

DURHAM COUNTY COUNCIL
PLANNING COMMITTEE

AT A MEETING of the **Planning Committee** held at the County Hall, Durham on **Wednesday 20 August 2008** at **11.00 a.m.**

PRESENT

COUNCILLOR DAVIDSON* in the Chair

Members:

Councillors Alderson*, Armstrong*, Bainbridge B*, Barnett*. Bell A*, Boyes, Brown J*, Burnip, Cordon*, Dixon*, Fergus*, Holland*, Liddle*, Myers B*, O'Donnell*, Plews*, Potts C*, Richardson*, Shield*, Temple*, Walker*, Williams*, Young R,* Zair

Apologies: Councillors May, Turner Allan, Vasey, Wilson

Members shown with an asterisk* attended the site visit to Bolam Quarry

A1 Minutes

The Minutes of the meetings held on 22 July 2008 and 24 July 2008 were confirmed by the Committee as a correct record with the following amendment and signed by the Chairman.

Councillor Williams referred to Minutes of the Meeting for 24 July 2008, Minute No. A2a and asked that the minute be changed to show that Councillor Williams and Councillor Blakey had requested that the Planning Committee make an approach to the Head of Highway Management in respect of their concerns over traffic issues.

With reference to Minute A2b the Acting Director of Corporate Services informed Members that since the Scoby Scour application had been approved, a petition had been received containing 190 signatures from residents of Newfield against the development in addition to a number of telephone calls from locals opposed to the development. The Head of Environment and Planning will meet residents and the Local Members, Councillors Taylor and Burns, to discuss the planning consultation process and the type of waste to be deposited.

A2 Applications to be determined by the County Council

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

The Business Manager, Planning Development Control presented a report on the application (for copy see file of Minutes). The Committee were informed that there had been no objections received from statutory consultees and that that the issues raised by certain consultees could be addressed through condition or informatives. Since the report was published a letter from Etherley Parish Council had been received. The Parish Council was of the view that the application should be refused and expressed concerns about road safety due to the increase in HGV traffic using the A68 and the impact on the local environment in this rural location.

It was noted that in total 11 objection letters and a petition containing 75 signatures had been received.

The Chairman informed the Committee that he had agreed for Mr Paul Wilson on behalf of Bolam Residents Association and Mr Mark Stouph, Premier Waste to address the meeting.

Mr Paul Wilson, on behalf of Bolam Residents Committee made the following representations:

100% of the village had signed the petition that had been submitted and they would have objected individually had they been asked and that they were in attendance today. He also stated that the Parish Council had not been asked for comments. Bolam has 40 houses, 4 farms and an exercise area for racehorses. The A68 is a fast road with some blind summits and despite the low level of recorded accidents at the crossroads there had been many other unreported accidents and residents believed that the road system is not safe and there would be an increase in the number of accidents. Concerns regarding the number of HGVs movements were highlighted. The 20 miles travelling distance from Joint Stocks Quarry in Durham to Bolam is not environmentally or economically sound.

The landfill site was in use for 25 years and was now pasture and the village has returned to normal without the annoyance of traffic and landfill operations. Skylarks, bats and rare butterflies have been recorded on the site which has become popular for walking, riding and cycling and that there is talk of the village becoming a conservation area but all this would be lost should planning permission be granted. The site is at the top of a hill and will be exposed and open to views from many places. Given the local weather pattern and the wind direction, noise, dust and odour are issues of concern to residents.

The planning application states that green waste would be deposited at the site but there were concerns that it might include sewage and other wastes. A sample of composted material was produced and Mr Wilson invited Members to smell it. Contaminants may also be present in the waste as windrows that were at the site previously had plastics in them. No licence would be required and not all of the material would rot. Mr Wilson questioned whether or not the applicant could be trusted given its past record and listed a number of incidents.

Finally, the residents ask the Planning Committee to consider their opposition based on increased traffic and subsequent road safety concerns, pollution, smell and the recovering landscape and impact on their lives and wellbeing and strongly recommended that the application be refused.

Mark Stouph of Premier Waste informed the Committee that this was a temporary solution to a problem caused by Joint Stocks being full to capacity and there was a need to find additional overspill facilities. He said that the Company was looking for a purpose built site for green waste and that once an alternative site was secured the use of Bolam would cease. In terms of vehicle movements he said that they would be less than those that were associated with the landfill operation. If the green waste was delivered over two days then the movements would be 25 in and out per day but if this was considered excessive then they could be spread over 14 days.

He said that he was aware of the feelings of the local community and that the Company would be willing to work with them to reduce their concerns. He also said that the Company would be willing to establish a liaison committee if planning permission were granted. In respect of road safety concerns at the crossroads he suggested these could be moderated as the drivers of the vehicles had an elevated position in their wagons which would give a better line of vision.

Councillor Williams asked where the material would be stored if the vehicle movements were reduced. Mark Stouph responded by saying that it would be retained at Joint Stocks and then transferred over 14 days.

Councillor Richardson, Local Member, asked if any response to the proposal had yet been received from Teesdale District Council. The Head of Environment and Planning referred to the report and that the District Council had responded by saying it had no comments to make. Councillor Richardson had been told that Teesdale officers were to contact Council officers regarding the application but the Head of Environment and Planning was not aware of contact having been made. Councillor Richardson also said that Etherley Parish Council had not commented sooner as it had not been notified about the application. The Head of Environment and Planning confirmed that the Parish had been consulted and that it is assumed that letters are received.

Councillor Richardson informed the Committee that there was asbestos buried on the site which was then capped with clay and that there were restrictions

on what the tenant farmer could and could not do given the risk of puncturing the cap. He also noted that the site had pipes on the surface so therefore the compost could not be easily spread and he had his concerns that the pipes could fracture. He also questioned the composting process and need to turn the material given his farming experience. He referred to conditions imposed by Defra which restricted the times when spreading could take place. He believed that the proposal was not workable and advised that Darlington Borough Council were proposing to carry out this process within a purpose built building. He also referred to a composting operation at Easington Lane which looked and smelt bad. He said that at the last Committee he and Councillor Fergus had highlighted their highway concerns. He proposed that the application be rejected.

Councillor Fergus, Local Member, supported Councillor Richardson's proposal stressing that she was disappointed with the application on the basis that Bolam residents have played their part in the disposal of waste for over 20 years. The prevailing winds in this area were from the west and consequently the local residents would be seriously affected by noise and smell. She supported Councillor Richardson and considered the proposal to be totally unacceptable and wanted the application rejected.

In terms of the pipes on the site Mark Stouph said that the Company did not want to jeopardise the landfill gas activity and did not think that the spreading activity would do so.

In response to a question about the search for alternative sites, Mark Stouph said that it would take 12 – 18 months for an alternative site to be up and running.

Councillor Williams asked if Premier Waste were aware of the presence of asbestos on the site and Mark Stouph confirmed that they were and that they were aware of where it was located on the site. A full risk assessment would be done.

Councillor O'Donnell accepted that Mr Wilson had presented a good case against the planning permission being granted based on the factors of noise, smell and traffic movements. However, reference had been made to a similar activity at Easington which affects his family who live in that area. They had no problems regarding odours or traffic and in fact the problem was worse previously when it was a working farm. He noted that in the vicinity of Bolam Quarry there were four working farms and a sewage treatment plant. He also noted that the Environment Agency had no objection to the application. He proposed that the application be approved subject to conditions to mitigate the effects on local residents.

The Chairman reminded Members that only those who had attended the site visit could vote on the application.

By a vote of 13 for refusal and 8 for approval the application was refused for the following reason:

The proposal would involve further waste activity on a restored landfill site and any benefits of land improvement would be outweighed by the adverse impacts of ongoing waste related activities on the neighbourhood and community including the impact of heavy goods vehicles traffic on the local road network.

A3 Applications to be determined by the County Council

a) Chester-le-Street District: Proposed Waste Transfer Station and Recycling Centre on land at Unit 1 Westline Industrial Estate, Birtley for A & G Skip Hire

The Head of Environment and Planning presented a report on the application (for copy see file of Minutes).

Resolved:

That planning permission be granted for the provision of a Waste Transfer Station at Westline Industrial Estate, Birtley for the following reason:

The proposed use of the site would not be unduly obtrusive or adversely impact on local amenity or the surrounding environment. The proposal would accord with Policies W38 and W33 of the County Durham Waste Local Plan relating to the suitable location of Material Recycling Facilities and appropriate environmental mitigation measures.

b) City of Durham District: Proposed metal recycling facility, adjacent to Unit N1, Tursdale, Durham for Van Dalen UK Ltd.

The Head of Environment and Planning presented a report on the application (for copy see file of Minutes).

Councillor Williams, Local Member, expressed his concerns over traffic on the A688 and asked if residents in two local houses had been consulted. The Head of Environment and Planning replied that publicity had been in accordance with regulations with notices published on site and in the press although there had been no direct personal consultation. Councillor Williams confirmed that local residents had not been contacted and there were screening issues in relation to the installation of the digester as well as the potential increase in noise levels. The Head of Environment and Planning advised that this was an industrial site which already had some screening in place and that the application was for further appropriate industrial use. It would be difficult, given the nature of the activities in the estate to determine where any noise was coming from.

Councillor Armstrong acknowledged the concerns of the Local Member but said that this was an industrial estate and that the application was appropriate development on such a site and he moved the recommendation.

Resolved:

That, planning permission be granted for the metal recycling facility at Tursdale Business Park, Tursdale for the following reason:

The proposal accords with the relevant policies; Policy W40 of the County Durham Waste Local Plan and Policy EMP7 of the City of Durham Local Plan relating to the preferred location of operations and development at Tursdale Business Park. The proposed buildings and operations would not adversely impact on local amenity in accordance with Policy W33 of the County Durham Waste Local Plan.

A4 Proposed land improvement by spreading of construction waste soils to provide land for agriculture, woodland, ponds and wetland and new bridleway/cycle routes at Old Bush Landfill Site, near Ouston, County Durham for W & M Thompson (Earthworks) Limited: Appeal Decision

The Head of Environment and Planning presented a report on the outcome of an appeal against the County Council's refusal of planning permission for the above development (for copy see file of Minutes). The Committee was informed that the Planning Inspector had upheld the Committee's decision.