature; the decision should be postponed until a decision has been made on the A55 relief road;
- The existing recycling sites are ideally located and locating a new recycling centre in this site is a bad idea;
- The proposal is a waste of tax payer's money when there are two recycling centres within 5 miles of each other.

5.00 SITE HISTORY

5.01 On 28 October 2015, planning permission

(APP/A6835/A/15/3033648) was granted on appeal for the erection of a concrete batching plant on existing industrial land immediately to the west of the application site.

- 5.02 The permitted concrete batching plant referred to above has recently encroached onto the application site effectively extending their operations laterally without the benefit of planning consent. Prior to this encroachment, the application site has been largely covered in hard-core (since 2011). However, neither the extension of the neighbouring business, nor the hard-cored area benefits from planning permission. The land has no formal planning history.

6.00 PLANNING POLICIES

6.01 LOCAL PLANNING POLICY

Flintshire Unitary Development Plan (Adopted September 2011)

- Policy STR1 - New Development
- Policy STR2 - Transport and Communications
- Policy STR7 - Natural Environment
- Policy STR10 - Natural Resources
- Policy GEN1 - General Requirements for Development
- Policy GEN3 - Development in the Open Countryside
- Policy D1 - Design Quality, Location and Layout
- Policy D3 - Landscaping
- Policy D4 - Outdoor Lighting
- Policy TWH1 - Development affecting Trees and Woodland
- Policy WB2 - Sites of International Importance
- Policy WB3 - Statutory Sites of National Importance
- Policy WB5 - Undesignated habitats, flora and fauna
- Policy WB6 - Enhancement of Nature Conservation Interests
- Policy AC12 - Airport Safeguarding
- Policy AC13 - Access and Traffic Impact
- Policy EM1 - General Employment Land Allocations
- Policy EM3 - Development Zones & Principal Employment Areas
- Policy EM4 - Location of other employment development
- Policy EM7 - Bad Neighbour Industry
- Policy MIN8 - Protection of Mineral Interests
- Policy EWP6 - Areas of Search for Waste Management Facilities
- Policy EWP7 - Managing Waste Sustainability
- Policy EWP8 - Control of Waste and Operations
- Policy EWP12 - Pollution
- Policy EWP13 - Nuisance
- Policy EWP14 - Derelict and Contaminated Land
- Policy EWP16 - Water Resources
- Policy EWP 17 – Flood Risk

6.02 GOVERNMENT GUIDANCE

Planning Policy and Guidance

Planning Policy Wales 9th Edition (2016)

Technical Advice Note 5 – Nature Conservation and Planning

(2009)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2009)

Technical Advice Note 15 – Development and flood risk (2004)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 21 – Waste (2014)

6.03 Waste Strategy Policy and Guidance

Towards Zero Waste: The overarching Waste Strategy Document for Wales, June 2010

Collections, Infrastructure and Markets Sector Plan, 2012

Construction and Demolition Sector Plan, 2012

6.04 The main policies to be considered in the determination of this application are the policies of the Flintshire Unitary Development Plan (FUDP) particularly policies relating to development in the Open Countryside, waste management, highways and highways safety, nature conservation and statutory sites, contaminated land, Flood risk and drainage, landscape and visual impact and amenity with regards to noise. The materiality of the above policies are discussed in the following planning appraisal.

7.00 **PLANNING APPRAISAL**

7.01 Introduction

The details of the proposed development will be outlined below, along with a description of the site and location, site constraints and the issues that will be assessed within the main planning appraisal.

Details of Proposed Development

7.02 Flintshire County Council's Streetscene Department have applied for full planning permission for the construction and operation of a Household Recycling Centre (HRC) to the east of the existing 'Dependable Concrete' batching facility, on land off Chester Road (A548), in Oakenholt. The facility would serve to replace existing HRCs currently located in Flint and Connah's Quay.

7.03 The proposed HRC development would comprise:

- A new access from the highway which would be shared with Dependable Concrete;
- A perimeter road system;
- Junction improvements to Chester Road in the form of a signalised junction, gateway features and road markings/textured surface to warn drivers of the reduction in speed limit and the signalised junction (secured by section 278 agreement);
- The permanent closure of the existing 'Dependable Concrete' access;
- A hardstanding area for locating recycling containers
- A concrete lower level skip area with 8 individual skip bays

- accessed from upper level drop off area and walkways;
- A site cabin;
- Staff parking for 4 vehicles;
- A shed for waste furniture to be re-used;
- Boundary fencing (1.8 metre high steel security palisade fencing coloured Holly Green) and;
- Lockable metal gates.

- 7.04 The types of waste that would likely to be accepted on site include:-
- Green waste;
 - textiles;
 - plastics;
 - timber;
 - glass;
 - cans;
 - paper and cardboard;
 - waste electrical and electronic equipment
 - LPG cylinders;
 - ferrous and non-ferrous metal;
 - DIY rubble;
 - waste oil;
 - batteries;
 - bulky household waste; and
 - residual waste.
- 7.05 Two hydraulic refuse compactors would be used on the site to compact waste, ensuring optimisation of skip space.
- 7.06 A modular site cabin would be provided which would include a kitchen, canteen area and toilet. A furniture shed would ensure that bulky, potentially re-usable items of furniture would be kept under cover pending their removal from the site.
- 7.07 Public vehicles would enter the site from Chester Road to the south of the site and travel north along an internal spine road, (which would also serve the 'Dependable Concrete' facility), and travel around a perimeter road in a clockwise direction to a higher level drop off area to the south of the site. From the upper level, metal walkways would be provided at the raised ground level to give good pedestrian access to all the 'drop off' bays. Walkways would enable users to deposit their materials into the skips, located within the low level skip area. Public access to the low-level skip area would be prohibited. Signage would be used to direct householders to use the correct skip, which makes the process of recycling easier and minimises the potential for contamination.
- 7.08 Refuse collection vehicles would enter the site in the same access point from Chester Road but not use the perimeter road, they would enter the low level to remove skips, thus maintaining separately between service and public vehicles, and eliminating conflict with

service and public vehicles.

- 7.09 The site perimeter would be secured on all sides by a 1.8m high, powder coated (coloured Holly Green), steel security fence. Access to the HRC would be secured during non-operational hours by lockable, metal gates. An existing hedgerow to the site frontage would be retained, with the exception of a short section which would be removed to create the new access. New hedgerow planting would be provided to the northern and eastern site boundaries, along with supplemental planting to the south to 'gap-up' the existing hedge.
- 7.10 The site would be open to the public 7 days per week between 09:00 and 19:00 hours (April to September) and 09:00 to 17:00 hours (October to March). The site would be open for the delivery and removal of skips one hour before and one hour after the public opening hours. The site would be open to the public every day except Christmas Day. Permitted construction hours would be restricted to 07.30 – 18.00 Monday to Saturday with no construction taking place on Sundays or public holidays.
- 7.11 The HRC would be placed under the supervision of a Site Manager and would typically employ 6 full-time employees, split between two separate shifts. During peak times additional staff may be employed to cope with additional demand.
- 7.12 The anticipated maximum waste and recyclables throughput would be approximately 6,000 tonnes per annum (based on current inputs of 5,200 tonnes per annum to the existing Connah's Quay and Flint HRCs).

Site Description and Location

- 7.13 The proposed site is located on land off Chester Road (A548), in Oakenholt. The site is relatively flat and sits immediately to the east of the 'Dependable Concrete' batching facility. Dependable Concrete have laterally extended their site to the east on land included in this application site. This is unauthorised as they do not have planning permission in this location. Prior to this, the majority of the site has been hard surfaced since 2011. However, the site is located within the Open Countryside and unallocated within the Flintshire Unitary Development Plan.
- 7.14 The proposed access to the site would be via a new access, adjacent to the existing access to Dependable Concrete off Chester Road, which is dual carriageway and connects Flint towards the northwest and Connah's Quay to the south east.
- 7.15 Should planning permission be granted, the existing site access point which serves Dependable Concrete would be removed and Dependable Concrete would then use the proposed new signalised junction.

Relevant Planning Constraints/Considerations

- 7.16 Whilst the site has been developed by Dependable Concrete, this is unauthorised and the site is not allocated within the Flintshire Unitary Development Plan. The site is located within the Open Countryside and Policy GEN3 applies.
- 7.17 The Dee Estuary, a designated SSSI/SAC/SPA/Ramsar site, is located approximately 110 metres to the north west of the site, beyond the Chester to Holyhead railway line.
- 7.18 The Chester to Holyhead railway line tracks are located 30 metres from the application boundary, with the distance between the operational railway/Network Rail boundary and the application site being 20 metres.
- 7.19 The nearest residential property is located south east of the site at a distance of approximately 140m off Chester Road.
- 7.20 The site is primarily situated in Flood Zone A which is considered to be low to very low flood risk according to the TAN 15 Development Advice Flood Map. There is small a area noted as being located within Flood Zone B across the Site. Furthermore, northern extents of the site border upon areas classified as Zone C1 which is an area classified as being protected by significant infrastructure including flood defences. A Flood Consequences Assessment has been provided as the further justification test is required as the proposed change of use would be considered to be a 'highly vulnerable' site in accordance with Planning Policy Wales due to the nature of the change of use.
- 7.21 Whilst there is no formal planning history associated with the site, there is evidence on historical maps and records that the site was formerly part of a landfill for the adjacent power station. Two coal shafts are also recorded on the site on historical maps, as is a coal pit which was located to the east of the site. The south west boundary of the site was occupied as a garage/filling station shown on the 1959 County Series maps, and it was alleged to be removed in the late 1980s/early 1990s, and it does not appear on the 2002 Raster Series Map.

Issues
Need

- 7.22 Under the requirements of the Environmental Protection Act 1990, Flintshire County Council as the Waste Disposal Authority for Flintshire, are required to provide suitable places where residents may deposit their household waste (i.e. a Household Recycling Centre). There are other requirements of the Environmental Protection Act 1990 which relate to the Waste Disposal Authority providing HRC's in a place within the area of the authority which

would be reasonably accessible to the population of that authority.

- 7.23 Flintshire County Council is acutely aware that in order to achieve the required levels of recycling and targets set within the Flintshire County Council Waste Management Strategy, improvements to the existing HRCs are inevitably required and needed. In reviewing the provision of HRCs in Flintshire, Flintshire County Council's Streetscene Services have identified that the existing Connah's Quay and Flint HRCs are out dated and underperforming. The Welsh Government's review of Flintshire's HRC concluded that both these HRCs should close. However, Flintshire County Council have made the decision to construct one HRC to serve the residents of both conurbations.
- 7.24 The existing facilities located in Flint and Connah's Quay have limited space to offer recycling facilities for all waste streams and they are not convenient for the general public to access. They are reaching the end of their operational life and are no longer fit for purpose. Both existing HRCs are constrained by height restrictions as the access for these sites are beneath the Chester-Holyhead Railway line. This restricts the type and size of service vehicles accessing the site to remove the waste, which dictates the size of the skips which can be used on site. Also, the existing sites are too small to accommodate recycling material storage and equipment which would optimise efficiencies of scale in the future.
- 7.25 This site would enable a split level site for a raised drop off area which would provide an improved customer experience and improve health and safety performance and would decrease the average visit duration this providing improved efficiencies.
- 7.26 Streetscene have also identified that, in order to be more efficient and to help achieve the required recycling targets set by "Towards Zero Waste", the National Waste Strategy, and the Flintshire County Council Waste Management Strategy, the operation of one HRC to serve the combined Connah's Quay and Flint settlements would have distinct advantages. These include; reduction in costs by operating one single HRC rather than two, operational efficiencies, ease of public access and less disruption to the local highway network in the vicinity of the existing HRCs.
- 7.27 The Waste and Resources Action Programme (WRAP) provides advice on the maximum distance and journey times to HRC provision. There is a demonstrable need for improving the HRC provision in the Flint and Connah's Quay area and it has been recognised that a combined HRC to serve the residents of Flint and Connah's Quay would have a number of advantages.
- 7.28 It is considered that a combined HRC to serve the residents of Connah's Quay and Flint would improve recycling rates for Flintshire.

The proposal would accord with the principles of the Waste Hierarchy, as it would effectively provide provision for segregation of waste and subsequent re-use or recycling which would effectively move Flintshire's waste up the waste hierarchy. The proposal therefore accords with the National Waste Strategy, TAN21, and is in accordance with the Waste Hierarchy as it would contribute towards reducing waste disposal and increase re-use and recycling rates for Flintshire.

- 7.29 The Collections, Infrastructure and Markets Sector (CIMS), looks to create conditions to enable as much waste as possible to be managed in Wales. It seeks to create a sustainable approach to resource management by ensuring that a high volume of clean, recyclable material is separated at source, and collected and delivered to re-processors. It is considered that the proposal would contribute towards the provisions of Towards Zero Waste and the CIMS plan by delivering improvements and efficiencies in the collection of re-usable and recyclable material and by providing an accessible, modern local facility for the residents of Flint and Connahs' Quay. TAN21 and the CIMS plan have effectively superseded the Regional Waste Plan. Therefore, when assessing compliance with UDP Policy EWP7 we have to look to TAN21 and CIMS which the proposal accords.

Principle of Development – development in the Open Countryside

- 7.30 The site is located in the open countryside outside any defined settlement boundary in the adopted Flintshire Unitary Development Plan. The site is not located within a designated area of search for new waste management sites (Policy EWP6), it is not an employment allocation under Policy EM1, nor does it lie within a designated development zone or principal employment area under policy EM3 of the adopted Flintshire Unitary Development Plan. This means that the site is technically classed as open countryside, and therefore, because the current hard-standing/concreted area does not have the benefit of planning permission, and the site has not previously been developed for an authorised use, the site would be classified as 'greenfield' in planning terms.
- 7.31 Accordingly, the applicant has undertaken a sequential test site appraisal to identify and appraise potential locations that are brownfield and/or fall within the parameters of Policies EM1, EM3 and EWP6 of the adopted Flintshire Unitary Development Plan, to establish if there would be an alternative appropriate site available for the required HRC.
- 7.32 The submitted Site Appraisal Report revealed that the brownfield sites between Connah's Quay and Flint are sparse, with the majority currently in use or inappropriate for a HRC. The analysis of sites

identified, using planning policy allocations, has similarly shown that many brownfield sites are unsuitable for a HRC or unavailable. The report concludes that none of the 12 sites that were appraised were considered to offer better operational credentials than the application site, or would be better located in relation to the catchment area which the proposed new HRC is intended to serve. It could also be argued that the application site offers good road access and connectivity.

- 7.33 The comprehensive, methodological and detailed site search fulfils the requirements of a sequential test. It effectively demonstrates, that that the proposed application site has emerged as the most favourable site for a new HRC facility to serve the communities of Flint and Connah's Quay. The site is located equidistant between Flint and Connah's Quay, therefore is ideally positioned in relation to its intended catchment and would be in line with the WRAP guidelines. It is also considered to meet a number of operational requirements.
- 7.34 Whilst the site is located in the open countryside, outside any defined settlement boundary in the adopted Unitary Development Plan, and that technically, development such as proposed should not be permitted, it is clear from aerial imagery that the site had been developed with fixed surface infrastructure without the benefit of planning permission since 2011. Enforcement records held by Flintshire County Council confirm this. The site is located adjacent to an operational industrial site. The skyline immediately to the east is dominated by the cooling towers of the nearby Connah's Quay power station. To the north, the site is bound by the Chester – Holyhead railway line which effectively creates a physical and visual barrier between the site and the open land extending to the Dee Estuary. As such, whilst the site does not benefit from planning permission, and is not allocated in the adopted Unitary Development Plan, it does exhibit the characteristics of a brownfield site.
- 7.35 Furthermore, the proposal would not compromise the 'openness' of the countryside. There would be no large buildings, only low level demountable/portacabin style buildings, and the levels of the site would only be raised by around 1 metre in height. Therefore, the proposal would not add to the perceived industrialisation of the area, and it would not compromise its openness.
- 7.36 Policy EM4 of the adopted Unitary Development Plan indicates the circumstances in which employment development may be permitted in locations outside settlement boundaries or allocated sites which can include 'the redevelopment of suitable brownfield, underused or vacant land' provided that certain defined criteria are met. The technical definition of greenfield implies the site is vacant, when in fact the brownfield character of the application site highlights the site's potential to be brought into an acceptable, authorised use, in keeping with the immediate surrounding area.

- 7.37 Policy EM4 of the UDP relates to the location of employment development in, amongst other locations, the open countryside. It specifically identifies that the re-use of brownfield land outside of settlement boundaries or allocated sites will be considered acceptable provided that it satisfies the identified criteria. The criteria to be satisfied are:
- i. The scale and design of the development is in keeping with its immediate surroundings;
 - ii. The proposed use is appropriate to the location and causes no detriment to residential amenity or areas and features of landscape, nature conservations and historic importance;
 - iii. The proposal provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic generated by the proposals;
 - iv. Outside storage areas are screened from public view.
- 7.38 Given the characteristics of the site and the adjacent concrete batching facility, it is considered that the proposal is in keeping with its surroundings and appropriate to the location. Consideration of points ii-iv will be examined within the appraisal below.
- 7.39 On the basis of the comprehensive analysis, and sequential test taken to identify and appraise potential locations that are brownfield and/or fall within the parameters of Policies EM1, EM3, EM4 and EWP6, it is considered that there is valid evidence to justify the proposed location of a new HRC at Oakenholt, as a departure from Policy GEN3 of the adopted Flintshire Unitary Development Plan.

Highways, Traffic, Transportation and Access

- 7.40 The proposed development would be accessed from the A548 Chester Road via a new proposed access which is immediately adjacent to an existing priority controlled 'left-in/left-out' junction which serves 'Dependable Concrete'. It is proposed to upgrade this existing junction to an all directional movement signal controlled junction as part of the development proposals. New pedestrian footways would be provided into the site, linking to the footways on Chester Road. The new access would be positioned to the east of the existing 'Dependable Concrete' access and should planning permission be granted, it would be conditioned to close the existing access that serves 'Dependable Concrete'.
- 7.41 The proposed signal controlled site junction includes the relocation of the existing change in speed limit signs (from 40mph to national speed limit and vice versa in both directions) which are currently located approximately 40m of the site access. The signs are proposed to be relocated approximately 150m from the site access to ensure that the junction is located within a 40mph speed limit.
- 7.42 It is considered that, the relocation of the speed limit would enhance

safety at the junction and will be in keeping with the new local environment which will become more urban in nature due to this, and other developments being built in the area.

- 7.43 Work has been undertaken on the proposed signal controlled access junction and for the site's internal layout which show that the vehicles can safely manoeuvre in and out, and within the site safely. A Stage 2 Safety Audit has been undertaken on the proposed signal controlled site access junction by independent auditors. The design work undertaken to date, and presented in the submitted Transport Assessment demonstrates that adequate vehicle access can be provided to the facility. The detailed highway works do not form part of this planning application and would be confirmed at the detailed design stage. The works would be required prior to the use of the facility, delivered pursuant to agreement under the Highways Act.
- 7.44 Traffic management features have been proposed which have been agreed and include; the reduction of the speed limit with 'gateway' warning signs, road markings; textured and coloured surfacing to warn drivers of the stop junction, thick white lines for speed reduction warning and some central reserves being closed.
- 7.45 The proposal for an all directional movement signal controlled junction would effectively re-open the gap in the central reservation which was required to be closed as part of appeal decision APP/A6835/A/15/3033648 for the Dependable Concrete site. The central reservation was required to be closed for safety reasons due to the conflict with slow moving traffic turning in and out of the site onto a derestricted dual carriageway. However, this proposal would involve the reduction of the speed limit to ensure that the proposed signalised junction would be located within a 40mph speed limit thus addressing the concerns associated with the neighbouring development.
- 7.46 It is considered that the proposal provides satisfactory on-site parking, servicing and manoeuvring space and that the highway network (including access and egress) is adequate to safely cater for the type and volume of traffic that would be generated by the proposals, which would satisfy criteria (iii) of Policy EM4 of the Flintshire Unitary Development Plan.
- 7.47 With the imposition of conditions in relation to the site access, reduction in speed limit and the signalised junction, the Head of Assets and Transportation is satisfied that the proposed revisions to the speed limit, incorporation of the traffic management features which include road markings and textured/coloured road surface, in combination with the introduction of gateway features, would enable safe operation of the proposed junction, and that the operation of the HRC would cause no significant impact on the use of the highway. As such, it is considered that the proposal accords with Policies STR2,

AC13, EM4 and MIN3 of the adopted Flintshire Unitary Development Plan.

Residential Amenity; Noise

- 7.48 The proposed HRC could give rise to noise given the nature of the activities that would be carried out on site during the construction period and the operational period of the development. Two hydraulic refuse compactors would be used on the site to compact waste, which could give rise to noise. Other sources of noise during operations would be from vehicle movements, offloading and loading of waste, and from the collection of waste containers.
- 7.49 A noise impact assessment has been carried out to determine whether noise levels would meet appropriate guidance standards. It concluded that noise levels are unlikely to be significant at the nearest residential receptors when considering the context of the existing acoustic environment and mitigation proposed. Taking into account the proposed operational times of the HRC activities, proposed layout, measured noise levels and the relative position of the nearest residential properties to proposed noise sources, it can be concluded that the resultant noise levels would fall within appropriate guidance and standards to protect residential amenity.
- 7.50 The noise impact assessment provides a number of site control measures that, if employed on site would provide additional noise control. These are not necessary to meet reasonable and relevant noise criteria. However, the applicant has confirmed that, whilst noise mitigation would not be not required to meet noise criteria, the following mitigation measures would help to minimise noise from the site and demonstrate best practise. Should planning permission be granted, these would be conditioned.
- For any mobile plant on site, where practicable, the plant should be fitted with attenuated broad band noise reverse alarms (e.g. avoid tonal ‘beeper’ type alarms).
 - HGV engines are switched off when not manoeuvring.
 - Ensure skip lorries do not have chains unsecured that could impact against the vehicle when moving (as appropriate).
 - Always unload in the designated delivery area, unless instructed by the site management to do otherwise.
- 7.51 The Council’s Environmental Protection Officer supports the proposal and agrees with the findings of the noise impact assessment which concludes that noise from the proposed facility would not affect the amenity of the nearest potential receptors. There are similar recycling facilities located throughout Flintshire that are located much closer to residential properties where amenity has not been affected.
- 7.52 It is considered that the proposed use is appropriate to the location and would cause no detriment to residential amenity which would satisfy criteria (ii) of Policy EM4 of the Flintshire Unitary Development

Plan.

- 7.53 Having considered the data presented in the noise impact assessment and its conclusions, it is considered that the proposal accords with the provisions set out in MTAN1 and Policies GEN1, EM4, EWP6, EWP7, EWP8, and EWP13 of the adopted Flintshire Unitary Development Plan.

Ecology and Nature Conservation

- 7.54 An Extended Phase 1 Habitat Survey and ecological appraisal has been undertaken in relation to the proposed HRC. A habitat survey was undertaken in December 2016.
- 7.55 The application site does not form part of any statutory designated site for nature conservation. The application site lies 110 metres to the south west of the Dee Estuary Ramsar/ SAC/ SPA/ SSSI which is designated for the wintering and migratory bird population and the estuarine habitats present. It should be also noted that whilst the boundary of the designated site in this area is irregular and is some distance from the majority of the application site, the migratory and wintering birds also roost on adjacent fields closer to the application site. However, it is considered that the application site does not support any habitat that is functionally linked to the designated site. It is considered that the site lacks any habitat that would be used by mobile species that are qualifying features of these designated sites (in particular wading birds which have very specific requirements). The site is also separated from the Dee Estuary by the Chester-Holyhead railway line. However, this only provides a limited screen to the application site due to the topography in this location
- 7.56 A test of likely significant effect has been undertaken by the Council's Nature Conservation officer to consider any likely effects on the adjacent European site. The layout of the application site has been designed so the skips would be located further away from the designated site. However, long term screening would be required whilst the proposed boundary hedge becomes established. The proposed boundary hedge planting mix should be also revised to include gorse to provide additional screening in winter.
- 7.57 There is potential for indirect effects on the designated sites through the contamination of surface and ground water. Providing this can be controlled during construction and ground works by appropriate conditions then there would be no effect on the surrounding flora and fauna.
- 7.58 The site would operate under an environmental permit from Natural Resources Wales, and surface water would be controlled in accordance with an approved drainage scheme, with an attenuation tank, which would drain to an existing highways drain with interceptor to prevent contamination of the adjacent habitats.

- 7.59 The noise assessment accompanying the application concludes that the construction and operational noise would not be significant compared to existing background noise. Best practice site management measures would be employed on site to minimise noise.
- 7.60 The test of likely significant effect concludes that, with mitigation measures, no direct or indirect ecological effects are predicted upon the adjacent European designated site, either alone or in combination.
- 7.61 In consideration of habitats on sites, there are no habitats of biodiversity importance within the application site, and no protected or notable plant species were recorded during the Extended Phase 1 habitat survey. No impacts upon such habitats or species would be expected to occur. A revised landscaping scheme would be required to include the maintenance and enhancement of the existing and proposed hedgerow.
- 7.62 Adjacent habitats of greater biodiversity value at a local level would not be directly affected by the proposed development, and indirect effects can be avoided through the implementation of standard pollution control measures to prevent pollution and run-off occurring during the construction phase, in line with NRW's guidelines.
- 7.63 In relation to protection of birds, a small section of the boundary hedge would be removed to create the new access. If the removal of the section of boundary hedge is unavoidable during the breeding season, potential nesting areas should be inspected by a suitably experienced ecologist prior to works commencing. This would be conditioned.
- 7.64 The proposed development has no potential to impact upon bats as a result of direct or indirect habitat loss. However, depending on the positioning of lighting units, habitats around the periphery of the site could be affected by light spill and therefore affect foraging behaviour and commuting routes, albeit at a very local level. The locality is already subject to lighting from roads, nearby industrial facilities, and any new lighting associated with the proposed development would make a negligible contribution to overall levels.
- 7.65 Any lighting would be directed into the application site, focused on operational areas, and light spill into adjoining habitat will be minimised as far as practicable within the design. Should planning permission be granted, a condition would be imposed to require the submission and approval of details of lighting prior to their installation. The development is therefore not considered likely to affect the favourable conservation status of any bat species.
- 7.66 It is considered that the proposed use is appropriate to the location

and with mitigation proposed, the proposed use would cause no detriment to nature conservation, thus satisfying criteria (ii) of Policy EM4 of the Flintshire Unitary Development Plan.

- 7.66 Natural Resources Wales and the County Council's Nature Conservation Officer does not object to the proposal subject to conditions. With the mitigation measures proposed, it is considered that the proposal would not affect the favourable conservation status of any protected species or cause a significant effect directly or indirectly on any designations of international or national importance. The proposal would not result in any damage to habitats of greater biodiversity value at a local level on site, or on land adjacent to the application site. As such it is considered that the proposal would accord with the provisions of Policies EM4, WB1, WB3, WB4, WB5 and WB6 of the Flintshire Unitary Development Plan.

Landscape and visual impact

- 7.67 The application site is not subject to any statutory or non-statutory landscape designations. There are no nearby residential properties or notable routes or vantage points from which clear views of the application site are available at close range. The site is well screened and not very visible from the nearest residential properties. The listed buildings and conservation areas of Plas Bellin Hall which is located over 1km distant and Oakenholt Hall which is located in excess of 0.5km distant. Due to the extent of existing development along the coastal road and intervening land, and the distance from the proposed development, it is considered that there is no impact on the settings of either of these designated halls. The closest residential premises are 120 metres to the north west and south east of the site on Chester Road and the closest properties on Papermill Lane are over 200 metres distant to the southwest.
- 7.68 The proposed development would require the removal of a short length of the existing hawthorn hedge along the southern boundary of the application site in order to accommodate the new access, and loss of the improved grassland along the eastern boundary. Views of the HRC would be available from adjacent stretches of the Chester – Holyhead railway to the north, and the A548/ National Cycle Route 5 to the south, but in both cases these would be considered in the context of existing operations at the adjacent concrete batching facility which includes various items of plant, vehicles and hard surfacing, and the distant views of the nearby power station.
- 7.69 New hedgerow planting to the northern and eastern boundaries of the application site would be planted in the next available planting season, with supplementary planting in the existing hedge to the south which would effectively screen the site. The existing hawthorn hedge adjacent to the roadside provides a useful screen to the site and would be retained outside of the proposed access. A condition for the submission of landscaping details would be required, and a

standard aftercare condition would be imposed. In the context of the site, it is considered that the additional presence of the proposed skips, fencing and vehicle movements associated with the proposed HRC would be insignificant. The effects upon the character of the surrounding landscape and upon views would be small scale and would not be material to the determination of the planning application.

- 7.70 It is considered that the proposed use is appropriate to the location and would cause no detriment to areas and features of landscape, and would be screened adequately from public view by the proposed hedge planting on the northern, eastern and southern boundaries which would satisfy criteria (ii) and (iv) of Policy EM4 and Policies EWP8, L1 and L2 of the Flintshire Unitary Development Plan.

Trees

- 7.72 Concerns have been raised by a local resident on the proposal and the potential impact on Native Black Poplars. Native Black Poplars are Britain's rarest timber tree and are regarded as a priority species for protection at a local level. There are two Native Black Poplar Trees in the field to the east of the site. The two trees are recorded on the Cofnod database held by the North Wales Environmental Information Service. The Native Black Poplars are not subject to a Tree Preservation Order.

- 7.73 The nearest Native Black Poplar is located 22 metres from the centre stem of the tree, to the east of the application site boundary. This distance is sufficient to readily meet the requirements of the British Standard: Trees in relation to design, demolition and construction – Recommendations BS5837:2012 which would require a distance of 15m. The additional distance should also safeguard the tree's setting in the landscape.

- 7.74 It would be desirable to have a requirement to safeguard the tree although it is outside of the application boundary. A note would be added to the decision notice to protect the trees. It is considered that trees would not be affected as a result of the proposed development. It is considered that the proposal would accord with Policy TWH1 of the Flintshire Unitary Development Plan.

Ground Conditions and Contaminated land

- 7.75 A preliminary site investigation had been completed to provide information on ground conditions at the site. The results of the risk assessments indicate that there are sources of contaminants present at, or in the immediate vicinity of the site. Depending on the organic content of the made ground and tidal flat deposits at the site, landfill type ground gases may also present an issue. Anecdotal evidence has indicated that made ground of ash underlies the site; a former petrol station was located adjacent to the southwest corner of the application site, located in the area now occupied by the concrete works aggregate bays, this may have potentially leaked and migrated

onto land within the application site. Therefore, the site has the potential to be affected by land contamination. The development of the site could introduce receptors that could be affected by land contamination as a result of the development.

- 7.76 The majority of the site is currently not fully covered in hard standing, although the south western boundary is covered in concrete and the southern portion of the site is covered by crushed stone. A layer of made ground is expected directly below the surface of the site and is expected to be predominantly ash material. This is likely to be overlying either glacial till or tidal flat deposits. It is anticipated that minor earthworks may be required to modify ground levels and create new foundations for the structures and infrastructure for the HRC.
- 7.77 It is considered that the preliminary site investigation undertaken by the applicant is thorough, and the recommendations that it makes for further intrusive works to assess contamination suspected to be present at the site are considered to be reasonable.
- 7.78 In relation to the proposed buildings, the report describes the building, as temporary. However, it is understood that they wouldn't be sited temporarily with respect to time, but they are described as 'temporary' as they would be a portacabin style structure, rather than a building with traditional foundations.
- 7.79 Taking this into account, subsequent stages of the ground investigation assessment should take the siting of buildings, and the provision of services and drainage to the development into consideration. A mine shaft is present on site which may; like many old mine shafts, have been used to dispose wastes into. This should be taken into account in the assessment. Furthermore, as the precise location of the mine shaft, and its condition is not known, further intrusive ground investigation works would be required prior to the commencement of development, in order to establish the exact situation regarding coal mining legacy issues on site.
- 7.80 Although there are anecdotal recollections of the removal of fuel storage tanks from the former petrol filling station, no documentary evidence has been provided to show how the tanks were decommissioned, removed and the works validated. Hydrocarbon migration from the site in the past and which may be taking place at present is a potential risk to the development of the site during construction and operation. Therefore, care should be taken to investigate the potential issues associated with the migration and presence of hydrocarbons at both the former petrol filling station and the proposed development site.
- 7.81 The findings of the assessment would affect the way in which the development and buildings proposed within the site are constructed. The assessment needs to be completed before an informed decision

as to whether or not remediation measures to address any unacceptable risks attributable to the presence of land contamination are required. This may include measures which are required in the floor construction of structures/buildings (temporary or otherwise), foundations of structures, service and drainage provision. The potential risks to off-site receptors as a result of the development of the site also need to be understood.

- 7.82 Therefore, should planning permission be granted a condition would be imposed to ensure the land contamination assessment takes into account the siting of buildings, provision of drainage and services, and include the location details of the mine shaft, and a survey and inspection of the mine shaft with any remediation works taking place as recommended. The land contamination assessment shall also confirm if surface and ground water contamination of flora and fauna is likely to occur with details of any prevention measures. A condition would also be required to ensure that prior to the occupation of the development or its first use, the validation/verification works of the remediation works undertaken shall be submitted.
- 7.83 Natural Resources Wales considers that the controlled waters at this site are not of highest environmental sensitivity, therefore they have not provided detailed site-specific advice or comments with regards to land contamination issues for this site.
- 7.84 It is considered that, with the proposed conditions as outlined above, it is considered that the proposal would accord with Policies GEN1 and EWP14 of the Flintshire Unitary Development Plan.

Drainage, Hydrology/water resource

- 7.85 Surface water runoff flows from the development would be intercepted by a roadway network of gullies, which would in turn discharge to a surface water highways culvert located to the north of the site. Surface water attenuation would be provided either by the construction of a central control tank or cellular storage structure, which would then discharge via a hydro-brake vortex control under gravity flow to the existing highway surface water drainage network sewerage located to the north of the application site, beyond the railway.
- 7.86 The indicative system designed would be able to attenuate surface water run-off for all rainfall events up to the 1 in 100 year + 40% Climate Change to the rate of 5 litres per seconds, which corresponds to the minimum permissible discharge rate from surface water systems as specified within the Flintshire County Council Supplementary Planning Guidance LPGN 29 - Management of Surface Water for New Development. Additional details of the surface water management system would be required by condition.
- 7.87 To prevent damage to the drainage features, and to potential

downstream surface water discharge locations, erosion and sediment control for both the construction and operation phases would be incorporated within the design and may include:

- Sedimentation units/ Silt traps and oil separators;
- Sediment retention sumps in gully installations.

7.88 In relation to Flood risk, the application site lies predominantly within Zone A, with a small area of Zone B, as defined in TAN 15 Development & Flood Risk (2004) and shown on Welsh Government's Development Advice Map. Natural Resources Wales' floodmap confirms that the site is outside the modelled 0.1% AEP (1 in 1000 annual chance) fluvial and tidal event outlines.

7.89 The proposed development would not increase flood risk to the site or the surrounding properties provided that the suggested mitigation measures and the provision of appropriately designed surface water drainage controls.

7.90 Based on the submitted flood consequences assessment, NRW have no objection to the proposed development. However, prior to any planning permission being granted, they have advised that the Council's Drainage team (who fulfil the role of Lead Local Flood Authority) is consulted with regard to surface water management at the site.

7.91 The Council's Drainage officer has been consulted and the rate of discharge of 5 litres per second has been agreed. Following additional investigation works, the applicant now proposes to discharge to a final outfall on the existing highways drainage system which flows towards the north travelling under the railway, as opposed to the submitted design which would flow in a southerly direction. Subject to the approval of the details of the changes in the design, the Council's Drainage Officer has no objections. A condition would be required to provide details of the amendment to the proposed surface water drainage system.

7.92 Dŵr Cymru Welsh Water have requested that, should planning permission be granted that a condition and an advisory note be added to a consent to ensure no detriment to existing residents or the environment, or to Dŵr Cymru Welsh Water's assets.

7.93 Dŵr Cymru Welsh Water, Natural Resources Wales, and the Council's Drainage Officer do not object to the proposal. It is considered that subject to the approval of a drainage scheme, the proposal would accord with Policies EWP8, EWP16 and EWP17 of the Flintshire Unitary Development Plan.

Amenity Impacts; Odour, vermin, litter and dust.

7.94 Potential malodorous wastes could be imported to the site which would include mixed and green waste, plus a relatively small amount

of domestic chemicals and paints. Waste would be removed on a regular basis, thus reducing the potential for bio-degradation and for odour, flies and vermin. The volumes of waste held on site would be low and frequently removed. They rarely comprise of putrescible wastes and therefore the potential for malodorous wastes would be low.

- 7.95 Service vehicles transporting waste material would be securely sheeted ensuring that no litter problems would occur. Suitable containers would be utilised for recyclable materials. Furthermore, the proposed 1.8 metre high boundary fence would contain any windblown litter or debris should it occur.
- 7.96 During periods of warm weather, the hardstandings would be dampened to avoid the generation of dust as appropriate. Given the nature operations and distance to sensitive receptors, there would be no unacceptable risk of impacts associated with dust.
- 7.97 Streetscene operate a number of HRCs in the county and the Local Planning Authority have not received complaints in relation to odour, vermin, litter or dust at these sites. The operation of the site would also be regulated by Natural Resources Wales under an Environmental Permit.
- 7.98 It is considered that the proposed use is appropriate to the location and would cause no detriment to residential amenity which would satisfy criteria (ii) of Policy EM4 of the Flintshire Unitary Development Plan.
- 7.99 As such, subject to conditions to ensure that dust is minimised and controlled, and sheeting of service vehicles, it is considered that the proposal is in compliance with the provisions set out in Policies EM4, GEN1, EWP8 and EWP12 of the adopted Flintshire Unitary Development Plan

Lighting

- 7.100 Lighting for the site would be provided to function only during operational hours, when natural illumination falls below safe working levels. The lighting would comprise high-pressure sodium, flat glass lanterns or similar approved. All lighting would be angled downwards and designed not to spill light materially beyond the site boundary. Should planning permission be granted, details of lighting would be required to be submitted and approved in writing by the Local Planning Authority prior to any installation.
- 7.101 The submission and compliance with a lighting scheme required by condition would ensure that the proposal would accord with the provisions of Policies GEN1, D4, EM4, EWP8 and EWP13 of the adopted Flintshire Unitary Development Plan.

Bird Management

- 7.102 The proposal has the potential to increase Gull numbers in the Dee Estuary. Due to the proposed site location in relation to the Gull roost in the Dee Estuary, and the established Gull flight lines over the immediate vicinity of the site, it is likely that any weakness in the containment of putrescible waste would be exploited by Gulls very quickly. This would then have the potential of the site to lead to a net increase in the carrying capacity of the Dee Estuary and surrounding areas for breeding and wintering gulls. Therefore, it has been identified that the proposed development could conflict with aerodrome safeguarding criteria and Airbus would object to the planning permission being granted unless a Bird Hazard Management Plan is submitted to the Local Planning Authority and approved prior to the importation of waste.
- 7.103 Subject to the a condition requiring the submission and written approval of a Bird Hazard Management Plan it is considered that the proposal would accord with Policy AC12 of the Flintshire Unitary Development Plan.

Impact on the Railway

- 7.104 Network Rail is concerned that the proposal could result in surface water being drained in the direction of the railway or increase the amount of surface water in the adjacent surface water ditch, which could result in flooding, pollution and soil slippage on the existing operational railway.
- 7.105 A condition would be attached to any permission which would state that all new surface waters and foul waters must drain in a direction away from the railway. Any soakaways on site must be located at least 20m from the operational railway boundary. Any attenuation features would need to be agreed with Network Rail.
- 7.106 The submitted Conceptual Surface Water Management Plan shows that the surface water would drain in a south westerly direction towards Chester Road, where it would enter the highway surface water drain. However, this is proposed to be revised to flow into an existing highway drain which would drain in a northerly direction, towards the railway. However, this is an existing drain and no new drains would be proposed. Details of the revised drainage system would be required by condition, and Network Rail would be consulted.
- 7.107 Within their consultation response, Network Rail have raised a number of issues which would be communicated to the applicant via an informative within the 'Notes to Applicant', should planning permission be granted.
- 7.108 The applicant and operator of the site must ensure that their proposal, both during construction, and operation, does not affect the safety, operation or integrity of the operational railway / Network Rail land

and their infrastructure. The construction and operation of the development, and subsequent maintenance must not undermine or damage or adversely impact any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments. Any future maintenance must be conducted solely within the applicant's land ownership. This would be conditioned.

- 7.109 Network Rail have also requested that to protect the railway resource from trespass and/or damage that a trespass proof steel palisade fence of a minimum height of 1.8 metres should be erected along the railway boundary. The site would be fully enclosed with a 1.8 metre high palisade fence which would be erected at least 20 metres away from Network Rail land.
- 7.110 As the proposal includes hard standing areas, a turning area and an internal access road which is adjacent and runs parallel to the boundary of the operational railway, a condition would be included in a decision notice to require the details and installation of kerbing to prevent any vehicle incursion from private land impacting on the safe operation of the railway.

8.00 CONCLUSION

- 8.01 Flintshire County Council has identified that the two existing HRCs in Connah's Quay and Flint are no longer fit for purpose. The sites are small and are reaching the end of their operational life. The existing HRCs are also difficult and inconvenient to access and poorly signed. The development of a single HRC to serve the communities of both Connah's Quay and Flint would offer a number of advantages, primarily relating to accessibility, space and associated operational efficiencies.
- 8.02 Whilst the proposal does not accord with Policy GEN3 of the adopted unitary development plan as the application site lies in the Open Countryside, having regard to all considerations which weigh in favour of the proposal, on balance, it is considered that the proposed HRC represents sustainable development for which planning permission should be granted. It is considered that there is valid evidence to justify the proposed location of a new HRC at Oakenholt, as a departure from Policy GEN3.
- 8.03 With the imposition of conditions in relation to the site access, reduction in speed limit and the signalised junction and proposed gateway features, it is considered that the proposed mitigation measures would enable safe operation of the proposed junction, and that the operation of the HRC would cause no significant impact on the use of the highway.

- 8.04 Noise levels would be unlikely to be significant and the proposal would not cause detriment to residential amenity. However, best practice operational measures are proposed to minimise noise from the site.
- 8.05 With the mitigation measures proposed, it is considered that the proposal would not affect the favourable conservation status of any protected species or cause a significant effect, directly or indirectly on any designations of international or national importance. The proposal would not result in any damage to habitats of greater biodiversity value at a local level on site, or on land adjacent to the application site.
- 8.06 The proposed use is considered to be appropriate to the location and would cause no detriment to areas and features of landscape, and would be screened adequately from public view by the proposed hedge planting on the northern, eastern and southern boundaries.
- 8.07 Further intrusive site investigations would be required by condition, along with the requirements of any remedial works and the submission of a verification report detail any remediation works undertaken.
- 8.08 The proposal would not impact on hydrology and water resources. The proposed development would not increase flood risk to the site or the surrounding properties provided that the suggested mitigation measures and the provision of appropriately designed surface water drainage controls.
- 8.09 The proposal would not give rise to unacceptable levels of odour, litter, dust and lighting would be controlled by condition. Therefore, the proposed use is considered to be appropriate to the location and would cause no detriment to residential amenity.
- 8.10 With the conditions and mitigation measures proposed, it is considered that the proposal would not have an impact on Network Rail or aerodrome safeguarding.
- 8.11 The proposal would accord with the principles of the Waste Hierarchy, as it would effectively provide provision for segregation of waste and subsequent re-use or recycling which would effectively move Flintshire's waste up the waste hierarchy. The proposal therefore accords with the National Waste Strategy, TAN21, and is in accordance with the Waste Hierarchy as it would contribute towards reducing waste disposal and increase re-use and recycling rates for Flintshire.
- 8.12 In considering this application the Council has taken into account all the environmental information and matters that are material to the determination of this application, as set out in the Application,

Supporting Statement, and technical appendices which considered and assessed the impacts on the highway, noise, ecology, landscape and visual impact, ground conditions, surface water and flood risk, amenity and bird management. It is considered that with mitigation measures proposed, there would be no material planning reason for refusal and planning permission should be granted.

9.00 Other Considerations

- 9.01 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.
- 9.02 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.
- 9.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 9.04 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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