

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/03766/WAS
FULL APPLICATION DESCRIPTION:	Retention of existing building for permanent use as plasterboard recycling facility and retention of existing bund
NAME OF APPLICANT:	Agricore Ltd
ADDRESS:	Hill Top Farm, Winston, Darlington, County Durham
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Chris Shields Senior Planning Officer 03000 261394 <u>chris.shields@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on land to the immediate north east of Hilltop Farm, approximately 800m to the south west of the village of Winston. The site consists of two interconnected buildings with yard, access track and weighbridge. There is also a grassed bund to the south of the site, which was formed from the excavated soils when the buildings were constructed. The buildings and hardstanding areas amount to approximately 1.1 hectares whilst the bund has an overall area of approximately 0.7 hectares.
2. Whilst located immediately adjacent to Hilltop Farm the site is physically separate and has its own utility and drainage arrangements. For reference, the agricultural business at the farm includes 3,000 pigs, cereal production in conjunction with on-site feed milling and contract farming. The total land holding associated with the farm covers approximately 324 hectares. The farm steading itself includes a number of large agricultural buildings in order to accommodate these existing agricultural activities.
3. The site is accessed from the B6274 road via a private access track of approximately 360m in length. Traffic from the site reaches either the A67 road to the north via the village of Winston or the A66 trunk road to the south via the villages of Caldwell and Forcett.
4. The nearest settlements to the application site are the villages of Winston approximately 800m to the north west, Gainford approximately 2.2km to the east, Caldwell approximately 3km to the south and Ovington approximately 2km to the south west. The nearest residential property is located at Hilltop Farm itself, approximately 150m from the application site. The next nearest properties are located at the Hamlet of Winston Gate approximately 300m to the west. Hedgeholme Farm is located approximately 320m to the north. A cluster of properties including Hill Top East,

Woodlands, Green Hill and Moor House Farm are located approximately 550m to the south east. Winston Bridge Caravan Park is located approximately 750m to the west and Hill Crest Holiday Park is located approximately 750m to the south.

5. There are several heritage assets within the vicinity of the site, the nearest of which is the Grade II* Listed Winston Bridge, which forms part of the B6274 road between the application site and Winston village. Within Winston village itself are the Grade II Listed Milestone, 120 metres south of junction with A67, Grade II Listed The Mount, Grade II Listed The Cobblers, Grade II Listed Bridgewater Arms (West Section), Grade II Listed Church Hill and Grade I Listed Church of St Andrew. Approximately 750m to the south of the site are a pair Grade II Listed Milestones. Approximately 1.5km to the east of the site is the Grade II* Listed Barforth Hall, Grade II Listed Farmbuilding group to the north of Barforth Hall, Grade II Listed Garden Walls to the west of Barforth Hall, Grade II* Listed Dovecote 100 metres north of St Lawrences Chapel, Grade II* Listed Ruins of St Lawrences Chapel and Grade II* Chapel Bridge over Black Beck. The Scheduled Monument of St Lawrences Chapel, Manorial Settlement Remains and Dovecote are also located approximately 1.5km to the east of the site.
6. The site is not located within any landscape or ecological designations. An Area of Higher Landscape Value, as defined in the adopted County Durham Plan is located to the immediate north of the site and extends south on the western side of Hilltop Farm. Teesbank Woods Local Wildlife Site (LWS) is located approximately 400m to the north west and Gainford Spa Wood LWS is located approximately 830m to the north.
7. The site is entirely in Flood Risk Zone 1 and within a Coalfield Development Low Risk area. There are no public rights of way within or in the vicinity of the site. The nearest footpath is No. 2 (Barforth Parish), located approximately 400m to the north of the site.

The Proposal

8. This application is for the retention of existing buildings and for their permanent use for plasterboard recycling. The application also seeks to regularise the grassed bund to the immediate south of the site.
9. The application was initially submitted as a change of use to plasterboard recycling on the understanding that the buildings had a temporary permission for plasterboard recycling until November 2020 with permanent agricultural use thereafter. However, during consideration of the application it was brought to officers attention that the larger of the two buildings has not been built entirely in accordance with the drawings approved as part of a previous permission granted in 2015 (refer to the planning history section below). Following submission of revised plans for the site a further consultation exercise was carried out. The drawing for the larger building shows it to be 81m by 42m with a height to the eaves of 7.6m and a height to the ridgeline of 15m. As built, the larger building is 81m by 44m with a height to the eaves of 8.4m and a height to the ridgeline of 14.6m.
10. The larger building is therefore 2m wider and 0.4m lower than originally approved. The larger building has also been built approximately 8m east of the approved location, the purpose of this being to allow HGVs to turn in the yard and to facilitate an efficient arrangement of the processing plant inside the building. Moving this building further to the east resulted in a need to construct an additional lean-to structure between the two sheds to bridge the gap between plasterboard waste reception and the processing area. The application therefore also seeks to regularise this structure.

11. In addition to the regularisation of the buildings it is also proposed to retain the grassed bund, which is larger than originally approved although still located to the south of the site. The bund covers an area of approximately 0.7 hectares and is now fully formed and grassed.
12. The primary purpose of this application is for the retention of existing buildings and for their permanent use for plasterboard recycling. Planning permission was granted in 2015 for plasterboard recycling for a temporary period of 5 years. The 5 year period had been requested by the applicant rather than it being imposed as a restriction by the Council. The applicant said that they would use the time afforded by the temporary permission to investigate and move the business to another location. This was reported in the applicant's statement contained within the Committee report for application DM/15/03766/WAS.

Background to plasterboard recycling

13. Gypsum is a soft sulphate mineral with the chemical formula CaSO_4 . Gypsum is a mineral that has a wide range of uses including for the creation of plasterboard and concrete blocks in the construction industry, as a soil conditioner and fertiliser in agriculture, and is used medically for the creation of Plaster of Paris.
14. In 2005 changes to the Landfill Directive resulted in the prevention of landfilling gypsum and other high sulphate waste with biodegradable waste. This is because the gypsum would react with biodegradable waste in the anaerobic conditions of a landfill cell to create hydrogen sulphide gas. This gas can corrode landfill cell liners, allowing leachate and other waste to escape. Advice was then issued by the Environment Agency to state that waste products containing gypsum, such as plasterboard, should be recycled in order to remove and reuse the gypsum rather than disposing of it to landfill.
15. Plasterboard is used extensively in the construction industry. Consequently, through demolition or refurbishment of buildings plasterboard is produced as a waste product within the construction and demolition waste stream. Under the Landfill Directive, as detailed above, the plasterboard must be separated out and dealt with in another manner and this has led to the development of facilities specifically designed to recycle the plasterboard such as the one that has been developed at Hilltop Farm. These recycling facilities need an outlet for the gypsum produced through the recycling process. Gypsum is widely used as a soil conditioner and fertiliser. The location of Hilltop farm, in an arable area, means that there is a ready local outlet for the gypsum produced from the recycling process.
16. Whilst the development began as farm diversification project granted planning permission in 2011 with the expectation of recycling up to 10,000 tonnes of plasterboard per annum, it is now recycling in excess of 60,000 tonnes per annum and is the only site of this scale and capacity in the north of England and Scotland.

The process

17. Waste plasterboard is delivered in bulk to the site by HGV. On arrival, delivery vehicles pass over the weighbridge before depositing their load in the waste reception building, which is the smaller of the two sheds. The first stage of the process is primary crushing in the waste reception building. The crushed material is then dropped into a hopper which sends the material by conveyor to the processing plant in the larger building. The processes include separation of paper and other waste types, such as plastics and metal, through automated plant and manual handpicking and further crushing and screening to reduce the particle size to a dimension suitable for consumer use. The processing shed has a large area for storage of product. The process is all carried out

within the building and whilst some deliveries are tipped in the yard, neither, the waste nor the product is stored outdoors at the site for a prolonged period.

18. The gypsum is loaded into trucks or trailers drawn by tractors for delivery to customers. Approximately 80% is used for agriculture with the remaining volume being sent to other industrial applications. The site offers customers the ability to collect gypsum although deliveries are typically by HGV to minimise transports costs and vehicle movements. The site also operates its own tractor and trailer for accessing sites that a HGV could not.
19. Non-gypsum waste fractions are separated into skips for processing or disposal at other waste facilities.
20. Traffic movements associated with the development are proposed to be a maximum of 60 per day (30 in and 30 out) with an average of 240 movements across a calendar week. Operating hours are proposed to be 0700 – 1900 Monday to Saturday with plasterboard and gypsum transport restricted to 0700 – 1700 Monday to Saturday. The proposed operating hours are as per the current operation.
21. The development would retain the existing 15 full time jobs on site.
22. The application has been screened for Environmental Impact Assessment (EIA). Whilst the proposal exceeds the applicable threshold criteria for Schedule 2 development, due to the location, type of development and potential risk it is considered that the proposal does not require EIA. A screening opinion has been published to this effect.
23. The application is being reported to the County Planning Committee following a request from the Local Member.

PLANNING HISTORY

24. Planning permission was granted in 2011 (8/CMA/6/47) for the change of use of an existing grain store building for the recycling of plasterboard and continued use for agricultural purposes. The annual throughput of the facility is limited by planning condition to 10,000 tonnes to protect local amenity. This building is not currently in use for plasterboard recycling but the permission remains extant and could resume at any time.
25. A Prior Notification was submitted in 2014 for the construction of an agricultural building under reference DM/14/00388/PNA. This building was to later form part of the plasterboard recycling facility.
26. Planning permission was granted in 2015 under reference DM/15/01767/WAS for the construction and temporary use of a new building and temporary change of use of existing agricultural building (DM/14/00388/PNA) for the recycling of plasterboard for 5 years (both buildings to be returned to agricultural use at the end of the 5 years)
27. Planning permission was granted in 2018 under reference DM/18/03004/WAS for the construction of a lean-to building on the south west side of the larger building for storage of spares. This permission also regularised the dimensions of the larger building but did not show the revised location.

PLANNING POLICY

NATIONAL POLICY

28. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
29. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
30. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
31. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
32. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
33. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
34. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
35. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape

places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

36. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
37. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

38. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; determining a planning application; flood risk; healthy and safe communities; light pollution; noise; planning obligations; travel plans, transport assessments and statements; use of planning conditions; water supply, waste, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

39. National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Waste Planning Authorities should only expect a demonstration of need where proposals are not consistent with an up to date Local Plan and should not consider matters that are within the control of pollution control authorities. Waste proposals should not undermine the objectives of the Local Plan and should be environmentally sensitive and well designed. Of further relevance is the Waste Management Plan for England, which also advocates the movement of waste up the waste hierarchy in line with the requirements of the European Waste Framework Directive (WFD). One such requirement is the 'proximity principle' (Article 16) which stipulates self-sufficiency; an 'integrated and adequate network of waste disposal installations' and that waste management should be at the nearest appropriate installations.

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

40. Policy 7 – Visitor Attractions – supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps support viability of existing attraction; enhances existing attractions and supports the visitor economy. Where a countryside location is required, development should: meet identified visitor needs; support local

employment and community services; ensure adequate infrastructure; and respect the character of the countryside.

41. Policy 8 – Visitor Accommodation – supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) or involve conversion and should respect the character of the countryside and demonstrate how the location can be made sustainable. For chalets, camping and caravanning development and infrastructure, in addition to the above criteria the development would need to provide flood risk details, not be unduly prominent, have appropriate layouts and have sensitive materials, colours and scale.
42. Policy 10 – Development in the Countryside – states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan. This includes all applicable policies relating to minerals and waste development.
43. Policy 21 – Delivering Sustainable Transport – states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
44. Policy 29 – Sustainable Design – requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
45. Policy 31 – Amenity and Pollution - sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
46. Policy 39 – Landscape – states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
47. Policy 41 – Biodiversity and Geodiversity – states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.

48. Policy 43 – Protected Species and Nationally and Locally Protected Sites – states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
49. Policy 44 – Historic Environment – seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
50. Policy 47 – Sustainable Minerals and Waste Resource Management – states that the development of a sustainable resource economy in County Durham will be promoted, encouraged and facilitated by ensuring that waste is managed in line with the waste hierarchy in sequential order and supporting opportunities for on-site management of waste where it arises and encouraging co-location of waste developments with industrial uses so that waste can be used as a raw material.
51. Policy 60 – Waste Management Provision – requires proposals for the provision of new or enhanced waste management capacity to demonstrate that they contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy, assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production and assist in meeting the identified need, set out within this Plan, for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
52. Policy 61 – Location of New Waste Facilities – states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
 - a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and can be satisfactorily located as part of an existing waste management facility, or where the waste management facility; and
 - d) can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.

County Durham Waste Local Plan (2005)

53. Policy W6 – Design – states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate

best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.

54. Policy W26 – Water Resources – states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site.
55. Policy W29 – Modes of transport – requires that waste development incorporate measures to minimise transportation of waste.
56. Policy W31 – Environmental impact of road traffic – states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
57. Policy W32 – Planning obligations for controlling environmental impact – states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles.
58. Policy W35 – Cumulative Impact – states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan.

NEIGHBOURHOOD PLAN:

59. There is no Neighbourhood Plan for this area.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan and Adopted County Durham Waste Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

60. *Winston Parish Council* – has objected to the proposals stating that the business has outgrown the site and should be relocated to a more suitable site with better transport links. The Parish Council contends the statement by the applicant that moving the facility would be a complex process and states that it is simply a large shed, of which there are many available on sites closer to major transport arteries. The Parish Council states that this is not an application for a new facility but an existing facility that has expanded beyond the original use as a small diversification scheme. The Parish Council concludes that the decision to limit the use of the site for plasterboard to 5 years must stand.

61. *Hutton Magna Parish Council* – has objected to the proposals due to the impact of HGV traffic occasionally travelling through Hutton Magna in contravention of a 7.5 tonne weight restriction. The Parish Council considers this impact to be unacceptable. Concern is also raised in respect of any future expansion of the site.
62. *North Yorkshire County Council (Planning)* – advises it has no comments.
63. *North Yorkshire County Council (Highways)* – has raised no objections to the proposals. It is noted that the application has revised the number of maximum trips per day but retained the overall weekly total at the same level as the previous application (DM/15/01767/WAS). It was also noted that use of the site is an increase from the 2011 application (CMA/6/47) Officers confirmed that they have taken into account traffic generation, road layout, types of vehicles and damage to highway infrastructure when making their assessment. Officers consider that the width of the road, types of vehicles using it and any damage sustained is typical for the road network in similar locations across the County (North Yorkshire). Officers understand that the proposed weekly vehicle movement limit of 240 relates to both HGVs and tractors and have made no request for specific conditions.
64. *Richmondshire District Council* – has not objected to the proposals. Officers have requested that the concerns of residents from the Richmondshire villages of Caldwell, Forcett, Eppleby and Melsonby are taken into consideration in the decision making process and any outstanding questions answered before a decision is made. Officers advise that North Yorkshire County Council be consulted as the Local Highway Authority and that the Council considers the highway impact in respect of Paragraph 109 of the NPPF.
65. *Caldwell Parish Council (North Yorkshire)* – has objected to the proposal. Concerns are raised in respect of increasing the daily maximum of vehicle movements for the site and it is considered that there is an intention for the business to expand in the future. It is stated that roads, villages and ancient bridges cannot withstand the damage the HGV's are causing them. Concern is raised that there would be a cumulative impact with the proposal at Barforth Hall. Traffic surveys conducted by the community have noted that vehicle movements more or less tally with the submitted transport but advise that there is little HGV traffic not associated with Agricore on the road. The Parish Council notes that there have been no letters of support for the development from village residents and that they have all been from people with a vested interest. The Parish Council note that as a community they have been collecting money through crowdfunding to pay for a planning consultant to represent them. The Parish Council has, in addition to a formal objection, sent photographs relating to traffic issues, a note of a meeting with North Yorkshire County Council and has forwarded a response that members of the public have received from the Rt. Hon. Rishi Sunak MP, which advises that MP's do not have a formal role in the planning process and are unable to intervene.
66. *Environment Agency* – has raised no objections to the proposals. The Environment Agency (EA) advises it regulates the site through an environmental permit, which was originally issued on 2 September 2011. This permit is for a household, commercial and industrial waste transfer station with treatment with a capacity of up to 75,000 tonnes per annum. In respect of the permit, the EA advises that there are some improvements to be made on site in respect of dust management, particularly from loading and unloading of vehicles. The site has, historically, produced a waste paper which was supplied to local farmers for use as animal bedding. That material is no longer being used for animal bedding, thus precluding future issues related to this activity. There is an ongoing investigation as the clean up operation related to this activity is still active. The EA has provided complaint incident numbers recorded for the site by year (2016 - 2 reports, 2017 - 1 report, 2018 – 3 reports, 2019 – 0 reports) but note that they have

received a spike of incidents since the planning application in 2020, which have been investigated and largely unsubstantiated. All other potential environmental impacts such as drainage on site, have been recently inspected and found to be compliant.

67. *Durham County Council Highway Authority* – has raised no objections to the proposals. Officers have noted the submission of a Transport Statement (TS) in support of the application. The TS references that the B6274 is a relatively lightly trafficked road. The Highway Authority advises it has no objective basis with which to dispute this statement. Though recent traffic volume surveys have not been undertaken due to the influence of the Covid-19 pandemic, pre-Covid B6274 total two way daily traffic flows are believed to be in the order of 800 to 1000 at the site entrance, including with the application site's commercial traffic added. Even at peak periods this equates on average to just under a minute between vehicles (in either direction). The daily variation in B6274 traffic volumes can be expected to be greater than the conditioned level of commercial traffic to and from the site. The lower the volume the less incidence there is of opposing vehicles passing one another at any given point. The B6274 is a predominantly rural environment principal highway, acting as an inter urban link as well as serving local communities. It is not atypical in having a historic horizontal alignment in places where two HGV's may have difficulty in simultaneously passing, or, where this is not possible. However, such roads can and do function generally satisfactorily despite this, not least due to the relative traffic flows they are subject to. As stated, the B6274 is, and will remain, a relatively lightly trafficked road. Officers do not dispute the surveys undertaken in February 2020 by members of the public regarding the directional split of movements north and south from the site, nor is this aspect disputed by the applicant. It is not unreasonable to assume, at an average of near 50%, that it is reasonably representative of the respective split of flows in each direction. In any case, and more importantly, it is clear that the B6274 highway links, respectively north and south from the site access, share generated commercial traffic from the site. The Council's Highway Maintenance colleagues have confirmed there is no aspect of Agricore's operation deemed directly attributable to highway damage as opposed to other lawful traffic, such that a planning condition for highway improvements would meet all relevant tests or be appropriate. Officers conclude that an NPPF Paragraph 109 based highways refusal could not be sustained and are, accordingly, unable to recommend that the application be refused.
68. *Drainage and Coastal Protection* – has raised no objections to the proposals. Details of the existing drainage system, proposed attenuation pond and hydrological calculations were submitted and found to be acceptable.

INTERNAL CONSULTEE RESPONSES:

69. *Spatial Policy* – Officers have stated that the planning application should be determined in accordance with the provisions of the statutory development plan unless material considerations indicate otherwise. The most important policies are considered to be CDP Policies 60, 61, 47, and 31. In addition to a number of other CDP policies a small number of existing County Durham Waste Local Plan policies are also relevant. Officers consider that the proposed development would comply with the provisions of both CDP Policy 47 and Policy 60. It is considered that there is a need for a specialist waste management facility to recycle/recover this gypsum based construction materials and that there does not appear that this need can be met by any other existing operational facilities in either County Durham or the North East. The proposed development would also enable the continued management of the waste stream, which is currently managed at Hill Top Farm, towards the higher tiers of the waste hierarchy, whilst also helps to achieve net self-sufficiency for the management of this waste in County Durham and the North East. Should planning permission be refused the existing waste management capacity will be lost.

70. To meet the provisions of Policy 61 a satisfactory assessment will need to be made in relation to criterion a), b) and c) together with either d) or e). Criteria d) is permissive towards proposals which can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option. Criteria e) relates to proposals for waste management facilities that genuinely require a rural or outdoor location and includes farm diversification activities. Unlike the original scheme in 2011 which it is understood was proposed as farm diversification, the current scheme is of a size and nature which suggests that it is a waste management operation which is not commensurate with farm diversification, although this for the case officer to judge. Policy 61 also requires that the proposed waste management operations can be satisfactorily located on the application site with no unacceptable adverse impacts on the environment, human health or the amenity of local communities. Similarly, amongst its provisions Policy 31 also requires a demonstration that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. On this basis it is considered that the views of relevant specialists will be important in helping to determine whether the proposed development would result in unacceptable adverse impacts.
71. *Environment, Health and Consumer Protection (Air Quality)* – has raised no objections to the proposals. Officers have commented that the development has the potential to generate dust associated with operations, plant on the site and vehicle movements. Officers note that a significant number of objections have been raised in respect to this application and a large proportion of the objectors raise concerns relating to dust and air quality. Officers advise that the site is regulated under the Environmental Permitting (England & Wales) Regulations 2016 SI 1154 (as amended) through permits issued by both the Environment Agency and Durham County Council; both permits include conditions which restrict emissions of dust from the site operations. The site is located in a rural area and there are no Air Quality Management Areas that have been declared for any of the 8 air quality pollutants in the vicinity of the facility and also the villages of Winston and Caldwell. Since the area is rural the existing air quality may be described as good and this is shown by the predicted background levels of PM10 and PM2.5 for both locations in Caldwell and Winston. For example, the predicted background level of PM10 in Caldwell for 2019 was 10.3 µg/m³ and in Winston was 9.52µg/m³ and for PM2.5 was 5.99 µg/m³ in Caldwell and 5.77 µg/m³ in Winston. It is very unlikely therefore, given the predicted background levels of PM10 and PM2.5, that receptors in Winston and Caldwell will experience levels of these air quality pollutants that exceed the annual mean air quality objective (40 µg/m³). Any emissions of dust from the raw material received at the Agricore processing facility are more likely to comprise of larger, visible particulates (dust) that are classified as above 10 microns but below around 76 microns. Once the material has been processed there is an increased risk of emissions of smaller fractions of particulates of below 10 microns. The process is, however, subject to regulation by way of conditions on Environmental Permits issued by the Local Authority and the Environment Agency. In conclusion with regards to emissions of dust from the site the Environmental Permits are there to ensure that no significant pollution arises from the site and therefore there would be no requirement for an Air Quality Assessment in relation to the operations on site. Officers note there are a number of concerns stated in relation to dust from vehicles attending and leaving the site and it is suggested that a condition be imposed ensuring that vehicles are cleaned with water run-off captured for re-use and correct disposal.
72. Since November 2015, following the granting of the temporary planning permission, three complaints alleging emissions of dust from the site were received, investigated

and resolved by the Councils' Environment Protection Service and the Environment Agency. No further complaints were received relating to emissions of dust from the site from August 2018 until March 2020 when 3 complaints were received and further complaint in July 2020.

73. *Environment, Health and Consumer Protection (Nuisance Action)* – has raised no objections to the proposals. Officers note the submission of a Noise Impact Assessment, which considers the impact of noise associated with vehicle movements to and from the site and noise arising from operations at the site in accordance with methodology set out in BS 4142 and CRTN. The assessment demonstrates that the traffic associated with the business has little impact on the overall noise climate, increasing the decibel level by 0.4. This is considered to be negligible change in impact magnitude. However, it should be clarified that this difference change is based on an 18hr average and as such does not take into account the potential impact associated with the peak noise level when vehicles pass properties. However from the vehicle count and noise information provided it appears that the road is fairly well trafficked (average of 40 vehicles both light and heavy an hour) and as such peak noise level from passing vehicles would not be considered outside of the existing character of the locale. The assessment also considers the noise arising from the operation itself. The outcome demonstrates that the noise arising is based on direct propagation, assuming no barrier effects, has a rating level of 10dB below background at the nearest receptor. This therefore indicates that the noise impact is negligible and as such at a "no observed impact level". Officers note the proposal to increase the daily maximum vehicle movement limit but consider that if the overall weekly maximum is unchanged then it would not lead to increase in noise level above 'negligible'.
74. *Landscape* – has raised no objections to the proposals. Officers note that whilst the building already has approval, and it is considered that the permanent change of use of this existing building would not have further landscape and visual impacts, there is an opportunity to further help integrate the building into the landscape. Attention has been drawn to views from the east (Barforth Lane) that had not been previously considered. Whilst the proposal is not out of character in this agricultural landscape, given its scale, it is a prominent feature and the building could benefit from some native tree planting along the hedgerow directly to the east to help soften the buildings outline and further help to integrate it into the landscape. Officers have suggested predominately oak mixed with silver birch and rowan. Officers are aware that the buildings dimensions are slightly different to what was originally approved, but consider whilst the building is slightly larger these alterations do not create additional landscape or visual harm.
75. *Design and Conservation* – has raised no objections to the proposals. Officers have stated that the proposal is, in effect, to seek to make permanent the on-site operations consented temporarily, under DM/15/01767/WAS. As identified by landscape colleagues, the operation is well integrated into the farm operation and screened by topography and vegetation. On the basis of the site context officers consider that no additional harm to heritage assets would occur as a result of this proposal. On this basis officers consider that no heritage related objection would be appropriate.
76. *Ecology* – has raised no objections to the proposals. Officers note the limited risk of impact on any sensitive receptors or designated sites. Officers were aware of objections to the proposal and of the purpose of the application when making their assessment.
77. *Low Carbon Economy* – has raised no objections to the proposals. Officers have commented specifically in relation to use of diesel generators for powering the facility and have stated that as a long term solution this is not sustainable, however this must be caveated that many rural businesses face the same or similar issues and thus to set a precedent on this scheme may have unintended consequences for farms and other

rural business that use diesel generators for their activities. Officers state that whilst the continued use of diesel generators should be considered as adverse from a climate change perspective, this should be put into context as it is also considered that the use of petrol and diesel cars would also be considered as adverse. It is recommended that a condition be imposed requiring the applicant to investigate alternative, sustainable power arrangements with a timetable for implementation.

78. *Visit County Durham* – has not objected to the proposal but have stated that Hillcrest Holiday Park are partners of Visit County Durham and a valued business. Recent research indicates that there is good market demand for this kind of accommodation in this part of the County. Officers have stated that they would be concerned about any disruption this application would have on trade for this business. Visitors have high expectations in terms of the environment they expect the visitor accommodation to be situated. It is stated that many of our visitors are motivated by the need for escapism, peace and tranquillity and nature.
79. *Business Durham* – supports the application. Officers have stated that the company has significantly invested in the site over recent years and now employs 15 permanent staff most of whom are from the local area. Business Durham welcomes the opportunity to safeguard these jobs in a rural area of County Durham.

PUBLIC RESPONSES:

80. The application has been advertised in the press, by site notice and neighbour notification letters were sent to 161 neighbouring properties and businesses. The application has been subject to an initial consultation followed by two further rounds of consultation when additional information was submitted.

Objection

81. A total of 111 individual objectors have responded, some on multiple occasions, bringing the total number of public objection documents to 261. The majority of these documents are objection letters; however, a number are complaints and photographs relating to the current operation of the site, criticisms of consultee responses, information for other residents on grounds of objection and queries relating to procedure.

Traffic

82. The key issue raised in responses from almost all objectors is in relation to traffic and specifically HGV's travelling to and from the site. It is stated that the B6274 road is too narrow to accommodate HGV traffic and the road and verges have been damaged and eroded from this type of vehicle. Concern is raised that the weight and volume of HGV traffic will cause damage to the several bridges on the route of the B6274 road
83. Residents in Caldwell and Winston have complained about the current and proposed impact of HGV traffic. Residents in Winston have stated that the village was bypassed to reduce the volume of traffic and the suitability of the B6274 as being part of the freight route network is contended.
84. A road width analysis of the B6274 has been produced which shows that of the 88 measured points, 51% of the road is below the minimum width requirement for 2 way traffic. The cumulative impact of the proposed development with traffic from the proposed development at Barforth Hall for a retaining bund (the planning application, DM/19/03878/WAS, was refused on 7 August 2020) is raised as a concern, as is the impact to the Grade II* Winston bridge on this road. Residents of Winston have stated

that the village is difficult for large vehicles to negotiate due to cars parked on the road as roadside properties do not all have driveways.

85. Objectors have stated that the B6274 road is no longer safe to walk along and is dangerous for cyclists and horse riders. A section of National Cycling Network Route 165 follows the B6274 road through Caldwell (a length of approximately 350m). Some cyclists have reported 'near misses' with HGV's on this road. It has also been stated there are potential safety concerns for children travelling to and from school. Several objectors have stated that there is a strong possibility of a fatality on the B6274 due to HGV traffic.

Location

86. The majority of objections have stated that the development should be located on an industrial estate and that the existing rural location is not suitable for a large scale waste facility. Concerns are raised that the site would continue to expand and that a general industrial B2 use would be established.
87. Concerns are raised over the potential impact to local amenity, businesses and tourism including the holiday parks near to the site.

Landscape and visual impact

88. Objectors have stated that the site, and specifically the buildings, are a visual impact to the landscape. It was identified by objectors that the larger shed has not been built in accordance with the approved plans, being slightly larger and further to the east. Objectors also note that an additional lean-to structure, that they refer to as a 'nib' has been constructed between the two sheds forming the recycling facility. Objectors cite a range of discrepancies in the measurements of the plans approved by planning permission DM/15/01767/WAS and the as-built plans submitted with the current application.
89. Objectors have stated that the site is located within an Area of High Landscape Value and that the landscape in this location should be afforded a great level of protection and consideration. Objectors have provided photographs of the site from different viewpoints to show the impact of the site, specifically the larger shed, in the landscape. One objection has, incorrectly, stated the site is located within a National Park.
90. Objectors have criticised the non-native leylandii tree planting belt on the northern elevation of the site.

Heritage

91. Objectors raise concerns about the impact to heritage assets, specifically listed buildings, in the vicinity of the site. Many objectors state the value of the Grade II* Listed Winston Bridge and potential for damage to this bridge from weight of traffic and direct damage from potential collisions. Objectors have also stated that the site has an impact on views from the Grade I Listed Church of St Andrew and Grade I Listed St Lawrences Chapel, and also that the development has had an impact on Gainford Conservation Area. It has been stated that archaeology should be considered as part of the application.

Noise and Dust

92. Objectors have raised concerns about noise both from the site itself and from HGV traffic travelling on the B6274 road. Complaints have been received in relation to dust

plumes from the site and also dust being found on cars and gardens that has been attributed to operations at the site and spreading of gypsum to land.

Hydrology

93. Objectors have raised concerns that gypsum is washed from the application site into the River Tees through drainage and surface water runoff. This concern has also been extended to material that has been spread to land. It should be noted however that land spreading is not part of this application or controlled by planning.
94. Concerns have been raised in respect of the impact of the development on wildlife in the area and particularly in relation to species dependent upon the River Tees including invertebrates, fish, birds and mammals. The potential impact to river fish has also been raised by local anglers.
95. Objectors have complained that the planning application for Planning Permission No. DM/15/01767/WAS was not accompanied by a Flood Risk Assessment (FRA) or drainage details and that the Council's Drainage Team was not consulted on that application. It was stated that the current application should be accompanied by drainage details and consultation carried out.

Application Process

96. Objectors have complained that there has been a lack of consultation and that letters should have been sent to a wider area including Gainford, Caldwell, Fawcett, Carkin Barns, Eppleby, Hutton Magna and Ovington. It has also been stated that there was not a site notice at the entrance to the site.
97. Criticism has been made of the letters of support received and objectors refer to business or family links with the applicant or site, suggesting that supporters are not impartial.
98. It has been suggested that this application is linked with another proposal at Barforth Hall (reference DM/19/03878/WAS), although this has been subsequently refused.
99. Objectors have stated that the application should not be determined by a single planning officer and that it should be determined the Planning Committee.
100. Objectors have advised that they intend to pursue legal representation at public inquiry, if necessary.
101. Objectors have criticised the applicant for stating in the planning application form that the site cannot be viewed from a road or other publicly accessible location.
102. Objectors have stated that the application should be determined in accordance with planning policy and it has been suggested that the development conflicts with the County Durham Waste Local Plan, Teesdale Local Plan and County Durham Plan. It has been suggested that the proposal is materially similar to an application which was refused and dismissed on appeal for the nearby Lane Head Farm at Hutton Magna (reference 8/CMA/6/54)

Other Issues

103. Objectors have raised concerns that the business (Agricore) has been sold to overseas investors and that a multitude of other companies are involved in the ownership of the

site. Speculation has been made that the business will expand due to demands from investors and that this expansion would be limitless.

104. Objectors have stated that a business case should be provided to demonstrate the need for the facility. Information relating to the source of plasterboard waste and the locations of gypsum customers was requested. In relation to this, objectors have stated that there are limits to the amount of gypsum that can be stored in fields and spread to land and also allege that many local farmers do not use the material.
105. Objectors have stated that the applicant has a conviction for the spreading of waste to land.
106. Whilst the applicant has provided an assessment of alternative sites, objectors have also suggested a range of alternative locations on industrial estates across County Durham and Darlington.
107. Objectors have queried and, in cases, alleged that the plasterboard waste contains hazardous materials including asbestos and that the plasterboard is, in itself, a potentially hazardous material that may be harmful to health.
108. Objectors have placed significant emphasis on Condition 1 of Planning Permission No. DM/15/01767/WAS, which states that after 5 years from the date of the planning permission the site shall be returned to agriculture. There is some confusion that the buildings themselves would be removed as part of the requirements of this condition but that is not the case. In relation to this, one objection has stated that the Council has considered the agricultural need for the buildings following the temporary period of use for plasterboard recycling.
109. Three objectors have forwarded a response that they have received from the Rt. Hon. Rishi Sunak MP, which advises that MP's do not have a formal role in the planning process and are unable to intervene as in the response to Caldwell Parish Council (North Yorkshire).

Complaints

110. Complaints have been raised for the duration of the application being considered, both through enforcement channels and within objection letters. The issues raised relate to vehicle movement limits being breached, operating hours not being adhered to, waste being outside of buildings, burning of waste, roads stained white from gypsum, white dust on gardens and cars, gypsum washing into the River Tees and plastic contamination within gypsum being spread to land.
111. *Council for the Protection of Rural England (CPRE)* – has objected to the proposal. They note the need for the product but consider the site to be wrong location for producing it and site impact to amenity for residents of villages such as Winston and impacts to road users including cyclists and other recreational users. Concern is also raised in respect of how far material is brought to the site from suppliers.

Support

112. A total of 135 letters of support have been provided by the applicant from individuals and companies, the majority of which have been submitted anonymously. Supporters using the gypsum product have stated that the product from Hilltop Farm is a fantastic fertiliser and soil conditioner that is of particular benefit to soils with a high magnesium content. It is stated that the product provides good sulphur for crops and has no contamination. Gypsum is a cheap source of sulphur which assists with growing oil

seed rape and prevents disease in winter wheat, reducing dependence upon chemical spraying. It is stated that soil erosion has reduced, and the gypsum has acted as a natural pest repellent. The gypsum treated soil has better water infiltration and retention, allowing for reduced tilling and a resultant improvement in biodiversity value. Users of the gypsum product have stated that it has improved year on year and is a clean, contaminant free product.

113. The environmental benefits of recycling gypsum rather than mining virgin material have been stated. Customers using the gypsum product have also noted that they have had issues with waste plasterboard being flytipped on their land and state that any business able to make economic use of the waste should be supported.
114. Business customers supplying waste have stated the importance of having an efficient and well run facility for processing their plasterboard. It is noted that there are no other facilities in the area and the location of the proposed allows them to hugely reduce their carbon footprint whilst providing an economically viable service to customers and have stated they have always found the site to be clean and tidy with no dust issues.
115. Employees of the application site have stated that there is a team of 15 people employed and that it is a great place to work, providing stable employment and financial support. There is concern amongst the employees that if planning permission is not granted they would lose their jobs.
116. Local residents have stated that they have not experienced any issues from noise or dust from the site and state the benefits of the site to the local economy and for waste management in general. Residents have also stated that the impact of HGV traffic by the application site has been exaggerated and that it is not dissimilar to the general traffic supplying the rural area with transport for grain, liquid fertiliser, concrete, stone woodchip and livestock.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

117. Agricore is built upon a 3 generation County Durham farming business based at Hilltop Farm since 1978, steadily growing its agricultural produce business, and always looking for alternative ways to diversify and innovate, to steady the often unpredictable returns from farming.
118. In 2011 we set up Agricore as a farm diversification. We recognised the benefits of the recycled product, gypsum, as a soil conditioner on our farm and on the farms in the surrounding area at the time that national government legislation had changed, preventing plasterboard from being landfilled. We developed a business based on pushing waste up the 'waste hierarchy', recycling and reusing it, viewing it as a resource, and preventing it going to landfill.
119. This farm diversification scheme was a success. We were the only facility taking waste plasterboard in the north of England and our business grew rapidly
120. So in 2015, following consultation with your officers and the EA, we applied to build a facility to accommodate the growing business. Fast forward to 2020, thanks to this councils granting of the opportunity to succeed, our business is a diversification success story, now employing 15 full time, 85% of which are from County Durham, with at least 6 additional indirectly employed full time transporting plasterboard and gypsum. These

are local people, living in and around Barnard Castle, Teesdale, Bishop Auckland and Gainford, preferring to work nearer to home rather than travelling further afield.

121. In retrospect, our expectation was that we would build in 2015, grow quickly to maximum capacity and create the foundations for further growth to allow us to move to a disused quarry or industrial site. However, the reality is that it took 2 years to finance, build and commission the plant. In the time since, the tonnage of plasterboard we receive has plateaued and whilst still a successful business, fundamentally there is no further growth in waste arisings. We are already processing the majority of all the waste plasterboard in Scotland and the North of England, and we therefore have no justification for, and cannot finance another new facility nearby, having barely started operating this one.
122. Despite the current climate, we are back operating at 85% capacity following lockdown and pending this councils support, there will be no redundancies as a result of Covid-19.
123. Agricore has not stopped investing in better processing equipment, safety equipment, infrastructure and as a result, many local businesses who have built, fabricated, repaired and consulted, have benefitted from over £3M of investment in the last 5 years.
124. Our business now has over 60 active waste management customers and over 300 agricultural gypsum customers; In the first half of 2020, even during the Covid-19 shutdown, we delivered over 18,000t of agricultural gypsum to our customers, underlining the products' popularity amongst farmers both locally and regionally.
125. We acknowledge the objections and concerns raised by local residents. As operators, we have endeavoured to work with your Officers and the Environment Agency to ensure that the site is operated to the highest environmental standards. We have ensured that any substantiated complaints have been addressed immediately, but, I would stress that very few of the complaints have been formally substantiated by either your Officers or the Environment Agency.
126. We are aware that the main objection relates to vehicles on the highway. I would stress that the B6274 is classified as a freight route and there are a number of larger industrial farming operations in the area with large wagons movements associated with their operations, these operations can move any number of vehicles at anytime without restriction. Our business, in the interest of local amenity does not accept HGV's before 0700 or after 1700 and rarely accepts deliveries on a weekend.
127. In summary, Agricore is a successful local, family owned business, providing local employment and processing waste in accordance with the waste hierarchy to produce a valuable fertiliser for local farmers.

PLANNING CONSIDERATIONS AND ASSESSMENT

128. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, highway safety and access, residential amenity (noise, air quality and

dust, health and cumulative impact), tourism, landscape and visual impact, heritage, ecology, flooding and drainage, sustainability and climate change and other matters.

Principle of Development

129. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) and the remaining saved policies of the County Durham Waste Local Plan (WLP) and the County Durham Minerals Local Plan (MLP) comprise the statutory development plan and are the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. The WLP was adopted in 2005 and was intended to cover the period to 2016. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. The CDP replaces principle policies of the WLP with the remaining saved policies set out in the Policy section above.
130. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up to date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
131. The key policies for the determination of this application are County Durham Plan (CDP) Policies 47, 60 and 61. In addition, there are a number of applicable environmental protection policies both within the CDP and the WLP.
132. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council now has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c). Although saved policies of the WLP remain in place, the most important policies for the determination of this application are contained within the up to date CDP. Accordingly paragraph 11(d) of the NPPF is not engaged.
133. Objectors have stated that the proposal conflicts with CDP Policy 10 as being unacceptable development in the countryside. The opening paragraph of CDP Policy 10 states that development in the countryside will not be permitted unless allowed for

by specific policies in the Plan. These specific policies are set out in footnote 56 and includes all applicable policies relating to waste development. On this basis CDP Policy 10 is not a relevant policy that can be used for determining waste planning applications.

134. National and local planning policies are generally supportive towards sustainable waste management initiatives and seek to promote the movement of materials up the waste hierarchy. The NPPW sets out in the waste hierarchy that prevention of waste and re-use of materials should be considered before recycling, recovery and final disposal of waste. Paragraph 7 of the NPPW says that applicants should only be expected to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan.
135. CDP Policy 47 seeks to promote, encourage and facilitate the development of a sustainable resource economy in County Durham by ensuring through criteria a) that waste is managed in line with the waste hierarchy in sequential order. In particular it seeks to do this by 1) supporting proposals that minimise waste production; help prepare waste for re-use; and increase the capacity and capability of the county's network of waste management facilities to reuse, recycle and recover value from waste materials; and 2) resisting proposals for the disposal of residual waste via landfill or via the incineration of waste without energy recovery unless a need can be demonstrated which cannot be met by existing facilities and by treatment solutions higher in the waste hierarchy. Criteria b) supports opportunities for on-site management of waste where it arises and encourages co-location of waste developments with industrial uses so that waste can be used as a raw material.
136. It is considered that the proposal is consistent with Policy 47 criteria a1. The proposal would be consistent with the development of a sustainable resource economy as if permitted it would help maintain both the capability and capacity of county's network of waste management facilities to recycle and recover value from waste gypsum-based construction materials. The proposal would be consistent with the waste hierarchy, following changes to the Landfill Directive and consistent with Environment Agency advice, rather than disposal to landfill, there is a need for facilities to recycle or recover value from waste products containing gypsum, such as plasterboard and it is therefore considered that the proposal would accord with criterion a1 of CDP Policy 47. The first part of criterion b) is not relevant to the proposed development as it relates to on-site management of waste where it arises, which is not applicable as the waste does not arise at the site. Policy 47 criterion b) also seeks to encourage the co-location of waste developments with industrial uses so that waste can be used as a raw material. In this instance the users of the majority of the gypsum product derived from plasterboard waste would be agricultural users, who would use the waste as a soil conditioner. Criteria c, d and e are not relevant to this proposal.
137. CDP Policy 60 is the key waste management policy in the CDP. It advises that proposals for the provision of new or enhanced waste management capacity will be permitted where they can demonstrate that they: a) contribute to driving the management of waste up the waste hierarchy and do not prejudice the movement of waste up the waste hierarchy; and b) assist in moving the management of waste in County Durham towards net self-sufficiency and/or make an appropriate contribution to regional net self-sufficiency by managing waste streams as near as possible to their production; and c) assist in meeting the identified need for new waste management capacity to manage specific waste streams over the Plan period or can demonstrate an additional need which cannot be met by existing operational facilities within County Durham or the North East.
138. With respect to Policy 60 criteria a) it is considered that the proposal will be compliant as the management of gypsum based construction materials through recycling and

recovery will contribute to the management of this waste stream in accordance with the waste hierarchy and will not prejudice the movement of waste up the waste. The recycling of plasterboard turns the waste into a product which can be applied to agricultural land, which has an agricultural benefit.

139. With respect to CDP Policy 60 criteria b) it is considered that the facility would allow County Durham and the North East region to be self-sufficient in the management of this waste as close as possible to its production. The proposed development is the only facility of its type in the County and is also the only facility of this scale and capacity in the North East, Cumbria and Scotland. The operator considers that waste throughput in 2019 is likely to be representative of the business going forward, notwithstanding any drop due to Covid-19. Waste Data Interrogator published by the Environment Agency, shows that for 2019 the North East region produced 14,726 tonnes of 'gypsum based construction material'. The permitted capacity of the site, as set out in the existing environmental permit, is up to 75,000 tonnes per annum and it is therefore considered that the development would achieve and exceed the required capacity to meet with local and regional net self sufficiency for managing plasterboard waste. Whilst some waste streams can be managed close to their production, a single site managing waste from a regional, and wider, supply base cannot be expected to be close to every producer. The site is, however, located central to the sources when taking into account travel distances, geographic populations and expected development levels (more development typically produces more waste). The site is located equidistantly between the furthest points in the North East, Yorkshire and Cumbria, and parts of south west Scotland at a distance of approximately 115km to 130km.
140. In relation to CDP Policy 60 criteria c) the evidence base, which supports the County Durham Plan, did not specifically consider the need for the recycling of gypsum-based construction materials, which is reflective of the specialist nature of this waste. However, the June 2018 study did show a surplus (118,800 tonnes per annum) in mixed material recycling capacity and a surplus of non-hazardous transfer capacity (817,300 tonnes) throughout the plan period to 2035. (The facility at Hill Top farm was included as non-hazardous transfer capacity in the June 2018 study). The June 2018 study was based on the principle of including all existing operational waste management, some of which has now been lost through closure with some additional capacity coming on stream. However, the approval of this planning application would result in the continued availability of the permitted treatment capacity; similarly the refusal of this planning application would result in the loss of permitted treatment capacity, which cannot be compensated for currently in other existing operational waste management facilities.
141. Paragraph 5.588 of the CDP considered the approach that should be taken to facilities which could assist in managing waste towards the top of the waste hierarchy, could contribute both to net and regional self-sufficiency, and could reduce disposal requirements. It advised that such proposals would be looked upon favourably where the proposal is acceptable in all other respects, taking into account all relevant Plan policies.
142. The proposed development would provide a facility for recycling of plasterboard and production of gypsum for use as a soil conditioner. Based on information received from the applicant, the development would divert in excess of 99% of received waste away from landfill or other disposal without recovery and therefore moves waste up the waste hierarchy. The development would co-locate waste processing, manufacturing and distribution on the same site. Without this facility the plasterboard waste originating from County Durham and the North East would need be managed outside the area at alternative treatment facilities. The development would provide capacity to achieve local and regional self sufficiency for management of plasterboard waste in accordance with CDP Policies 47 and 60, and Paragraph 7 of the NPPW.

143. CDP Policy 61 states that proposals for new or enhanced waste management facilities will be permitted where they will assist the efficient collection, recycling and recovery of waste materials and they:
- a) are located outside and do not adversely impact upon the setting or integrity of internationally, nationally and locally designated sites and areas;
 - b) are located outside the Green Belt or are in locations which do not impact upon its openness;
 - c) minimise the effects of transporting waste including by locating as close to arisings as practical; and
 - d) can be satisfactorily located as part of an existing waste management facility, or where the waste management facility can be satisfactorily co-located with complimentary activities and potential users of recovered materials, recyclates and soils, energy and heat, where appropriate and feasible and where this represents a sustainable option; or
 - e) can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment.
144. The proposed development is not within any internationally, nationally or locally designated sites or within the Green Belt and therefore complies with criteria a) and b) of CDP Policy 61. Specialist waste facilities of the type proposed provide service to a wide geographical area, not necessarily restricted to the County, and cannot, practically, be located close to the majority of waste arisings. Facilities of this type should, however, still minimise the effects of transporting waste. To do this the operator encourages suppliers to transport loads in bulk using articulated HGVs with fully enclosed 'walking floor' trailers or sheeted tipper trailers. Maximising the load per vehicle reduces the number of trips and ensuring the load is fully secured prevents any waste from being deposited. In addition to the import of waste to the site, vehicles are also used for distributing the gypsum product to customers. Whilst some deliveries from the site necessitate the use of tractor and trailer for access reasons, the majority of deliveries are by HGV which improves efficiency and reduces vehicle movements. The site is located directly onto the B6274 road, which is identified as part of the freight network. The B6274 connects to the A67 road 1.6km to the north and the A66 trunk road 10.6km to the south. The location therefore seeks to minimise the effects of transporting waste as far as it is practicable having regard to criterion c) of CDP Policy 61 and also the balance against the need to be located in close proximity to the customers using the gypsum product, which is discussed below.
145. The adopted planning policy framework does not present a sequential approach for determining the acceptability of the location for waste development and a site cannot be dismissed on the basis that a better site may be available. The site must be assessed on its merits.
146. In respect of criterion d) of CDP Policy 61 the proposed development would be located immediately adjacent to a part of Hilltop Farm, which retains a permanent planning permission for plasterboard recycling with a capacity of up to 10,000 tonnes per annum. Whilst subordinate in capacity and scale to the proposed use, it must be weighed in the balance as an existing waste management facility, although not currently operational, that would be co-located with the proposed facility. In addition, and of primary consideration, is the co-location of the specialist waste recycling facility with production of gypsum that can then be used as an agricultural soil conditioner for land both in close proximity to the site and further afield. The applicant has provided information identifying where gypsum has been provided to agricultural customers including frequency of deliveries and tonnages. This is commercially sensitive information that cannot be reproduced in detail due to a risk of unfair advantage for competitors,

however, the applicant has agreed, for the purposes of policy consideration, that cumulative data for set radii can be disclosed. The data shows that 20% of the gypsum produced for agriculture is distributed within a 5 mile radius of the site and accounts for approximately half of the farmland within this area. Approximately 55% of the gypsum produced is distributed with a 10 mile radius and approximately 80% is distributed within 15 miles of the site. The information demonstrates that the site is located in close proximity to outlets for the majority of the recycle/product that is produced by the facility. In addition, there remains a significant portion of land with 5, 10 and 15 mile radii that does not currently receive gypsum but could be customers in the future.

147. The development has now been in operation since 2011 and has consistently found an outlet for the agricultural gypsum product since this time. The product is made entirely at the proposed site. Spreading of gypsum to land is regulated and there are limits on tonnage per hectare (currently 1 tonne per hectare, per annum), which objectors have drawn attention to in their submissions. The applicant has forecast a continuing demand for the product as a soil conditioner from existing customers, as has been demonstrated by annual and biannual repeat orders. Sufficient land is available from existing customer holdings to distribute 80% of the annually produced gypsum within 15 miles of the proposed site. It is therefore considered that the long-term reliance upon agricultural customers for distribution of the agricultural gypsum product has been demonstrated to be both feasible and sustainable.
148. Alternative sites on land allocated for employment use, or previously developed land have been suggested by objectors to the proposal. The applicant has provided an assessment of alternative sites including quarries (Kilmondwood Quarry, Hulands Quarry, Forcett Quarry and Barton Quarry) industrial estates at Newton Aycliffe, Barnard Castle, Darlington, Richmond and Northallerton and dismisses them due to lack of available land, distance from customers and staff, proximity to sensitive of uses or receptors or inaccessibility with a tractor. Objectors have also suggested a range of alternative locations on industrial estates across County Durham and Darlington. As set out above, the assessment of the location of the development should be based on the acceptability of the proposed site, not the availability (or lack thereof) of alternative sites.
149. Based on the submitted information it is considered that the proposed site would allow for co-location of the waste recycling facility with complimentary activities in the form of agricultural gypsum production (which represents 80% of the production output); the site would be located in close proximity to customers of the agricultural gypsum product and is considered to be a feasible and sustainable option. It is therefore considered that the proposal therefore would accord with criterion d) of CDP Policy 61.
150. For compliance with CDP Policy 61 development should accord with criteria a), b), c) and d) OR e). In this case the development has demonstrated compliance with criteria a), b), c) and d), however, for completeness it will also be assessed against criterion e).
151. Criterion e) requires development proposals to demonstrate that they can be satisfactorily located on suitable land identified for employment use, or on suitable previously developed land in the larger towns and villages where the site can serve a local or larger catchment except where; 1) they are to be located on a strategic or specific use site, which may not be appropriate for waste development; or 2) where they are they are waste management facilities that genuinely require a rural or outdoor location and can meet the following detailed acceptability criteria:
 - i. within either existing redundant rural agricultural or forestry buildings and their curtilages as part of farm diversification activities;
 - ii. within small scale new build adjacent to existing farm buildings or extensions to existing farm buildings as part of farm diversification proposals; or
 - iii. using existing areas of hardstanding for outdoor compositing operations.

152. The proposed site would not be located on land identified for employment use or on previously developed land in a larger town or village. The applicant has demonstrated that the development is located close to agricultural gypsum customers, but it does not necessarily follow that the development genuinely requires a rural location. The development, when approved in 2011 was considered to be a farm diversification project and, whilst there is no defined limit on the scale of development before it is no longer diversification, it is considered that the development is a self sufficient, standalone business. Indeed, the application site is physically separated from the farm from which it originated with its own utilities and workforce. The buildings comprised in the development are not small scale new builds or extensions to existing farm buildings and the development is not for composting.
153. The final paragraph of criterion e) states that all proposals for farm based waste management facilities will be required to demonstrate that the management of waste is appropriate in scale to the existing primary use of the site and that the waste to be managed arises either on site or within the local area. Whilst Hilltop Farm is, physically, a large agricultural steading the management of waste and production of agricultural gypsum extends beyond the scale of Hilltop Farm and the development cannot be considered to accord with this paragraph. Objectors to the proposal have read this paragraph in conjunction with CDP Policy 61 as whole but that is not how it should be interpreted; it should only read as part of criterion e).
154. The final paragraph of CDP Policy 61, which should be read with the Policy as a whole, states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. These issues will be examined in detail in the relevant sections below.

Highway Safety and Access

155. Paragraph 108 of the NPPF states that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans.
156. WLP Policy W29 requires that waste development incorporate measures to minimise transportation of waste. WLP Policy W31 states that waste development will only be permitted if traffic estimated to be generated by the development can be accommodated safely on the highway network, the amenity of roadside communities is protected, the strategic highway network can be safely and conveniently accessed and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable. WLP Policy W32 states that in granting planning permission for waste development, planning conditions be imposed to cover, in addition to other issues, the prevention of the transfer of mud, dust, or litter onto the public highway by measures including the provision of wheel cleaning facilities, suitably metalled access roads and the sheeting of laden vehicles. WLP Policies W29 and W31 are considered to be consistent with the NPPF and can be afforded full weight in the determination of the application. WLP Policy W32 is only partially consistent as it does not fully reflect Regulation 122 of the CIL Regulations and therefore it can only be afforded limited weight in the decision making process.
157. The site is accessed from the B6274 road via a private access track of approximately 360m in length. Traffic from the site reaches either the A67 road to the north via the

village of Winston or the A66 trunk road to the south via the villages of Caldwell and Forcett. The B6274 is identified as being part of the freight network. As part of Planning Permission No. DM/15/01767/WAS the farm access was moved approximately 30m south of its original position in order to widen the visual splays. The hedgerow has been extended to cover the original access point in accordance with the approved landscaping scheme. The current application proposes daily vehicle movement limits of 60 (30 in and 30 out) with weekly average of 240 (120 in and 120 out). Planning Permission No. DM/15/01767/WAS permitted a daily vehicle movement limit of 40 (20 in and 20 out) equivalent to the same weekly total as the proposal of 240.

158. A Transport Statement (TS) has been submitted in support of the application. The TS provides background the proposal including the planning permission limits from 2011 and 2015 and an assessment of annual HGV movements for the preceding 4 years (2016, 2017, 2018 and 2019). The annual vehicle movements are broken down into quarters and this shows that quarter 3 is typically the busiest time of the year. The data also shows that for 2019 the daily average of vehicle movements was 34 (spread across a 6 day working week) comprised of 33 HGV movements and 8 Tractor movements (permitted maximum of 40). The applicant has stated that the operating level of 2019 is likely to be representative of future demand due this being pre-Covid 19 and with the majority of plasterboard waste arisings accounted for from the supplying areas. The TS provides a detailed analysis of an example week from September 2019 to assess daily and hourly fluctuations in vehicle movements. The busiest hour is 0700-0800 generating a daily average of 5 vehicle movements, although Monday was notably busier than other days with 8 movements in the same hour (5 in and 3 out). Average hourly flows between 0900 and 1500 were less than 3 vehicle movements.
159. The TS provides an analysis of vehicle movements for February 2020. This shows that the daily maximum vehicle movement limit was breached on several occasions for that month but, due to daily fluctuations in demand, the weekly total was always below 240 (240 being the sum of the daily limit of 40 across the permitted 6 day working week). The assessment notes that 15% of the vehicle movements in February were by Tractor. The TS also provides comments on traffic survey data collected by residents and notes that this shows a relatively even split of north and south traffic on the B6274 road.
160. The TS concludes that the generated volumes of HGVs associated with the development are not substantial but that daily fluctuations are significant. It therefore recommends that any future planning condition should be based on weekly rather than daily limits. It is further suggested that tractors are not restricted by this limit.
161. The key issue raised in responses from almost all objectors is in relation to traffic and specifically HGV's travelling to and from the site. It is stated that the B6274 road is too narrow to accommodate HGV traffic and the road and verges have been damaged and eroded from this type of vehicle. Concern is raised that the weight and volume of HGV traffic will cause damage to the several bridges on the route of the B6274 road
162. Residents in the Caldwell and Winston have complained about the current and proposed impact of HGV traffic. Residents in Winston have stated that the village was bypassed to reduce the volume of traffic and the suitability of the B6274 as being part of the freight route network is contended.
163. A road width analysis of the B6274 has been produced which shows that of the 88 measured points, 51% of the road is below the minimum width requirement for 2 way traffic. The cumulative impact of the proposed development with traffic from the proposed development at Barforth Hall for a retaining bund (now refused) is raised as a concern, as is the impact to the Grade II* Winston bridge on this road. Residents of

Winston have stated that the village is difficult for large vehicles to negotiate due to cars parked on the road as roadside properties do not all have driveways.

164. Objectors have stated that the B6274 road is no longer safe to walk along and is dangerous for cyclists and horse riders. A section of National Cycling Network Route 165 follows the B6274 road through Caldwell (a length of approximately 350m) Some cyclists have reported 'near misses' with HGV's on this road. It has also been stated there are potential safety concerns for children travelling to and from school. Several objectors have stated that there is a strong possibility of a fatality on the B6274 due to HGV traffic.
165. The County Durham freight map is a published map of roads in the County that are suitable for freight traffic. It is available to view on the Council's website. The freight map shows the designated road network that the drivers of heavy goods vehicles are expected to use to access destinations within the County. The purpose of the map is to ensure as far as possible that these vehicles travel on roads that are appropriate, thereby reducing environmental impact on less suitable routes. The B6274 road is identified by the freight map as being suitable for HGV traffic.
166. Highways Officers from County Durham and North Yorkshire have considered the proposed development and taken into account the submitted TS and comments from local residents. DCC Highways officers have advised that although recent traffic volume surveys have not been undertaken due to the influence of the Covid-19 pandemic, pre-Covid B6274 total two way daily traffic flows are believed to be in the order of 800 to 1000 at the site entrance, including traffic from the application site. Even at peak periods this equates on average to just under a minute between vehicles (in either direction). The daily variation in B6274 traffic volumes can be expected to be greater than the proposed level of HGV traffic to and from the application site.
167. In response to the suggestion by objectors that the road is too narrow to accommodate HGV traffic DCC Highways officers have advised that the B6274 is not atypical in having a historic horizontal alignment in places where two HGV's may have difficulty in simultaneously passing, or, where this is not possible. However, such roads can and do function generally satisfactorily despite this, not least due to the relatively low traffic flows they are subject to. Officers state that the B6274 is, and would remain even with the proposed development, a relatively lightly trafficked road.
168. DCC highway maintenance colleagues have confirmed there is no aspect of Agricore's operation deemed directly attributable to highway damage as opposed to other lawful traffic, such that a planning condition for highway improvements would meet all relevant tests or be appropriate. In respect of Winston Bridge, officers advise that it is subject to regular inspections in accordance with standard management practices. The last inspection, undertaken in 2018, concluded that the bridge was in good condition following completion of an extensive refurbishment scheme that addressed issues previously identified in a detailed Principal Inspection undertaken in 2014. The issues identified were not considered to adversely impact on the structural capacity of the bridge but were addressed to slow or prevent further deterioration. The issues identified in 2014 included paint loss and corrosion of pattress plates to the elevations. This defect was not considered to be critical to the structural integrity of the bridge.
169. Specific consideration of amenity impact to roadside communities is set out in the residential amenity section below.
170. Whilst residents may see traffic from the proposed development as being significant the assessment provided and comments from Highways officers from DCC and North Yorkshire Council indicate that the traffic generated from the development is relatively

low and can be safely accommodated on the highway without undue risk of damage to the road or conflict with other road users. To ensure daily traffic is maintained at a reasonable level it recommended that a condition be imposed limiting daily vehicle movements to 60 (30 in and 30 out) with a weekly average of 240. For clarity, the vehicle movement limit would apply to HGVs and tractors as the impact is considered to be similar from both. A condition is also recommended to ensure vehicles leaving the site are sufficiently clean so that mud and waste are not deposited on the highway. It is considered that the highway impact of the proposal would be acceptable and would not amount to a severe residual cumulative impact. Subject to the proposed conditions it is considered that the proposal would accord with CDP Policy 21, WLP Policies W29, W31 and W32, Part 9 of the NPPF and Paragraph 7 of the NPPW.

Residential Amenity

171. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 7 of the NPPW states that When determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (of the NPPW) and the locational implications of any advice on health from the relevant health bodies.

CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for locating of sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated. CDP Policy 61 states that all proposals must demonstrate that there will be no unacceptable adverse impact on the environment, human health or the amenity of local communities. WLP Policy W31 states that waste development will only be permitted if the amenity of roadside communities is protected and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

172. The nearest settlements to the application site are the villages of Winston approximately 800m to the north west, Gainford approximately 2.2km to the east, Caldwell approximately 3km to the south and Ovington approximately 2km to the south west. The nearest residential property is located at Hilltop Farm itself, approximately 150m from the application site. The next nearest properties are located at the Hamlet of Winston Gate approximately 300m to the west. Hedgeholme Farm is located approximately 320m to the north. A cluster of properties including Hill Top East, Woodlands, Green Hill and Moor House Farm are located approximately 550m to the south east. Winston Bridge Caravan Park is located approximately 750m to the west and Hill Crest Holiday Park is located approximately 750m to the south. Whilst some properties are set back from the B6274 the majority are located close to this road and are affected by traffic using it.
173. The development would be contained within the existing buildings on the site and is set back approximately 430m from the B6274 road. Existing farm buildings to the west, trees and hedgerows to the north and the earth bund to the south provide a degree of screening for the site in respect of noise and visual impact.

174. The key issues in respect of residential amenity relate to the noise, vibration and perception of HGVs transporting waste plasterboard and recycled gypsum to and from the site. The amenity impacts of noise and dust from the site itself have also been raised by objectors.

Noise

175. A noise assessment has been submitted in support of the application following a request from Environmental Health and Consumer Protection officers. This assessment uses the Calculation of Road Traffic Noise (CRTN), basic noise level calculation to assess the potential effects of noise along the B6274. This calculation was based a traffic of HGV movements on a specific day (19 March 2020). A BS 4142:2014 assessment of the site itself has also been provided. The assessment provides noise level measurements from within the site 5m away from main noise source (extraction equipment on the west elevation of the large shed), residual sound level on site without plant operating and background sound level on the boundary with nearest noise sensitive receptors at Winston Gate (430m to the west)
176. The noise assessment concludes that the difference in road traffic noise with and without HGV traffic from the proposed development is 0.4dB, which is classed as being negligible. The noise level from the site itself has been assessed as 29dB at the nearest noise sensitive, which is 10dB less than the background level for that receptor and is therefore also a negligible impact.
177. Environmental Health and Consumer Protection officers have considered the application and submitted noise assessment. Officers have noted that the assessment demonstrates that the traffic associated with the business has little impact on the overall noise climate, increasing the decibel level by 0.4dB. This is considered to be negligible change in impact magnitude. However, it should be clarified that this difference change is based on an 18hr average and as such does not take into account the potential impact associated with the peak noise level when vehicles pass properties. However, from the vehicle count and noise information provided it appears that the road is fairly well trafficked (average of 40 vehicles both light and heavy an hour) and as such peak noise level from passing vehicles would not be considered outside of the existing character of the locale. The assessment also considered the noise arising from the operation itself. The outcome demonstrates that the noise arising is based on direct propagation, assuming no barrier effects, has a rating level of 10dB below background at the nearest receptor. This therefore indicates that the noise impact is negligible and as such at a "no observed impact level". Officers note the proposal to increase the daily maximum vehicle movement limit but consider that if the overall weekly maximum is unchanged then it would not lead to increase in noise level above 'negligible'.
178. Objectors have stated that noise from the site and HGV movements can be heard from as early as 04:30am and also late into the night on occasion. Conditions of the existing planning permission prevent working outside of the hours 0700 – 1900 Monday to Saturday with deliveries only between the hours of 0700 – 1700. However, the agricultural business operating from Hilltop Farm is not restricted to any set hours and it is not unusual for HGVs associated with the farm to arrive very early in the morning and for work to continue late at night, particular in summer months, as is the case for most agricultural enterprises.
179. It is accepted that HGV traffic associated with the existing proposed operations would have a noise impact, but it is considered that this is not of an unacceptable level, or uncharacteristic for the locale. Due to the distances to noise sensitive receptors the general noise level from the plant is not significant and although there may be noise 'incidents' such as a loader bucket being dropped, this is considered to not be

detrimental to residential amenity. It is therefore considered that the development would not create noise pollution detrimental to residential amenity in accordance with CDP Policy 31, WLP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

Air Quality and Dust

180. The proposed development would recycle waste plasterboard through crushing and screening to produce granular gypsum. This is a very fine grained grey/white material and the process has a tendency to be dusty if not adequately controlled. The applicant has developed the process and dust control measures over time. This now includes air extraction and mist sprays on processing plant. Vehicles are washed before leaving the site and the yard regularly dampened down and cleaned. Consultees have not requested additional assessment of dust or air quality.
181. Environmental Health and Consumer Protection officers have noted that the development has the potential to generate dust associated with operations and plant on the site and vehicle movements and also note that a significant number of objections have been raised in respect to this application and a large proportion of the objectors raise concerns relating to dust and air quality. Officers have advised that the site is regulated under the Environmental Permitting (England & Wales) Regulations 2016 SI 1154 (as amended) through permits issued by both the Environment Agency and Durham County Council; both permits include conditions which restrict emissions of dust from the site operations. Should planning permission be granted the development would continue to be regulated by the Environment Agency and the Council's Environmental Health and Consumer Protection Team. Officers note there are a number of concerns stated in relation to dust from vehicles attending and leaving the site and it is suggested that a condition be imposed ensuring that vehicles are cleaned with water run-off captured for re-use and correct disposal.
182. Objectors have stated that plumes of dust can be seen rising from the site when vehicles are being loaded and unloaded. Concerns have also been raised regarding white dust settling on cars and gardens in the area. It is the case that 'tipper' HGV's cannot deposit their loads of waste plasterboard inside the waste reception building due to the internal height restriction. Instead, these vehicles tip their loads at the entrance to the reception building and a loader then immediately moves it inside. It is quick process and waste plasterboard is not routinely stored outside. The concern that white dust appearing on cars and gardens is gypsum from the application site is unlikely given the particle size, distances to neighbouring properties and prevailing wind (south westerly). Any gypsum dust leaving the processing buildings and yard would likely be deposited on the roofs of the buildings or on the land to the immediate north east of the site (in the applicant's ownership). Aerial photographs of the site confirm white staining or dust on the building roofs in 2018 but this had significantly reduced in 2019. Visual inspection around the perimeter of the buildings in 2020 confirmed no evidence of gypsum dust on the outer edges of the site. If dust was leaving the site in quantities sufficient to be noticeable on cars and gardens more than 300m then this would also be present on the intervening land and buildings but that does not seem to be the case. However, in an agricultural area where soil cultivation and spreading of soil conditioners, including gypsum, and fertilisers is commonplace it is possible that general agricultural activity would produce dust that could spread to private property. For clarity, the spreading of the gypsum product to agricultural land is not part of this proposal and is not a material consideration in the determination of the application.
183. The Environmental Health and Consumer Protection officer has advised that the site is located in a rural area and there are no Air Quality Management Areas that have been declared for any of the 8 air quality pollutants in the vicinity of the facility and also the

villages of Winston and Caldwell. Since the area is rural the existing air quality may be described as good and this is shown by the predicted background levels of PM10 and PM2.5 for both locations in Caldwell and Winston. For example, the predicted background level of PM10 in Caldwell for 2019 was 10.3 µg/m³ and in Winston was 9.52µg/m³ and for PM2.5 was 5.99 µg/m³ in Caldwell and 5.77 µg/m³ in Winston. It is very unlikely therefore, given the predicted background levels of PM10 and PM2.5, that receptors in Winston and Caldwell would experience levels of these air quality pollutants that exceed the annual mean air quality objective (40 µg/m³). Any emissions of dust from the raw material received at the Agricore processing facility are more likely to comprise of larger, visible particulates (dust) that are classified as above 10 microns but below around 76 microns. Once the material has been processed there is an increased risk of emissions of smaller fractions of particulates of below 10 microns. The process is, however, subject to the Environmental Permitting (England And Wales) Regulations 2016 and Environmental Permits, issued by the Local Authority and the Environment Agency, regulate and would continue to regulate the development. In conclusion, with regards to emissions of dust from the site the Environmental Permits would be in place to ensure that no significant pollution arises from the site.

184. It is therefore considered that the development would not produce emissions or detrimentally impact on air quality in accordance with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in this respect.

Vehicle Movements

185. It is considered that the main amenity impact of the proposed development is not the site itself, but the indirect impact of vehicles associated with the delivery of plasterboard and distribution of gypsum product. These materials are typically transported by articulated HGV or, where necessary because of access constraints, tractor and trailer. This type of vehicle, whilst not exclusively travelling to the application site, is more noticeable in a rural setting and is less likely to assimilate with other traffic in the area. There is therefore a measurable actual impact from vehicle movements and also a perceived impact due to higher prominence from the type of vehicle.
186. WLP Policy W31 states that waste development will only be permitted if, amongst other issues, the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.
187. As set out in the Highways section above, DCC Highways officers have advised that although recent traffic volume surveys have not been undertaken due to the influence of the Covid-19 pandemic, pre-Covid B6274 total two way daily traffic flows are believed to be in the order of 800 to 1000 at the site entrance, including traffic from the application site. Even at peak periods this equates on average to just under a minute between vehicles (in either direction). The daily variation in B6274 traffic volumes can be expected to be greater than the proposed level of HGV traffic to and from the application site. Whilst an accurate break down of the ratio of HGVs to other traffic is not known it is accepted that HGV traffic on the B6274 road is not exclusively related to the proposed development with all of the farms on this road requiring bulk deliveries of feed and other supplies, and also requiring transport for livestock and harvested crops. HGV traffic is therefore not incongruous to the area.
188. The proposed development seeks to maintain the equivalent weekly vehicle movement limit of 240 (120 in and 120 out) set out in planning permission DM/15/01767/WAS but proposes to set a higher daily movement limit of 60 (30 in and 30 out) to allow for daily fluctuations. This is representative of how the site worked in 2019 so is a regularisation of the actual pre-Covid-19 level rather than an increase. The submitted Transport Statement (TS) notes that there are daily and hourly fluctuations in vehicle movements,

with peak flows in the morning between 0700 and 0900 and typically lower numbers between 0900 and 1500 before a slight increase to the close of business at 1700. The example data submitted with the TS shows a peak average flow of 5 vehicle movements (total) for the period of 0700 – 0800 but this reduces to an average of 3 vehicle movements per hour for the period 0900 – 1500. The TS also comments on the split of vehicles approaching or leaving the site from the north or south. This appears to vary daily but overall, there seems to be a relatively even split. For the purposes of assessing the impact it is assumed that approximately half of the traffic associated with the development approaches or leaves the site to the north through Winston and the other approaches or leaves the site to the south through Caldwell. As there are no residents living directly opposite the site it can be assumed that any roadside property on the section of the B6274 between the A67 and A66 is passed by approximately half of the total vehicle movements associated with the development.

189. The application proposes a maximum daily vehicle movement limit of 60 (30 in and 30 out) and therefore, based on the assumptions set out above, over the course of the working day (0700 to 1700) the maximum vehicles associated with the proposed development passing any individual property would be approximately 30 per day, or an average of 3 per hour. The submitted TS provides data for February 2020 which indicates that on average across the working week daily vehicle movements equate to 33, equivalent to less than 2 per hour passing any individual property. In either situation the demonstrable impact of vehicles travelling to and from the site is low.
190. As set out above, the alternative facet to considering the impact from vehicle movements is how they are perceived. HGV traffic and, to a lesser extent, the tractor and trailer associated with the proposed development are large, prominent vehicles that generally move more slowly than other road vehicles and are visible for longer. This is particularly true in Winston where residents' cars parked on the road partially obstruct access and there is a tight junction turning down to Winston Bridge that large vehicles have to negotiate slowly. Motorists driving on the B6274 may become held up behind one of these vehicles or have to take extra care when passing them from the opposing direction. These circumstances create a perception that the traffic associated with the development is more prevalent and more significant than it actually is. However, it is clear from the number of objections to the proposal that the perceived impact is sufficient to cause a degree of harm even if the actual impact is very low. On this basis it is considered that vehicle movements associated with the proposal would cause an adverse, but not unacceptable amenity impact. The proposal would therefore not conflict with the amenity protection requirements set out in CDP Policy 31, WLP Policy W31, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Health

191. Objectors have raised concerns that dust and contamination of water from plasterboard and processed gypsum may cause an impact to health. Concerns are also raised that waste brought to the site may contain asbestos.
192. Plasterboard is essentially just gypsum with paper backing. Gypsum is a non-hazardous and non-toxic mineral and plasterboard is a ubiquitous modern building material. Whilst some other waste fractions, such as wood, plastics and metal, arrive with the plasterboard this is a very small percentage of the overall amount of material received and this is separated into skips for treatment or disposal elsewhere. The site does not accept asbestos and in the event that any was received it would be easily identified amongst the plasterboard and quarantined for appropriate disposal. This is no different to any other site dealing with construction and demolition waste. All vehicles transporting plasterboard and gypsum are sheeted to contain the loads and prevent dust being spread.

193. The Environment Agency has investigated claims that gypsum from the site is polluting the River Tees. Officers have confirmed that there is no evidence of any contamination from the site in the river.
194. As set out above, the nearest residential property to the site is located more than 300m to the west and there are no public rights of way in the vicinity of the site that could be affected by the development
195. The assessment of the application has shown that there are no impacts to human health and it is therefore considered that the proposal would accord with CDP Policy 31, Part 15 of the NPPF and Paragraph 7 of the NPPW in respect of health.

Cumulative Impact

196. CDP Policy 31 sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. WLP Policy W35 states that when considering proposals for waste development the cumulative impact of existing waste development in the area, waste development with planning permission, including proposals not yet started, past waste development in the area, current planning applications for waste development in the area, and other non-waste activities in the area will be taken into account. Permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of this plan.
197. The proposed use of the site for plasterboard recycling is unique in this location with other employment uses being primarily agriculture or tourism. The development would not create a cumulative impact with other waste uses in this area as there are no other waste sites. The scale of farming in this area does mean that deliveries and exports of feed, livestock and produce regularly are by HGV on a daily basis so there is a degree of potential cumulative impact with agricultural activity. Similarly, Hilltop Farm itself generates vehicle movements from farm deliveries and exports. Objectors have, however, disputed this and claim that the majority of HGV traffic on the B6274 road is associated with the application site. However, as set out in the section above, the conclusion of the Transport Statement is that the B6274 road is not heavily trafficked, even taking into account the proposed daily increase of vehicle movements from the application site, and this view is accepted by Highways officers from both County Durham and North Yorkshire. It is considered that the proposal would not result in an adverse cumulative impact exceeding that of a single, acceptable site in accordance with CDP Policy 31, WLP Policy W35 and Paragraph 5 of the NPPW.

Summary of Amenity Issues

198. Paragraph 183 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
199. The Council's Environmental Health and Consumer Protection Team and the Environment Agency have advised that existing environmental permits provide adequate controls of the process at the site and would continue to do so if the planning permission is granted. Whilst both regulators have noted that improvements could be made in relation to dust control the issues are not significant or insurmountable and should not be a barrier to granting planning permission. Environmental Health officers

have advised that where complaints have been received, they have been resolved, this being that there was either no evidence of a problem or where evidence of a problem was found the matter was corrected. Statutory nuisance has not pursued as the site has two environmental permits, one from DCC and one from the EA; in general where it appears that conditions were not being complied with the company was made to comply; this would therefore negate any possibility of statutory nuisance either existing or arising. In relation vehicle movements the impact has been assessed as being acceptable and with the imposition of conditions to control movement limits, times of operation and cleaning and sheeting of vehicles any residual harm should be limited.

200. In addition to the environmental permits controlling the process, conditions are recommended to restrict hours of operation, limit vehicle movements and ensure vehicles are clean prior to leaving the site. Subject to these conditions it is considered that the proposal would accord with CDP Policies 31 and 61, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Tourism

201. Concerns have been raised in relation to the potential impact to local businesses and tourism including the holiday parks near to the site. The main issue is the concern of traffic associated with the site impacting on both the perceived and actual safety and accessibility of the highway network for walkers, cyclists, horse riders and motorists. Objectors have stated that they feel it is too dangerous to walk, cycle or ride on the B6274 due to HGV traffic from the site and that is likely to affect the enjoyment and future growth of tourism in the area. There are two policies in the County Durham Plan relating to specifically to tourism. CDP Policy 7 relates to visitor attractions and CDP Policy 8 relates to visitor accommodation. However, neither policy sets out criteria for assessing development which may have an impact on tourism and the policies are therefore considered to be not applicable in this case.
202. The site itself has no signage at the entrance, any unusual structures or anything visible from a public viewpoint that would indicate that it is anything other than a large farm. The distance of the site from any public right of way, tourist destination or accommodation limits the impact of the site itself on tourism to a very low or negligible impact. Potential impacts to tourism are likely to occur from the indirect effects of transporting plasterboard to the site and distributing the gypsum product.
203. The B1280 for the majority of its length between Winston and the A66 does not have a footpath and in places the verges are very narrow or sloping making this an unsuitable route for walkers with or without HGV traffic. Footpaths are present in the villages of Winston and are therefore considered to be a necessary addition on this road in populated areas. It is considered that there is an inherent risk to walkers using the B6274, an unrestricted road, as a walking route outside of areas with designated footpaths or streetlighting and this should not be a reason to preclude motorised traffic, including HGVs from using this road. Although there are not many public rights of way in the area, there are footpaths that cross the B6274 at several points on the stretch between the A67 and A66. The submitted Transport Statement asserts that this is a lightly trafficked road, even with the traffic from the proposed development, and it is therefore considered that the impact to recreational walkers would be very limited and would not increase the existing danger posed to non motor vehicular users of the B6274 to a degree which would warrant refusal of the application
204. There are no specific tourist attractions on the B6274 road between the A67 and A66 and whilst local residents may associate HGV traffic in the surrounding area beyond this stretch of road with the proposed development it is unlikely that a visiting tourist would make the same connection, or register the presence of an HGV as being unusual.

Any road impacts, including delays for people travelling this road, are unlikely to be a deciding factor on most decisions of whether or not to visit the area or other parts of County Durham

205. There are two tourist accommodation sites in close proximity to the proposed site and accessed from the B6274. Winston Bridge Caravan Park is located approximately 750m to the west and Hill Crest Holiday Park is located approximately 750m to the south. Winston Bridge Caravan Park is set back more than 300m from the B6274 and is accessed via Ovington Lane. This site has direct access to the River Tees and public Footpath No.1 (Barforth Parish). Due to the vegetation and topography, which effectively screens the site from the B6274 it is unlikely that visitors would note any negative impact from HGV traffic associated with the proposed development.
206. Hillcrest Park is a caravan, lodge and camp site. The site is not located close to any public rights of way and is accessed directly from the B6274. The northern areas of this site overlook the B6274 and are potentially impacted by views of road traffic and the associated noise from these vehicles. Additional traffic from the proposed site would add to this impact. However, planning permission for the area of Hillcrest Park situated in close proximity to B6274 was granted conditionally subject to the implementation of a landscaping scheme to screen views of the site from the road. This landscaping scheme has not yet been completed and therefore the actual and perceived impact of HGV and other road traffic from the B6274 is likely to be more pronounced at Hillcrest Park than it should be. Notwithstanding this, most of the caravan pitches, cottages and camping areas at Hillcrest Park are well screened from the road by buildings and existing planting. It is considered that there would be an impact to Hillcrest Park but not to a significant level and this impact could be mitigated through the additional planting proposed for Hillcrest Park.
207. National Cycle Route 165 shares the B6274 road for approximately 350m through the village of Caldwell. Given the 30mph speed limit through Caldwell and the very short section where interactions with site could occur it is considered that the impact from the development on NCN route 165 is very limited. It is, of course, accepted that cyclists can make use of any part of the B6274 road and data from Strava shows this to be a popular route. The section of the B6274 road from the A67 to the A66 is approximately 12km and with a very modest pace it would take approximately 1 hour for a cyclist to traverse this length. Assuming an even distribution of vehicle movements across the working day (0700 to 1700) and the maximum vehicle movements being reached (30 in and 30 out) it is possible that a cyclist would pass 6 HGVs from the site while on this road. There are limitations to this assessment; traffic data shows there are peak traffic flows at the site, particularly in the morning and generally a lull at midday and early afternoon. Data from the submitted Transport Statement shows a peak of 8 vehicle movements being recorded between 0700 and 0800 and between 0900 and 1500 HGV traffic flow is limited to an average of 3 per hour. Therefore, for the majority of a normal working day a cyclist using the B6274 road between the A67 and A66 is likely to see only 3 HGVs associated with the proposed site. It is considered that this is not uncharacteristic of a B class road and would not diminish the enjoyment of the locality for a cyclist.

Landscape and visual impact

208. CDP Policy 39 states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the

benefits of development in that location clearly outweigh the harm. CDP Policy 29 requires all development proposals to achieve well designed buildings and places and sets out criteria for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.

209. WLP Policy W6 states that new buildings for waste management uses should be carefully sited and designed to complement the location and existing topography. Landscape proposals should be incorporated as an integral part of the overall development of the site. Where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible.
210. Hilltop Farm is located in the Tees Lowlands landscape character area. The lowlands of the Tees form a broad plain that merges with the gentle dip slope of the Magnesian Limestone escarpment and the low hills of the Pennine fringe in the north. The topography is gently rolling or undulating with low lying 'flats' and 'carrs' and areas of more undulating terrain relating to pockets of fluvio-glacial sands and gravels. Soils are heavy drift-derived surface water gleys, with pockets of brown earths on gravels, and earthy peats in poorly drained carrs.
211. Agricultural land use is mixed but predominantly arable. Field systems are 'sub-regular' in pattern and largely date from the enclosure of open town fields in the 16th and 17th centuries. They have been heavily fragmented by the amalgamation of arable fields in the 20th century. Hedgerows tend to be cut low and regularly trimmed. Tree cover is generally low with scattered hedgerow trees, principally Ash and Oak, though some areas are rich in trees. In the carrs field boundaries are water-filled ditches, often supplemented by fences.
212. Objectors have stated that the site is located within an Area of High Landscape Value and that the landscape in this location should be afforded a great level of protection and consideration. Objectors have provided photographs of the site from different viewpoints to show the impact of the site, specifically the larger shed, in the landscape. One objection has, incorrectly, stated the site is located within a National Park and a further objection has criticised the non-native *leylandii* tree planting belt on the northern elevation of the site.
213. The site is not located within any landscape designations. Prior to the adoption of the County Durham Plan the site was within an Area of High Landscape Value covering a wider area, as designated in the Teesdale Local Plan. As it is no longer the case the former landscape designation is no longer a material consideration. An Area of Higher Landscape Value, as defined in the adopted County Durham Plan is located to the immediate north of the site (6m to the north of the smaller building) and extends south on the western side of Hilltop Farm.
214. Objectors have stated that the site, and specifically the buildings, are a visual impact to the landscape. It was identified by objectors that the larger shed has not been built in accordance with the approved plans, being slightly larger and further to the east. Objectors also note that an additional lean-to structure, that they refer to as a 'nib' has been constructed between the two sheds forming the recycling facility.
215. As set out by objectors, the larger of the two buildings has not been built entirely in accordance with the drawings approved as part of DM/15/01767/WAS. The approved drawing for the larger building shows it to be 81m by 42m with a height to the eaves of

7.6m and a height to the ridgeline of 15m. As built, the larger building is 81m by 44m with a height to the eaves of 8.4m and a height to the ridgeline of 14.6m. The larger building is therefore 2m wider and 0.4m lower than originally approved. The larger building has also been built approximately 8m east of the approved location, the purpose of this being to allow HGVs to turn in the yard and to facilitate an efficient arrangement of the processing plant inside the building. Moving this building further to the east resulted in a need to construct an additional lean-to structure between the two sheds to bridge the gap between plasterboard waste reception and the processing area. This structure measures 10m by 15m with a maximum height of 8.4m to match the adjoining eaves.

216. Whilst it is being made clear in this application that part of the purpose is to regularise the larger building, planning permission was granted in 2018 for an additional lean to structure under reference DM/18/03004/WAS. The plans associated with this application showed the correct, as built, dimensions for the larger shed and when approved this did, in effect, regularise that aspect of the development. The relative position of the larger shed was not, however, shown at that time. In addition to the regularisation of the shed it is also proposed to retain the grassed bund, which is larger than originally approved although still located to the south of the site. The bund provides a strong visual screen for the site to views from the south.
217. Landscape officers have considered the proposal and are aware that the buildings dimensions differ to what was originally approved but consider that whilst the building is slightly larger these alterations do not create additional landscape or visual harm. Officers also consider that the permanent change of use of this existing building would not have further landscape and visual impacts. It is considered that the retention of the building would not harm the adjoining Area of Higher Landscape Value. Attention has been drawn by objectors to views from the east (Barforth Lane) that had not been previously considered. Whilst the proposal is not out of character in this agricultural landscape, given its scale, it is a prominent feature and the building could benefit from some native tree planting along the hedgerow directly to the east to help soften the buildings outline and further help to integrate it into the landscape. Officers have suggested predominately oak mixed with silver birch and rowan. A condition is recommended to secure a landscaping scheme and its implementation.
218. Subject to the imposition of the above mentioned landscaping condition it is considered that the retention of the buildings and permanent change of use of the site would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. The buildings are considered to be well designed and keeping with the existing agricultural buildings on the wider site. The proposal is therefore considered to accord with CDP Policies 29 and 39, WLP Policy W6, Part 15 of the NPPF and Paragraph 7 of the NPPW. WLP Policy W6 is considered to be consistent with the NPPF and can be afforded full weight in the determination of this application.

Heritage

219. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. If harm is found this gives rise to a

strong (but rebuttable) statutory presumption against the grant of planning permission. Any such harm must be given considerable importance and weight by the decision-maker. CDP Policy 44 seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

220. There are several heritage assets within the vicinity of the site, the nearest of which is the Grade II* Listed Winston Bridge, which forms part of the B6274 road between the application site and Winston village. Within Winston village itself are the Grade II Listed Milestone, 120 metres south of junction with A67, Grade II Listed The Mount, Grade II Listed The Cobblers, Grade II Listed Bridgewater Arms (West Section), Grade II Listed Church Hill and Grade I Listed Church of St Andrew. Approximately 750m to the south of the site are a pair Grade II Listed Milestones. Approximately 1.5km to the east of the site is the Grade II* Listed Barforth Hall, Grade II Listed Farmbuilding group to the north of Barforth Hall, Grade II Listed Garden Walls to the west of Barforth Hall, Grade II* Listed Dovecote 100 metres north of St Lawrences Chapel, Grade II* Listed Ruins of St Lawrences Chapel and Grade II* Chapel Bridge over Black Beck. The Scheduled Monument of St Lawrences Chapel Manorial Settlement Remains and Dovecote are also located approximately 1.5km to the east of the site.
221. Design and Conservation officers have considered the application and note that, in effect, the proposal seek to make permanent the on-site operations consented temporarily, under planning consent reference DM/15/01767/WAS. Officers support the view taken by the Council's Landscape Team that the operation is well integrated into the farm operation and screened by topography and vegetation. Officers consider that no additional harm to heritage assets would occur as a result of this proposal.
222. As discussed elsewhere in this report, Winston Bridge is subject to regular inspections in accordance with standard management practices. The last inspection undertaken in 2018 concluded that the bridge was in good condition following completion of an extensive refurbishment scheme that addressed issues previously identified in a detailed Principal Inspection undertaken in 2014. The issues identified were not considered to adversely impact on the structural capacity of the bridge but were addressed to slow or prevent further deterioration. The issues identified in 2014 included paint loss and corrosion of pattress plates to the elevations. This defect was not considered to be critical to the structural integrity of the bridge.
223. Objectors raise concerns about the impact to heritage assets, specifically listed buildings, in the vicinity of the site. Many objectors state the value of the Grade II* Listed Winston Bridge and potential for damage to this bridge from weight of traffic and direct damage from potential collisions. Objectors have also stated that the site has an impact on views from the Grade I Listed Church of St Andrew and Grade I Listed St Lawrences Chapel, and also that the development has had an impact on Gainford Conservation Area. It has been stated that archaeology should be considered as part of the application. As stated above it is considered that the development would not have an impact to those designated heritage assets.
224. The suggestion from objectors that archaeology should be considered has been taken into account. As no further operational development is proposed there is nothing to assess from an archaeological stance. It is therefore considered that proposed development would have no archaeological harm.
225. Whilst it is noted that elements of the development, although not the recycling process, can be seen from heritage assets it does not necessarily follow that they are unacceptable. The use of the buildings, being almost entirely confined to the interior of the buildings would have a negligible impact on the appearance of the site. The larger

building, as built, is not materially different from that originally approved by Planning Permission DM/15/01767/WAS and its retention would have no additional harm to heritage assets. It is therefore considered that the proposal would accord with CDP Policy 44, Part 16 of the NPPF and Paragraph 7 of the NPPW.

Ecology

226. Paragraph 175 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible and stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. CDP Policy 41 reflects this guidance by stating that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. CDP Policy 43 states that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts.
227. The site is not within, or in the vicinity of any ecological designations. The nearest ecological designations are Teesbank Woods Local Wildlife Site (LWS) which is located approximately 400m to the north west and Gainford Spa Wood LWS is located approximately 830m to the north.
228. Concerns have been raised in respect of the impact of the development on wildlife in the area and particularly in relation to species dependent upon the River Tees including invertebrates, fish, birds and mammals. The potential impact to river fish has also been raised by local anglers.
229. As discussed elsewhere in this report, the Environment Agency have investigated claims that gypsum from processing plant is polluting the River Tees and found there to be no evidence of this. It is therefore considered that the proposal would not cause impact to species dependant upon the River Tees.
230. The proposal would retain existing buildings that already in use for plasterboard recycling. No additional operational development is proposed as part of this application and the continued use of the site for plasterboard recycling would not create any new risks to protected species or habitats that would necessitate the submission of an ecological assessment. Ecology officers consider that there is a limited risk of impact on any sensitive receptors or designated sites. The development would not involve any clearance of vegetation and would not cause any harm to protected species or habitats including nationally and locally protected sites given the distance from such designations. It is therefore considered that the proposal would accord with CDP Policies 41 and 43 and Part 15 of the NPPF.

Flooding and drainage

231. WLP Policy W26 states that proposals for waste development which does not involve landfill or landraise will not be permitted unless it can be demonstrated that there will be no significant adverse impact or significant deterioration to the quality of surface or groundwater resources and the flow of surface or groundwater at or in the vicinity of the site. WLP Policy W26 is considered to be consistent with the NPPF and can be afforded full weight in the decision making process.
232. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective

of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Part 14 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 15 of the NPPF takes account of the impact of any development upon the natural environment as does the locational criteria in Appendix B (criterion A) of the NPPW relating to protection of water quality and flood risk management.

233. The site is located entirely within Flood Risk Zone 1 and is therefore at lowest flood risk. The site is within a minor Groundwater Vulnerability area. The site area exceeds 1Ha and the application has therefore been accompanied Flood Risk Assessment (FRA). The applicant has provided details of existing drainage within the site and also proposals to create an attenuation pond with drainage calculations. The proposed attenuation pond would intercept existing drainage pipes from the roofs of the buildings and access road. Drainage for the yard is diverted to an interceptor tank for disposal.
234. Objectors have raised concerns that gypsum is washed from the application site into the River Tees through drainage and surface water runoff. This concern has also been extended to material that has been spread to land, although it should be noted that land spreading is not part of this application or controlled by planning. Concerns have been raised in respect of the impact of the development on wildlife in the area and particularly in relation to species dependent upon the River Tees including invertebrates, fish, birds and mammals. The potential impact to river fish has also been raised by local anglers. Objectors have also complained that the application for Planning Permission No. DM/15/01767/WAS was not accompanied by a Flood Risk Assessment (FRA) or drainage details and that the Council's Drainage and Coastal Protection team was not consulted. It was stated that the current application should be accompanied by drainage details and consultation carried out.
235. As discussed elsewhere in this report, the Environment Agency has investigated claims that gypsum from processing plant is polluting the River Tees and found there to be no evidence of this. It is therefore considered that the proposal would not cause impact to species dependent upon the River Tees.
236. Whilst the application form for DM/15/01767/WAS stated the site area to be in excess of 1ha, when measured the actual site area was less than 1ha and therefore below the threshold for requiring an FRA. As the applicant then moved the building 8m to the east this extended the site area to more than 1ha. Notwithstanding this, the applicant did install adequate drainage for the site with the omission of an attenuation pond, which can be retrospectively added. A condition is recommended to ensure this work is carried out in a reasonable timescale.
237. Drainage and Coastal Protection officers have assessed the design and capacity of the drainage system and consider it to be acceptable. The Environment Agency has also considered the proposals and raise no objections. It is therefore considered that the proposal would accord with WLP Policy W26, Part 15 of the NPPF and Paragraph 7 of the NPPW.

Sustainability and Climate Change

238. In 2019 Durham County Council declared a climate emergency and pledged to 1.) reduce carbon emissions from Durham County Council's operations by 80% from 2008/09 levels by 2030, making significant progress towards making Durham County Council and County Durham as a whole carbon neutral; and 2.) investigate what further

actions are necessary to make County Durham Carbon Neutral by 2050 and pledge to achieve this. A Climate Emergency Response Plan (CERP) was approved by the Council on 12 February 2020.

239. The County Durham Plan and NPPF promote and encourage sustainable and low carbon development. In terms of waste management proposals, relevant policies do not specifically set out carbon reduction objectives, however, the overarching principle of waste management is to move waste up the waste hierarchy and avoid disposal without recovery. In this case the proposed development is capable of recycling in excess of 99% of the plasterboard waste that is received. This is clearly very positive and significantly reduces the volume of waste that may otherwise be disposed of without recovery.
240. The location of the site is discussed in detail in the Principle of Development section above, however, to reiterate the salient points; the site is located relatively central to the sites supplying the waste plasterboard and 80% of the customers for the agricultural gypsum product are located within a 15 mile radius of the site. Whilst the site is not located on an industrial estate it is, on a regional or wider scale, located relatively close to the A1 and A66 trunk roads. The location of the site in a rural area means the gypsum is produced as close as possible to agricultural customers.
241. In terms of the sustainability of the buildings forming the facility CDP Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'. WLP Policy W6 states that where appropriate, the opportunity should be taken to illustrate best practice by incorporating sustainable design principles in new building, using recycled materials wherever possible. The consideration against CDP Policy 29 in respect of BREEAM is complicated. This application seeks to regularise an existing building, rather than construct a new one and this building was constructed prior to the requirement to achieve a 'very good' rating being set out in the CDP. Planning permission remains extant for the applicant to construct the building as set out in DM/15/01767/WAS without the need to demonstrate a BREEAM rating. Notwithstanding this, the buildings are simple structures that are not heated and already make use of natural lighting through rooflight panels. It is therefore considered that the opportunities to improve upon the buildings, as constructed, would be very limited and as BREEAM assessment begins with the design process it would be particularly difficult to achieve the 'very good' standard.
242. Whilst it is considered that the BREEAM test set out in CDP Policy 29 is applicable for this application, due to the circumstances of this application where a similar building could be constructed on the site without further consent, and that the existing building is not new, it is accepted that a BREEAM 'very good' rating cannot be reasonably required to support a case for sustainable design. This is similarly the case for WLP Policy W6 where the existing building could not be practicably improved upon.
243. Objectors have raised the issue that the plant is not sustainably powered. Due to lack of a three phase electrical supply to the site the processing plant is powered by a demountable diesel generator. Whilst this is not ideal in sustainability terms it is not necessarily a permanent solution and also does not form a permanent part of the building. Officers from the Low Carbon Economy team have commented that the use of a diesel generator, as a long term solution, is not sustainable. However, officers also note that many rural businesses face the same or similar issues and thus to set a precedent on this scheme may have unintended consequences for farms and other rural business that use diesel generators for their activities. Whilst the continued use of diesel generators should be considered as adverse from a climate change perspective, this should be put into context as it is also considered that the use of petrol and diesel

cars would also be considered as adverse. The ban on the production of new diesel and petrol cars will not happen until 2030, therefore any decision on the continued use of diesel in manufacturing must be put into this context. Based on the transition approach to moving away from fossil fuels it is considered reasonable to impose a condition requiring the applicant to investigate alternative, sustainable means of powering the facility and to set a timetable for implementation.

244. On balance, it is considered that the proposed development represents a sustainable solution for efficiently managing plasterboard waste without a detrimental climate change impact. Subject to the above condition it is considered that the proposal would accord with CDP Policy 20, WLP Policy W6 and Part 14 of the NPPF.

Other Matters

Legal Agreement

245. The applicant has proposed to enter into a unilateral Section 106 Legal Agreement to rescind Planning Permission CMA/6/47, if planning permission is granted. This would ensure that plasterboard recycling at Hilltop Farm only occurs within the area set out as part of this application and in accordance with the conditions set out below. This is not a requirement of planning policy for the determination of the application, but it does provide some benefit; although the plasterboard recycling element of CMA/6/47 is not currently in use, rescinding this permission now would prevent any future cumulative impact. Accordingly, this legal agreement is offered by the developer on a voluntary basis and weight cannot be afforded to it in the assessment of this application.

Application Process

246. Objectors have complained that there has been a lack of consultation and that letters should have been sent to a wider area including Gainford, Caldwell, Fawcett, Carkin Barns, Eppleby, Hutton Magna and Ovington. It has also been stated that there was not a site notice at the entrance to the site. Notification letters were sent to residents living in close proximity to the site and site notices were erected in noticeable places, including directly opposite the site entrance. The areas that objectors have suggested letters should have been sent to are a considerable distance from the site, or outside of County Durham. Consultations were sent to the neighbouring authorities of Richmondshire District Council and North Yorkshire County Council, affording them the opportunity to consult residents if they felt it necessary.
247. Criticism has been made of the letters of support received and objectors have set out the business or family links with the applicant or site, suggesting that supporters are not impartial. It is not unreasonable, or unusual, for letters of support for a planning application to be received from individuals or businesses with a link to the applicant or their business.
248. It has been suggested that this application is linked with another proposal at Barforth Hall (reference DM/19/03878/WAS), which was for the creation of a retaining bund using imported soils. This application was subsequently refused and there was no link or similarity in the two applications.
249. Objectors have stated that the application should not be determined by a single planning officer and that it should be determined the Planning Committee. The application was originally to be determined under delegated authority but was called in by the Local Member for determination by the Planning Committee. For clarity, determination by delegated authority does not place decision making with a single planning officer; the

case officer makes a recommendation with the final decision made by a Principal Planning Officer or Team Leader.

250. Objectors have advised that they intend to pursue legal representation at public inquiry, if necessary. This is noted but the threat of legal action against a planning decision is not in itself a material consideration in the determination of an application.
251. Objectors have criticised the applicant for stating in the planning application form that the site cannot be viewed from a road or other publicly accessible location. At section 29 of the application form the applicant has responded 'no' to the question of 'can the site be seen from a public road, public footpath, bridleway or other public land?'. This is the correct response. Whilst the buildings are visible from public viewpoints it would not be possible for a planning officer to properly assess the proposal without accessing the site and that is the issue which this question on the application form is aimed at.
252. Objectors have stated that the application should be determined in accordance with planning policy and it is been suggested that the development conflicts with the County Durham Waste Local Plan, Teesdale Local Plan and County Durham Plan. The County Durham Plan has entirely replaced the Teesdale Local Plan and many policies of the County Durham Waste Local Plan. The application has been considered against the up to date development plan which is the relevant policies of the County Durham Plan and the remaining saved policies of the County Durham Waste Local Plan.
253. It has been suggested that the proposal is materially similar to an application which was refused and dismissed on appeal for the nearby Lane Head Farm at Hutton Magna (reference 8/CMA/6/54 for erection of 3 buildings, 1 storage lagoon, provision of weighbridge and change of use of existing slurry store to blending plant and laboratory/office to create fertiliser for agricultural use with associated access and hardstanding). The purpose of the development at Lane Head Farm was as a waste transfer station; waste was brought there for bulking up prior to be transported for treatment and processing elsewhere. The proposed development imports waste material which is processed and manufactured into a product at the same site. It is therefore considered that the proposals are materially different.

Other Issues

254. Objectors have raised concerns that the business (Agricore) has been sold to overseas investors and that a multitude of other companies are involved in the ownership of the site. Speculation has been made that the business will expand due to demands from investors and that this expansion would be limitless. A suggestion has also been made that a biogas plant may be constructed at the site in the future. Whilst this is not a material consideration in the consideration of a planning application, as planning permission goes with land and not a person or company, it has been confirmed that the site and operating company are solely owned by the applicant, Mr Ian Bainbridge. The concern that the business would expand is unfounded; the applicant has set out that the site is already managing all of the plasterboard waste arisings north of the next nearest site in Yorkshire. Conditions would limit expansion through vehicle movement restrictions. The prospect of a biogas plant, or anaerobic digester, being viable at Hilltop Farm is very unlikely; these plants require a constant supply of high calorie feedstocks to produce gas and a high capacity electrical or mains gas connection for exporting the gas or power. Hilltop Farm does not have a mains gas or three phase electrical connection so there is no means of exporting gas or power. In addition, anaerobic digesters have been extensively developed both locally and regionally and there is unlikely to be an available supply of sufficient feedstocks for a further plant in the County. In any event, any future proposal as the site would have to be assessed on its own merits at the relevant time.

255. Objectors have stated that a business case should be provided to demonstrate the need for the facility. Information relating to the source of plasterboard waste and the locations of gypsum customers was requested. In relation to this, objectors have stated that there are limits to the amount of gypsum that can be stored in fields and spread to land and also allege that many local farmers do not use the material. The applicant has provided information to show the sources of the waste plasterboard and where the gypsum product is distributed. It is correct that there is a limit on gypsum spreading of 1 tonne per hectare, per annum. The allegation that local farmers do not use the gypsum material is speculation and the sales information provided by the applicant demonstrates that the material is used locally. Officers are satisfied with this information, however, for reasons set out elsewhere within this report, the detail of the information provided by the applicant has not been made public and instead this report contains more generic information by reference to geographical radius from the site..
256. Objectors have stated that the applicant has a conviction for the spreading of waste to land. This is not a material consideration in the determination of this planning application.
257. Objectors have queried and, in cases, alleged that the plasterboard waste contains hazardous materials including asbestos and that the plasterboard is, in itself, a potentially hazardous material that may be harmful to health. Plasterboard is a non-hazardous material and is a very common building material. Whilst there is a risk with any construction and demolition waste stream that it may contain contaminants, such as asbestos, this would be identifiable in the waste reception area and would be quarantined for correct disposal.
258. Objectors have placed significant emphasis on Condition 1 of planning permission DM/15/01767/WAS, which states that after 5 years from the date of the planning permission the site shall be returned to agriculture. There is some confusion that the buildings themselves would be removed as part of the requirements of this condition but that is not the case. In relation to this, one objection has stated that the Council should have considered the agricultural need for the buildings following the temporary period of use for plasterboard recycling. There is no planning reason for the applicant to have demonstrated an agricultural need for the building. The Council was aware that the building would be retained permanently following the cessation of the temporary use facilitated by planning permission DM/15/01767/WAS and found this to be acceptable.
259. The site is within a Coalfield Development Low Risk Area. Should planning permission be granted the Coal Authority standing advice would be provided as an informative to the applicant.
260. Three objectors have forwarded a response that they have received from the Rt. Hon. Rishi Sunak MP, which advises that MP's do not have a formal role in the planning process and are unable to intervene.

Complaints

261. Complaints have been raised for the duration of the application being considered, both through enforcement channels and within objection letters. The issues raised relate to vehicle movement limits being breached, operating hours not being adhered to, waste being outside of buildings, burning of waste, roads stained white from gypsum, white dust on gardens and cars, gypsum washing into the River Tees and plastic contamination within gypsum being spread to land. In line with the Council's Enforcement Protocol complaints are investigated and where necessary issues are raised with the site operator. Following investigations it has been found that the vehicle

movement restrictions set out in planning permission DM/15/01767/WAS have been breached on occasions and that is why the applicant has sought to increase the daily maximum vehicle movement limit, whilst maintaining the weekly average, as part of this application. On occasions waste has been stored outside of the buildings, in particular during 2018, but this is not a restriction of the planning permission. There have been 12 planning enforcement cases in respect of the site since March 2015 and 8 since submission of the current application, 5 of which are pending consideration. To date the Council has not considered it necessary to take enforcement action. If non-compliance is identified, then the Council would consider appropriate action. However, it must be stressed that enforcement matters are outside the scope of the application which Members are considering.

262. The spreading of the gypsum to land is not part of this planning application and any potential contamination within this product is therefore not a material consideration. However, the concerns relating to contamination stem from the spreading of waste animal bedding containing paper from the plasterboard recycling process. This material also contained plastic, which was visible in the affected fields where the material was spread. The applicant no longer provides paper for animal bedding and continues to litter pick the affected fields.
263. Issues in relation to water quality, highways and dust and been addressed elsewhere in this report and found to be acceptable.
264. As set out elsewhere in this report, the site would continue to be regulated through the environmental permitting regime to ensure that it continues to operate safely and without environmental harm. The Environment Agency has raised no objections to the proposal.

CONCLUSION

265. The development would allow for the retention of a national significant specialist waste recycling facility. The site would provide local and regional self sufficiency for managing plasterboard waste and would divert in excess of 99% of this waste stream away from landfill and drive it up the waste hierarchy. In addition to recycling plasterboard waste the development would produce this into an agricultural soil conditioner for which there is an established market in close proximity to the site.
266. The potential impacts of the development have been fully assessed and found to be acceptable, subject to conditions where appropriate. The development would continue to operate using established buildings and processing plant on a site that has the benefit of an existing Environmental Permit.
267. The development has generated significant public interest and the objections from local residents, and letters of support from customers, suppliers, employees and local residents have been taken into account in the determination of the application along with other responses including those of statutory consultees that have raised no objections to the proposal subject to conditions where appropriate. Whilst mindful of the nature and weight of public concerns it is considered that these are not sufficient to outweigh the planning judgement in favour of the proposals. In this case the proposal has been demonstrated to be fully policy compliant and would facilitate the continued operation of a national significant waste site whilst retaining 15 full time jobs.
268. It is considered that the proposal would fully accord with all relevant national and local planning policy.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing No. 20086-CK-XX-XX-DR-C-52-100 Rev. P3 'Engineering Layout'

Drawing No. BAIN-EL Rev.A 'Elevations'

Drawing No. BAIN-RP 'Roof Plan'

Reason: To ensure the development is carried out in accordance with the approved documents in accordance with County Durham Plan Policies 29, 31 and 39, County Durham Waste Local Plan Policy W26, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

2. Plasterboard and gypsum shall only be delivered and exported to the site between the hours of 0700-1700 Monday to Saturday. Recycling operations shall only take place between the hours of 0700-1900 Monday to Saturday. No operations shall take place at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

3. No burning of waste shall be undertaken anywhere on the site.

Reason: In the interests of residential amenity in accordance with County Durham Plan Policy 31, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

4. The total number of all vehicles delivering plasterboard and exporting gypsum to/from the site shall not exceed a daily total of 60 (30 in and 30 out) with a weekly average not exceeding 240 (120 in and 120 out). A record of all vehicles entering and leaving the site shall be maintained by the operator and a copy of this record shall be afforded to the Waste Planning Authority within 2 working days of such a request

Reason: To protect residential amenity and ensure highway safety in accordance with County Durham Plan Policy 31, County Durham Waste Local Plan Policy W31, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

5. Measures shall be taken to ensure that mud, dirt, and waste is not transferred onto the public highway, including sheeting of vehicles as may be appropriate to the material. At such time these measures are not sufficient to prevent the transfer of any material onto the public highway, vehicle movements shall cease until adequate cleaning measures are employed which prove effective or weather and/or ground conditions improve with the effect of stopping the transfer.

Reason: In the interests of highway safety and to accord with County Durham Waste Local Plan Policy W31, Part 9 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

6. Within 3 months of the date of this planning permission a landscaping scheme shall be submitted to the Local Planning Authority for approval in writing. This scheme shall provide details of native tree planting to the east of the site for the provision of screening. The approved scheme shall be implemented by 31 March 2022 and shall be maintained for the life of the development

Reason: In the interests of local landscape and to comply with County Durham Plan Policy 39, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

7. Within 6 months of the of the date of this planning permission a report detailing an investigation of sustainable power generation for the site with a timetable for implementation of the identified technology shall be submitted to the Local Planning Authority for approval in writing.

Reason: In order to maximise the sustainability potential of the site in accordance with Policy 29 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

8. The SUDS Basin shown on Drawing No. 20086-CK-XX-XX-DR-C-52-100 Rev. P3 'Engineering Layout' shall be constructed and connected to the existing site drainage within 6 months of the date of this permission.

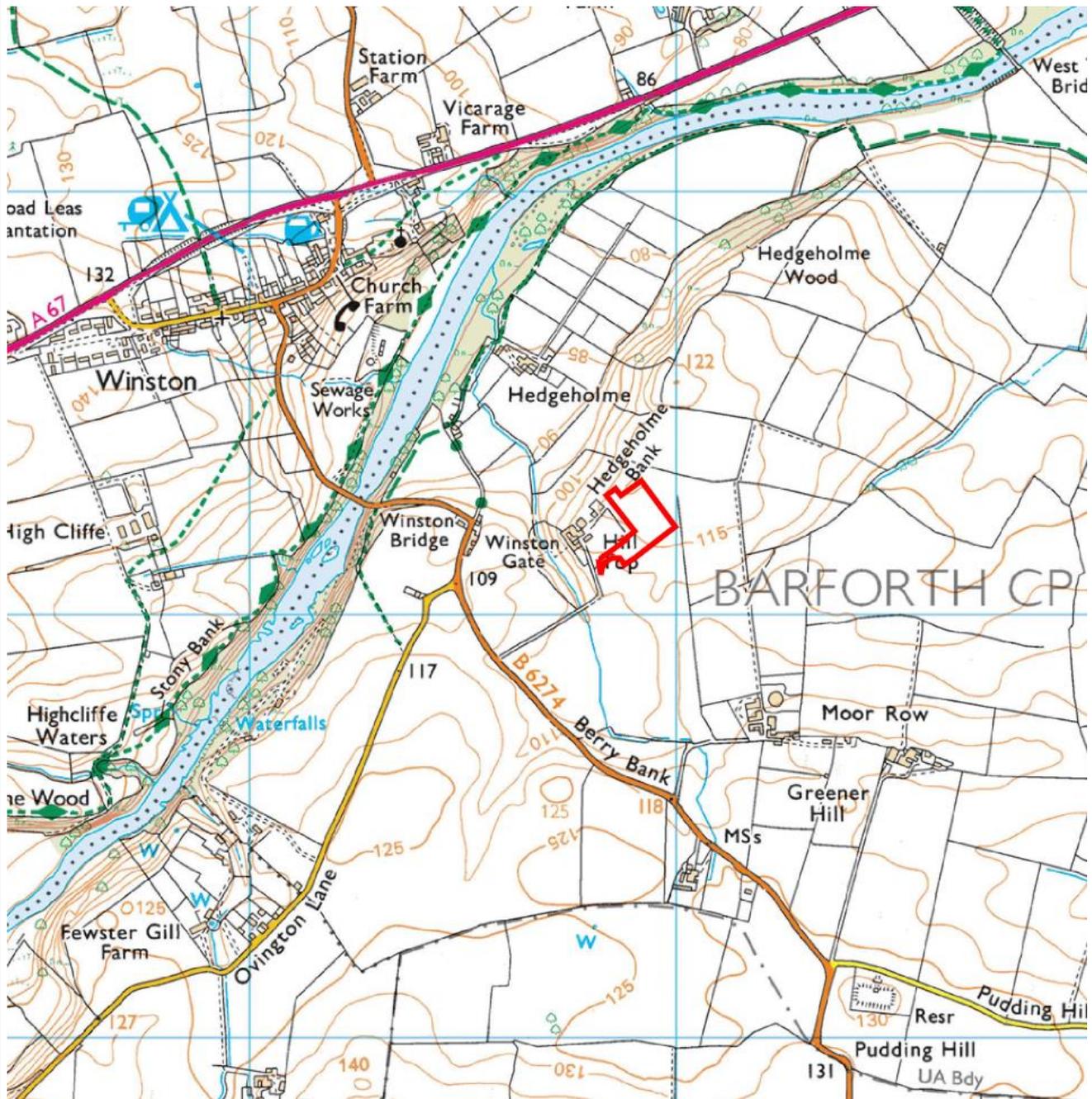
Reason: To control surface water runoff and prevent flooding in accordance with County Durham Waste Local Plan Policy W26, Part 15 of the National Planning Policy Framework and Paragraph 7 of the National Planning Policy for Waste.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Policy for Waste
- National Planning Practice Guidance notes
- County Durham Plan
- County Durham Waste Local Plan
- Statutory, internal and public consultation response



Planning Services

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DM/19/03766/WAS - Retention of existing building for permanent use as plasterboard recycling facility and retention of existing bund at Hill Top Farm, Winston, Darlington.

Comments

Date March 2021

Scale Not to Scale