

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **13th JANUARY 2020**

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

SUBJECT: **DEVELOPMENT OF EXISTING WASTE RECYCLING FACILITY TO EXTEND EXISTING BUILDING, DEMOLISH THREE BUILDINGS, AND INSTALL NEW WASH PLANT MATERIAL PROCESSING EQUIPMENT, STORAGE BAYS, ADDITIONAL WEIGHBRIDGE, TICKET OFFICE AND NEW DRAINAGE SYSTEM.**

APPLICATION NUMBER: **061263**

APPLICANT: **GTR AGGREGATES & RECYCLING LIMITED**

SITE: **WASTE RECYCLING FACILITY, DEE BANK INDUSTRIAL ESTATE, BAGILLT**

APPLICATION VALID DATE: **15th JULY 2020**

LOCAL MEMBERS: **CLLR K RUSH**

TOWN/COMMUNITY COUNCIL: **BAGILLT COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This is a full application for development of existing waste recycling facility to extend existing building, demolish three buildings, and install new wash plant material processing equipment, storage bays, additional weighbridge, ticket office and new drainage system.

The main planning issues are considered to be:

- Principle
- Sustainability/Need
- Visual Impact and Design
- Highways

- Ecology
- Air Quality
- Noise
- Contaminated Land
- Flood Risk
- Drainage

The development proposal also seeks to provide for a site throughput capacity of 250,000 tonnes per annum (tpa), comprising approximately 75,000 tpa of skip waste and 175,000 tpa of construction, demolition and excavation waste.

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

- 2.01
1. Commencement of Development
 2. In accordance with plans
 3. Tonnage restricted to 250,000 tpa
 4. The remedial and operational measures detailed within the Particulate Emissions Management Plan shall be implemented in full and retained for the lifetime of the development.
 5. The mitigation measures detailed within the Noise Assessment shall be implemented in full and retained for the lifetime of the development.
 6. Details of any external lighting shall be submitted and approved prior to its installation and use on site.
 7. Height of stockpiles
 8. The wheel washing facilities shall be implemented as approved and shall thereafter remain available and be used by all vehicles exiting the site.
 9. Hours of operation limited to Monday to Saturday between the hours of 07.00 and 18.00.
 10. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning vehicles
 11. Submission of a Construction Environmental Management Plan (CEMP) to include the following details:
 - General Site Management,
 - Soil Management: details of topsoil strip, storage and amelioration for re-use,
 - CEMP Masterplan,
 - Control of Nuisances,
 - Resource Management,
 - Pollution Prevention, and
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

12. Preliminary Risk Assessment, Site Investigation Scheme, Remediation Strategy and Verification Plan in relation to ground contamination of the adjacent controlled water
13. Verification Report in relation to above condition
14. Long-term monitoring plan for protected sites and local water quality shall be submitted and approved
15. Unidentified contamination
16. No infiltration of surface water drainage into the ground is permitted
17. No development shall commence until details of piling or any other foundation designs using penetrative methods have been submitted to the LPA
18. Materials to match existing building
19. Prior to commencement submission of foul drainage scheme
20. Prior to commencement the assessment and remediation of ground contamination.

3.00 CONSULTATIONS

3.01 Local Member

Cllr K Rush – No Response at the time of writing

Town/Community Council

No Response at the time of writing

Highways Development Management

On the basis of the information submitted as part of the Transport Statement there is no objection to the proposal. Recommend the following condition is included:-

- Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles.

Community and Business Protection

As the Council is the primary regulator for land contamination, it will be important that all potential risks to receptors (not limited to the prevention of pollution of controlled waters) are identified, understood and addressed. The site does have an extensive history of potentially contaminative land uses and the potential risks to human health and the environment will need to be adequately assessed and addressed where necessary.

Welsh Water/Dwr Cymru

No Objection subject to conditions in relation to foul water drainage.

Natural Resources Wales

We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application:

- Condition 1: Construction Environmental Management Plan (CEMP)
- Condition 2: Preliminary Risk Assessment, Site Investigation Scheme, Remediation Strategy and Verification Plan
- Condition 3: Verification Report
- Condition 4: Long-term monitoring plan
- Condition 5: Unidentified contamination
- Condition 6: Surface Water Drainage
- Condition 7: Piling

4.00 PUBLICITY

4.01 Press Notice, Site Notice and Neighbour Notification

No responses received at the time of writing

5.00 SITE HISTORY

5.01 GTR Aggregates & Recycling Ltd (GTR) operates an existing skip waste and aggregate recycling facility at Dee Bank Industrial Estate, Bagillt. The site functions under two planning permissions:

- a) 044149 granted in February 2009 for: Regulation of existing planning permissions and new building for waste recycling facilities and skip hire (“the skip waste recycling facility”); and
- b) 048608 granted in August 2011 for: Change of use from concrete batching plant to an inert waste recycling facility. Erection of bays and partial demolition of an existing building (“the aggregate and soil recycling facility”)

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1: New Development

STR3: Employment

GEN1: General Requirements for Development

D1: Design Quality, Location and Layout

D2: Design

AC13: Access and Traffic Impact

AC18: Parking Provision and New Development

EM1: General Employment Land Allocations

EM3: Development Zones and Principle Employment Areas

EM7: Bad Neighbour Industry

EWP7: Managing Waste Sustainably

EWP: Control of Waste Development and Operations
EWP12: Pollution
EWP13: Nuisance
EWP17: Flood Risk

Supplementary Planning Guidance

Supplementary Guidance Note 11: Parking Standards
Supplementary Guidance Note 29: Management of Surface Water for New Development

Planning Policy Wales Edition 9

Technical Advice Notes

Technical Advice Note 11 – Noise
Technical Advice Note 12 – Design
Technical Advice Note 15 – Development and Flood Risk
Technical Advice Note 18 – Transport
Technical Advice Note 21 – Waste
Technical Advice Note 23 – Economic Development

7.00 PLANNING APPRAISAL

7.01 The Site and the Proposed Development

7.02 This application is for full planning permission for the development of existing waste recycling facility to extend existing building, demolish three buildings, and install new wash plant material processing equipment, storage bays, additional weighbridge, ticket office and new drainage system.

7.03 The existing industrial unit extends to approximately 0.86 hectares and features the following:

- A weighbridge inside the gated entrance to the north of the site;
- A waste transfer building along the southwestern boundary;
- An open feedstock and skip unloading area in the southern corner;
- Two storage and processing buildings and an enclosure/covered bay on the southeastern boundary;
- An office and workshop building, storage bays and parking areas in the northern part;
- Concreted and compacted hardcore surfacing;
- Enclosure of fencing and walling; and
- Banks of trees and vegetation on the northeastern and southeastern boundaries.

7.04 There are various components to the proposed development of the site as follows:

- Demolition of the three buildings on the southeastern boundary;
- Extension of the existing waste transfer building around the southern corner of the site, to create one waste recycling building and enable all skip waste processing operations to take place under cover;
- Installation of an additional weighbridge and a ticket office at the entrance to the site;
- Installation of new processing machinery and storage bays within the northeastern and southeastern part of the site. The new equipment would comprise a processing plant with state of the art washing and sizing capability for producing high grade recycled aggregates and maximising recovery of waste materials;
- Vehicle parking provision; and
- New site drainage.

7.05 The development proposal also seeks to provide for a site throughput capacity of 250,000 tonnes per annum (tpa), comprising approximately 75,000 tpa of skip waste and 175,000 tpa of construction, demolition and excavation waste.

7.06 Principle
The application lies outside of the development boundary and is not allocated for any particular use within the UDP. Policy EM5 supports the expansion of existing concerns subject to a number of detailed tests, including that the proposed extension is subsidiary to the existing operations. Policy EM5 also requires that the development is in keeping with both the site and its surroundings and any new site boundary is logical, utilising existing features or incorporating suitable boundary treatments. The existing industrial estate is relatively well assimilated into the surrounding landscape

7.07 The adopted UDP identifies a number of 'areas of search for new waste management facilities' in Policy EWP6 but this does not apply to this site as this is not a new waste facility. Nevertheless, the policy states 'Where a proposal is made for the development of a site within any of the locations identified, as listed above, then permission will be granted subject to that proposal meeting other relevant plan policies, particularly EWP7 & EWP8' which provide relevant context for considering the proposal.

7.08 Policy EWP7 of the adopted Flintshire Unitary Development Plan seeks to ensure that proposals for waste management facilities are rigorously tested to ensure that the facilities proposed are required to meet an identified need within the Regional Waste Plan. Since the Unitary Development Plan was adopted, the requirement to consider the Regional Waste Plan during consideration of proposals for waste management facilities has been removed through the publication of a revised Technical Advice Note (TAN) 21. The

revised TAN 21 instead requires consideration of proposals against national waste policy.

- 7.09 Given the change in national policy and guidance and the fact that the data upon which the Regional Waste Plan 1st Review is based is over 10 years old it is considered that it is appropriate to look beyond the 1st Review when assessing need. This is the view that an Inspector took when considering a waste management application previously and is considered to continue to be an appropriate stance in relation to this application.
- 7.10 The development proposal seeks to provide for a site throughput comprising approximately 75,000 tpa of skip waste and 175,000 tpa of construction, demolition and excavation waste. In respect, of construction, demolition and excavation waste, which is produced in large volumes, but tends only to be recycled for low grade uses, the proposed new wash plant technology represents the opportunity for this waste stream to be turned into high quality recycled aggregate, thereby obtaining optimum levels of re-use, because the recycled products are fit for higher-value applications
- 7.11 With regard to the improved skip waste recycling facilities, the processing and storage of materials could all take place fully under cover which would assist the segregation of individual items for onward recycling. The kind of items that are conventionally placed in skips, such as wood, cardboard, paper, garden waste, metals, glass, plastics, textiles, plasterboard and other builders' materials are priority materials for recovery.
- 7.12 The Natural Resources Wales data for 2018 recorded that non-hazardous waste landfills in Wales accepted 750,000 tonnes of household/industrial/commercial waste and for the North Wales Region 186,000 tonnes. In addition, the Survey of Industrial and Commercial Waste Generated in Wales 2018 reported that the North Wales region generated 710,000 tonnes of industrial and commercial waste with approximately 65% currently recycled.
- 7.13 In light of the above, it is considered that the proposal would not lead to overprovision within the region.
- 7.14 Living Conditions of neighbouring occupiers
The proposal site is located within an existing industrial estate. The nearest residential properties are located approximately 200m to the north of the proposal site, separated from the site by the A494 and the industrial estate.
- 7.15 There are a number of UDP policies which necessitate consideration of the impact of a proposal of this nature on residential living conditions, including GEN1 (d), EM3 (iii), EM7(iv), EWP8(b). Policies GEN 1 and EM3 state that there should be no significant

adverse impact on the amenity of nearby residents and other users of the land through increased activity, disturbance, noise, dust or adverse effects of pollution, while policy EWP8, supports proposals which do not detrimentally affect the health and amenity of neighbouring land users.

7.16 Dust

The application is supported by a Particulate Emissions Management Plan and has been subject to consultation with Environmental Health Officer. The site is set at some distance from the nearest residential properties and it is considered possible to limit dust through good site management as outlined with management plan. The implementation of the remedial and operational measures detailed within the plan will be controlled by condition to ensure they are implemented throughout the lifetime of development.

7.17 Noise

Although the site is set at some distance from the nearest residential properties it is considered noise could potentially become a nuisance due to the types of machinery and the nature of the activities that would take place on the site. There are noise conditions attached to planning permission reference 044149 which limit noise levels arising from the site at the nearest residential properties, as well as a condition restricting hours of operation

7.18 In addition, the application is supported by a Noise Impact Assessment which concludes that the proposed operations would not cause an unacceptable degree of disturbance, and would not lead to an intensification or greater intrusion of noise upon sensitive receptors, the proposed operations will satisfy the requirements of the Planning Guidance Wales, Technical Advice Note 11.

7.19 Whilst there is an unlikely to be any noise impact, the Operator has considered additional mitigation that can be practicably implemented. Mitigation will be implemented into the working procedures to minimise noise emissions as far as reasonably practical. These precautionary measures are set out below:

- Reduction of drop heights of materials, particularly to avoid metal on metal impact.
- Vehicle route surfaces to be maintained to be kept smooth and free of debris.
- Prohibition of unnecessary engine idling and revving.
- Regular checks of plant and equipment to reduce excessive noise due to maintenance issues.
- Site management to ensure all staff receive training on appropriate methods to be used to avoid noise impact, including minimising drop height of materials, keeping vehicle routes maintained, avoiding unnecessary revving of engines,

starting up plant and vehicles sequentially, where practicable. Notices and signs should be displayed to remind staff.

- Site management to regularly patrol the site boundary, to check for potentially problematic noise, and take additional action where necessary.
- The operator will implement white noise or an equivalent on all site based vehicle

7.20 Character and appearance

The proposal site is located away from residential properties and whilst distant views of the site are possible from residential properties, any impact is not considered sufficient to cause significant harm to residential amenity. Any visual impact is considered to be relatively minor and unlikely to harm the amenity of local residents.

7.21 Stockpiles of materials within the site and proposed extension are considered likely to be the most intrusive elements of the proposed development. In order to minimise the visual impact of stockpiles of waste material it is recommended that an overall height limit is secured by condition.

7.22 Highways

The application site is located to the immediate east of the A548 / A5026 signal junction. The eastern arm of this junction provides access to the site. The site takes the general form of an L-shape with the A548 along its western boundary and the North Wales Coast Railway passing along its eastern boundary.

7.23 To the north of the site is a petrol station, car wash and some light industrial land uses such as a vehicle depot and a vehicle repair shop. These uses also take access from the A548 /A5026 signal junction as well as an entry only slip road off the southbound carriageway of the A548.

7.24 In a worst case scenario, the proposal would give rise to an average of about 244 heavy vehicle movements per day or about 24 movements per hour, assuming that for one trip either in or out of the site the lorry is empty. However, there would in reality be a proportion of lorries that would be fully loaded for both movements in and out of the site, for example returning from a delivery of recycled aggregates with a load of waste materials or vice versa. This backloading is likely to reduce average vehicle, movements by about 25%, and on this basis daily traffic movements would on average amount to about 230 per day.

7.25 The application is supported by a Transport Statement and consultation has been undertaken with Highways Development Management. The Highways Officer raises no objection to the proposal subject to a condition in to ensure that facilities s for the

loading, unloading, parking and turning of vehicles are retained within the site.

7.26 Flood Risk

The site lies almost entirely within Zone C1 and Zone B as defined by the Development Advice Map (DAM) referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004) and our Flood Map confirms the site to be located almost entirely within the 0.5% (1 in 200) and 0.1% (1 in 1,000) annual exceedance probability (AEP) event flood outlines.

7.27 The development proposal is for the extension of the existing waste recycling facility which occupies the site, and the demolition of several buildings. The land use vulnerability of the site would remain unchanged. The overall change in building footprint is minor, with a net increase of approximately 193m². A Flood Consequences Assessment (FCA) has been submitted in support of the application, which has been prepared by AA Environmental Limited.

7.28 The FCA considers flood risk from a range of sources and gives some consideration to the flood risk posed to the site in a tidal breach event. The FCA indicates that some flooding of the site would be expected in a breach event, but it is not clear how the flood depths quoted have been determined. The FCA does not fully quantify the potential flood risk posed to the site in a breach event when considering the impacts of climate change, and the FCA therefore fails to comply with A1.14 of TAN15. The FCA does recommend that the operators of the site should sign up to receive flood alerts and that a Flood Plan should be prepared. It also confirms that site levels at the site will not be changed following the proposed works.

7.29 Despite the FCA failing to comply with the requirements of TAN15, it should be noted that the proposed involves an extension to an existing building, and the overall change in footprint is only in the region of 193 m². Therefore, given the scale and nature of the proposals, NRW have no objection to this application on flood risk grounds.

7.30 Ecology

The proposal is within 30 metres of the Dee Estuary Special Area of Conservation (SAC), Dee Estuary Special Protection Area (SPA), Dee Estuary Ramsar and the Dee Estuary Site of Special Scientific Interest (SSSI).

7.31 The proposal would involve the redevelopment of the waste management operations within the site including an extension to allow for skip waste to be sorted inside along a redesign of the existing yard to allow install new wash plant material processing

equipment, storage bays, additional weighbridge, ticket office and new drainage system.

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

7.33 The application has been subject to consultation with Natural Resources Wales who have requested that the applicant should prepare a Construction Environmental Management Plan in order to prevent and minimise any potential water quality and waste management impacts on the adjacent sites.

7.34 Land Contamination

Policy GEN 1 (i) states that development should not be susceptible to problems related to contamination. Policy EWP 14 supports the reclamation and reuse of contaminated land subject to a number of detailed tests, to ensure that appropriate measures are taken to deal with any contamination which exists on the site and to ensure that no residual risk remains on site for future receptors.

7.35 The land use on site has varied significantly in land use in the last 150 years. The site formed part of a lead works operating from the late 1800's up until the early 1960's when the land was cleared. The site operated as a batching plant until 2011, when planning permission was granted for an inert crushing facility. Given the potential for land contamination, Natural Resources Wales have concerns with the proposed development, due to the possibility of significant contamination from the historical use as a lead works, the adjacent drainage outfall, and the proximity to the Dee Estuary SAC/SPA/RAMSAR/SSSI. They have advised that further information is required in respect of controlled waters, which are of high environmental sensitivity in this location, and this should be secured via condition. In addition, the Council's Land Contamination Officer has considered the proposal and suggested conditions in relation to assessment and remediation of any land contamination.

8.00 CONCLUSION

The proposal would involve redevelopment of an existing waste management site, which would allow waste to be managed in a sustainable way, diverting it from landfill and maximising recovery, in line with Technical Advice Note 21. The proposal has the potential to impact on protected sites, residential amenity, highway safety, landscape, and contaminated land, however, as discussed in the

body of the report above, it is considered these matters can be satisfactorily addressed through the use of appropriately worded conditions.

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

8.01 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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