

Planning Committee

20 August 2008

**Applications to be determined
by the County Council**



**Report of John Byers, Business Manager,
Planning Development Control**

Purpose of the report: To enable the Committee to determine applications for planning permission which have been received in accordance with the requirements of the Town and Country Planning Act 1990.

Introduction

- 1 This proposal is one of four planning applications that were originally submitted for the composting of pre-shredded green waste at closed landfill sites managed by Premier Waste Management Ltd. Two of the applications at Lumley and Coxhoe have since been withdrawn and planning permission was granted for the former Scoby Scaur Waste Disposal Site at Newfield on 24 July 2008. The proposals are intended to secure increased capacity for the composting of green waste over a temporary five year period and to take some pressure off Joint Stocks Quarry, Coxhoe, the Company's main site for this activity, which is already at full capacity.
- 2 The Company is currently considering other options to meet the need for green waste composting facilities in the County. These include an extension of the existing composting area at Joint Stocks and the development of larger, purpose built facilities for these operations. It will take some time to bring forward a new site or sites and the current proposals are intended to act as a stop gap until a more permanent solution is found.
- 3 The Environment Agency granted exemptions from waste management licensing controls (under Paragraph 12 of the Waste Management Licensing Regulations 1994 – now referred to as the Environmental Permitting (England and Wales) Regulations 2007) for the composting of green waste at each of the sites over two years ago and it is understood that these operations have taken place since then on an intermittent basis, although this is not currently occurring. Planning permission was not sought as the Company believed that the activities were ancillary to the current agricultural use of the land. It is the view of the Planning Authority that this is not the case and the applications have been submitted to seek planning permission to allow composting operations to continue on site.

Planning History

- 4 Teesdale District Council granted planning permission for waste disposal by landfilling in Bolam Quarry in 1974. Tipping ceased in March 2003 and final restoration was completed in 2004 using sub-soils only. Planning permission was granted in June 1999 for a compound containing equipment to generate electricity from landfill gas. This activity continues to take place.

The Proposal

- 5 The development involves stockpiling pre-shredded green waste materials in windrows on an area of land measuring 0.48ha located to the south east of the former landfill site (see attached plan). The green waste material would be delivered by 40 tonne HGVs from Joint Stocks landfill site and would consist of soil and garden waste originating primarily from household recycling centres within County Durham.

- 6 The material would be deposited directly on the land and laid out in rows measuring 75m in length, 8m in width and 4m in height depending on the quantities available. In total a maximum of four windrows can be accommodated within the application area. It would then be turned every two weeks by a loading shovel, to ensure that the composting process is carried out successfully. A screening procedure would also be undertaken during the turning process to remove any oversize material. The composting operation is expected to be completed within 12 weeks, after which the resulting compost would be spread on the former landfill site.
- 7 It is anticipated that up to 1,000m³ of green waste material would be processed every 12 weeks. This would amount to a maximum of 5,000m³ (approximately 4,000 tonnes) of green waste material per annum. Temporary permission is being sought for a period of up to five years. The proposed hours of operation are 7.30 – 16.30 Monday to Friday. Two existing employees would be involved in the operations as required.
- 8 The operations are exempt from waste licensing controls, because of the quantities of material involved and the fact that the compost would be spread on site. However, the applicant will be required to undertake a risk assessment of site specific pollution risks resulting from the waste as part of the licence exemption.

Consultations and Views Received

- 9 Teesdale District Council has no comments to make on the application.
- 10 Bolam Parish Meeting made a number of comments in relation to the application, requesting that any effects of HGV movements should be minimised, including restricting these to certain times in order to reduce impacts on local residents. It was also suggested that screening should be put in place to prevent any undue noise and smell.
Comment: See paragraph 25-26 below regarding HGV movements and paragraph 19 regarding screening against noise and smell.
- 11 Etherley Parish Council (consulted 17 March 2008) has not commented on the application.
- 12 The Environment Agency has no objection to the development as proposed, and notes that waste licensing/exemption implications are currently being addressed by its waste licence permit team.
- 13 Natural England (Government Team) state that the application has not provided any information with regards to designated sites or protected habitats and species and note that there is a possibility that the site may be used by breeding birds. As such it is suggested that the Planning Authority may wish to attach an informative on any planning consent to make the applicant aware that such species may be present and that legal protection is to be afforded to them.
Comments: The relevant informative can be attached to any consent.

- 14 Natural England (Geology, Landscape and Soils Team) does not raise objections to the proposal but has made some observations on a number of general agricultural, soil resource protection and associated reclamation considerations.
- 15 The application has been advertised on site and in the local press. 11 letters and a petition containing 75 signatures have been received from residents of Bolam objecting to the scheme. These raise the following concerns:
- The possibility that up to 50 HGV movements could take place in one day is of concern and considered excessive. It is queried whether HGV movements can be accurately monitored.
 - The noise and vibration impacts caused by lorry movements to and from the site and from HGVs accelerating, decelerating and reversing, as well as congestion and mud on the road leading to an increased risk of accidents would create an unacceptable level of disruption in a quiet rural location.
 - The unclassified road leading to the site is considered to be too narrow and is in a state of disrepair, despite assurances from the County Council that it would be repaired in the future. The ability of this road to withstand the level of HGV movements proposed is seriously doubted.
 - The B6275 just leading into Bolam village is not considered to be a safe route and has been the scene of a number of accidents.
 - The planning application fails to identify the existence of public rights of way across the site and on the access route leading to the site. There is concern over the safety of users of the public right of way along the HGV access route.
 - The composition of the waste material is queried and whether there can be any guarantees that it will in fact just be green waste. Previous 'green waste' dumped at the site was in fact contaminated with old shoes, plastics and other household rubbish.
 - The additional HGV traffic generated will increase the carbon footprint.
 - The waste which would be sited on the elevated surface of the former landfill site would be intrusive.
 - The impacts of litter being blown around, odours emanating from the waste and increased vermin activity would cause nuisance and distress to local residents and possible undesirable health effects. *Aspergillus Fumigatus* is a fungus commonly found in compost and the spores may trigger serious infection in the lungs.
 - Upon completion of the tip, flooding problems increased and there is fear that additional waste activities may exacerbate flooding problems on the site.
 - There is concern over future intentions for the site and whether the introduction of green waste would be the thin edge of the wedge. There is also the issue as to whether Premier Waste Management would operate the site appropriately.
 - Disappointment that the site is to be re-opened again for further waste related activities. The residents of Bolam have endured more than their fair share of waste disposal with the "un-pleasantries" and inconveniences that come with it.

- Both the site and the village have just started to recover from previous operations, with wildlife starting to use the site (observation that skylarks have been nesting on the site) and Bolam village is now being considered for conservation area status. There is concern that the new proposals will impede these improvements.
- The applicant should wait until a larger, more suitable site is found instead of inflicting an industrial scale operation in this rural area.
- The Planning Committee should visit the site before any permission is granted.

Comment: Highways issues and HGV movements are considered in paragraphs 25-26 below. Public rights of way issues are dealt with in paragraphs 23-24 below. Mitigation measures for litter, odour and noise are covered in paragraphs 18-19 below. With regards issues of flooding, the Environment Agency has not highlighted this as an issue in their response. Permission is being sought for a temporary 5 year period and there are no intentions to import any other forms of waste to the site other than green waste. Although composting is a continuous activity, it is mostly passive and activities are limited. It is not considered that the new proposals would be equivalent in terms of impacts to the previous waste disposal site use.

Planning Considerations

Waste Policy

- 16 National waste planning guidance is contained in PPS 10: Planning for Sustainable Waste Management that introduced the concept of a waste disposal hierarchy, wherein landfill is regarded as the least preferable disposal route, particularly where waste can be used as a resource such as composting. Among other matters PPS 10 also makes provision for considering the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality.
- 17 The County Council's adopted County Durham Waste Local Plan [WLP] recognises that composting as a process removes a significant and potentially polluting element from the waste stream and also reduces demand for peat and other soil improvement products for land reclamation. Policy W42 provides opportunities for outdoor composting facilities in particular where the proposal can be satisfactorily located on previously developed land, makes beneficial use of the composted product and the processing of waste remains appropriate in scale to an existing primary use. WLP Policies W9, W31 and W33 relating to landscape character, environmental and neighbourhood protection are also of relevance.

Local Amenity

- 18 The Environment Agency advised in a policy statement in August 2001 (also reflected in the WLP) that new composting facilities should not be located within 250 metres of a workplace or curtilage of a dwelling unless a risk assessment demonstrates acceptability. The nearest

houses to the proposed composting area are over 450m to the south and north of the site. These are Moresby House (located on the north west perimeter of Bolam village) and Lough House respectively. Land directly bordering the site is currently used for grazing.

- 19 The site would be used to compost green waste only and should not give rise to potential litter, odour and vermin problems. The operations have taken place on some basis within the last 2 years and neither the applicant, the Planning Authority or Environment Agency is aware of any complaints. Given the scale of the proposals, the specific type of waste, the limited working period, the degree of separation from residential property and mitigation measures proposed, it is not considered that composting operations would have any significant effects on the amenity of the area or environment.
- 20 The Environmental Health Officer at Teesdale District Council has no objections to the application.

Landscape and Nature Conservation Issues

- 21 The site has a raised profile from previous landfilling and suitably blends with the surrounding landscape, including the Area of High Landscape Value to the south and west. The site is intermittently screened by clusters of trees and hedgerows and the composting heaps would not represent an overly alien presence in this rural setting. It is not considered that the formation of windrows would dramatically or adversely alter views of the site or the landscape value of the surrounding area.
- 22 No statutory nature conservation designations affect the site or surrounding land. However, the County Council's ecological advisor has noted that Dingy Skipper butterflies have been recorded adjacent to the former landfill site. The butterflies are a priority species for conservation in the UK Biodiversity Action Plan and to prevent any disruption or disturbance to the species or their habitat, it is requested that a buffer zone of several metres is put in place along a section of the western boundary to prevent the spreading of compost in the area directly adjacent to the butterfly habitat. The applicant is agreeable to this.

Public Rights of Way

- 23 A public right of way runs along part of the access road leading to the site and users of the route could encounter lorry traffic on days when waste material is delivered to the site. Although use of the route by HGV's would be on an intermittent basis, operators and pedestrians would have to exercise caution when this occurred. An informative could be attached to any permission granted, alerting the applicant to this issue.
- 24 A bridle path running through the centre of the Bolam site was diverted in the 1970s in association with the landfill operations to follow a new line along the southern and western boundaries. This diversion is no

longer usable or necessary and work has begun to reinstate the original route through the centre of the site. This has involved providing a gravel surface and fencing on both sides of the path. Four gates along the fence line have also been installed, two on each side in order to allow farm vehicles to cross the site. Users of the bridle path would need to be afforded right of way and should permission be granted, the applicant would need to be informed of this protocol during times of compost spreading.

Traffic and Access Considerations

- 25 The site is accessed via a metalled haul road that was previously used to access the waste disposal site and is still in use in association with landfill gas monitoring visits. The gated track is off unclassified road, Crag Lane, just to the north of Bolam village. Crag Lane joins road C25 Brownside Lane on the edge of the village and this links to a crossroads with the B6275 to the west and thereafter to the A68 'Royal Oak' junction to the north. As this was the previous lorry route to the waste disposal site and has been used by heavier volumes of vehicles, it is considered that it would be suitable for the traffic levels associated with this proposal.
- 26 Overall vehicle movements associated with the operations are fairly low although there may be levels of more intensive activity. The highest daily concentration of vehicles would occur if the material is to be delivered during a period of only two days (25 in and 25 out per day). However it would be lower than this if the average deposit period of 14 days is used (2 in and 2 out per day). The other vehicular movements involving the delivery of the loading shovel are not significant. Traffic levels associated with the operations are considered acceptable and there is no objection to the proposal on highway grounds from the Head of Highway Management. However he has requested that a condition survey be conducted on Crag Lane, prior to the commencement of development to ensure that the highway remains in good order at the end of the temporary period. This is a matter that could be covered by planning condition.

Recommendation and Reasons

- 27 The proposal would make a useful contribution to recycling targets in the County and help to divert green waste going to landfill in line with national strategies and planning policies in the WLP that encourage recycling and composting.
- 28 In detailed terms the development would take place on a former landfill site that was subject to an old planning permission with minimum restoration requirements and would benefit from soil improvement. The site is relatively remote and the use would involve the delivery of material from Joint Stocks in central Durham. However vehicle movements would be fairly infrequent overall and despite the long access, the proposal would not create unacceptable highway safety issues. Whilst there is strong local feeling in the village about continuing

waste related operations at Bolam after years of landfill, the nature and scale of operations and location of the site are such that there would not be a significant impact on local amenity.

- 29 In these circumstances and given that the development would be an interim arrangement until permanent facilities are developed as part of an integrated waste strategy for the County I consider the proposal acceptable in planning terms. Accordingly, I **recommend** that planning permission be granted for the proposed development subject to appropriate conditions to mitigate any potential environmental effects, for the following reason:

The proposal would contribute to targets associated with the recycling and re-use of waste materials in accordance with national and local strategies and given the scale, location, and nature of operations the proposals would not give rise to significant visual, amenity, highway or environmental concerns over the timescale envisaged. The development would accord with Policies W31, W33 and W42 of the County Durham Waste Local Plan.

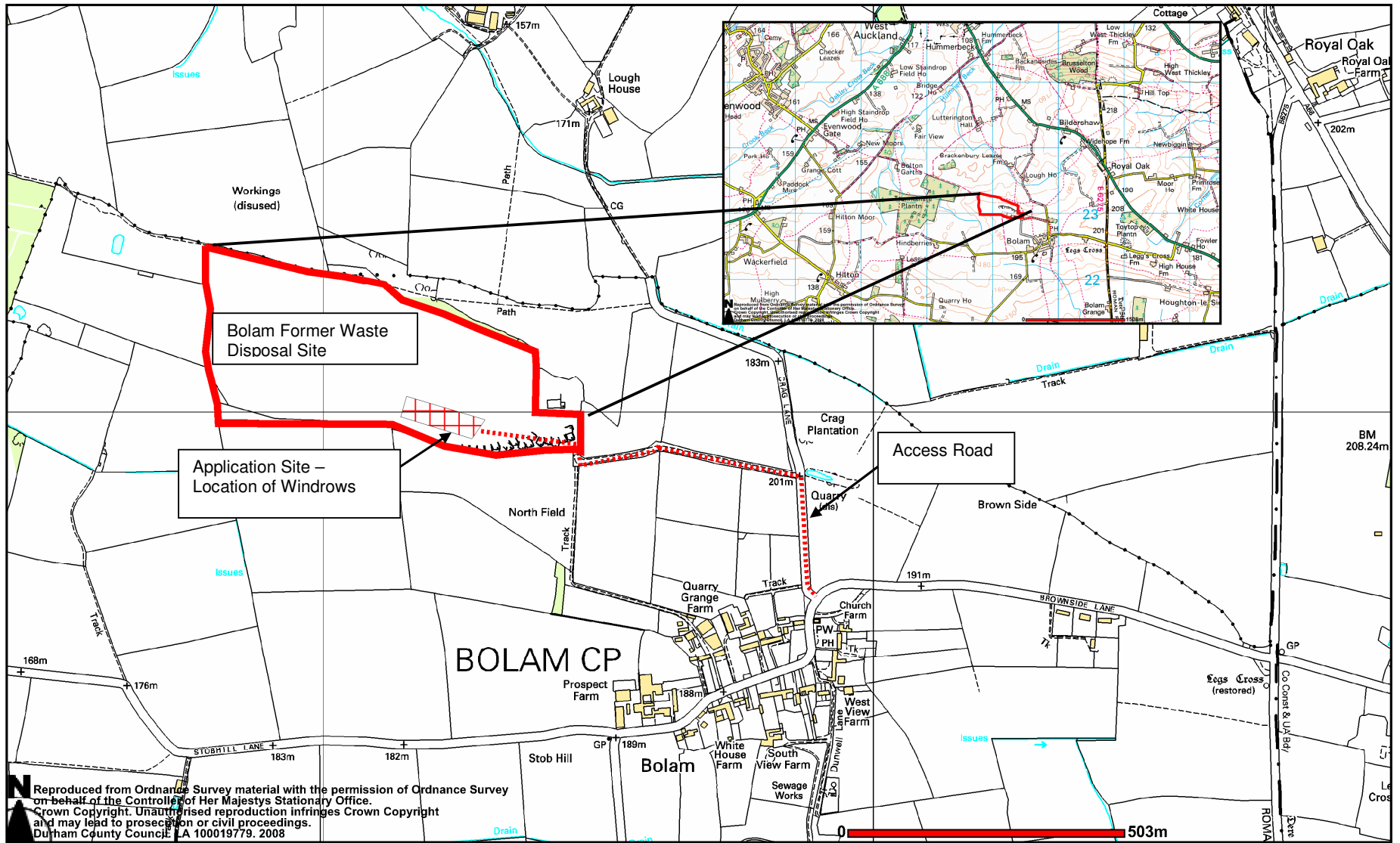
- 30 As the development is intended to be temporary the applicant be advised that the Planning Committee expects that every reasonable effort is made to identify and develop suitable alternative sites for green waste composting within the period specified by this consent.

No Departure

Background Papers

Planning application forms and certification accompanied by letter from Premier Waste Management Ltd and supporting statement. Consultations, responses and other correspondence on application file CMA/6/35.

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Local Members:	Councillors Fergus and Richardson	



Teesdale District: Composting of pre-shredded green waste at Bolam Quarry, Bolam for Premier Waste Management Ltd.