

Regulation Committee

Thursday 3 October 2019

10.00 am JMR - Somerset West and Taunton Council



To: The Members of the Regulation Committee

Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr M Caswell, Cllr J Clarke, Cllr S Coles, Cllr M Keating, Cllr A Kendall and Cllr N Taylor

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk - 25 September 2019

For further information about the meeting, please contact Peter Stiles or Michael Bryant on 01823 359500 or pstiles@somerset.gov.uk / mbryant@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda **including public speaking at the meeting.**

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers



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AGENDA

Item Regulation Committee - 10.00 am Thursday 3 October 2019

**** Public Guidance notes contained in agenda annexe ****

1 **Apologies for Absence**

2 **Declarations of Interest**

3 **Accuracy of the Minutes of the Meeting held on 5 September 2019**

The Committee will consider the accuracy of the minutes (To Follow).

4 **Public Question Time**

The Chair will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about the matters on the agenda for this meeting will be taken at the time when the matter is considered and after the Case Officers have made their presentations. Each speaker will be allocated 3 minutes. The length of public question time will be no more than 30 minutes.

5 **Proposed Materials Reprocessing Facility and Ancillary Development at Springway Business Park, Springway Lane, Westonzoyland TA7 0JS (Pages 7 - 46)**

6 **Any Other Business of Urgency**

The Chair may raise any items of urgent business.

Regulation Committee – Guidance notes

1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the agenda should contact Peter Stiles or Michael Bryant, Tel: (01823) 359500 or 357628 or Email: pstiles@somerset.gov.uk / mbryant@somerset.gov.uk

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

3. Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Peter Stiles or Michael Bryant, Tel: (01823) 359500 or Email: pstiles@somerset.gov.uk / mbryant@somerset.gov.uk

4. Public Question Time

At the Chair's invitation you may ask questions and/or make statements or comments about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about the matters on the agenda for this meeting will be taken at the time when that matter is considered.

The Chair will usually invite speakers in the following order and each speaker will have a maximum of 3 minutes:

1. Objectors to the application (including all public, parish council and District Council representatives)
2. Supporters of the application (including all public, parish council and District Council representatives)
3. Agent / Applicant

Where a large number of people are expected to attend the meeting, a representative should be nominated to present the views of a group. If there are a lot of speakers for one item than the public speaking time allocation would usually allow, then the Chair may select a balanced number of speakers reflecting those in support and those objecting to the proposals before the Committee.

Following public question time, the Chair will then invite local County Councillors to address the Committee on matters that relate to their electoral division.

If you wish to speak either in respect of Public Question Time business or another agenda item you must inform Peter Stiles or Michael Bryant, the Committee Administrator **by 5.00pm three clear working days prior to the meeting**. When registering to speak, you will need to provide your name, whether you are making supporting comments or objections and if you are representing a group / organisation e.g. Parish Council. Requests to speak after this deadline will only be accepted at the discretion of the Chair.

You must direct your questions and comments through the Chair. You may not take direct part in the debate.

Comments made to the Committee should focus on setting out the key issues and we would respectfully request that the same points are not repeated.

The use of presentational aids (e.g. PowerPoint) by the applicant/agent or anyone else wishing to make representations to the Committee will not be permitted at the meeting.

An issue will not be deferred just because you cannot be present for the meeting.

The Chair will decide when public participation is to finish. The Chair also has discretion to vary the public speaking procedures.

Remember that the amount of time you speak will be restricted, normally to three minutes only.

5. Substitutions

Committee members are able to appoint substitutes from the list of trained members if they are unable to attend the meeting.

6. Hearing Aid Loop System

To assist hearing aid users, the Luttrell Room has an infra-red audio transmission system. This works in conjunction with a hearing aid in the T position, but we need to provide you with a small personal receiver. Please request one from the Committee Administrator and return it at the end of the meeting.

7. Late Papers

It is important that members and officers have an adequate opportunity to consider all submissions and documents relating to the matters to be considered at the meeting, and for these not to be tabled on the day of the meeting. Therefore any late papers that are to be submitted for the consideration of the Regulation Committee, following the publication of the agenda/reports, should be sent to the Service Manager – Planning Control, Enforcement and Compliance (Philip Higginbottom) via planning@somerset.gov.uk in respect of Planning and Town and Village Green items, and to the Senior Rights of Way Officer (Richard Phillips) in respect of Rights of Way items, and should be received no less than 48 Hours before the meeting.

8. Recording of meetings

The Council supports the principles of openness and transparency, it allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

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Somerset County Council

Regulation Committee –
Report by Paul Hickson
Strategic Commissioning Manager

Application Number: 1/53/18/00012
Date Registered: 12/07/2018
Parish: Westonzoyland Parish Council
District: Sedgemoor District Council
Member Division: Bridgwater East and Bawdrip
Local Member: David Hall
Case Officer: Maureen Darrie
Contact Details: mdarrie@somerset.gov.uk
(01604 771123)

Description of Application: **Proposed Materials Reprocessing Facility and Ancillary Development**
Grid Reference: ST 36206 34060
Applicant: Mr R Bomers
Location: Springway Business Park, Springway Lane, Westonzoyland, Bridgwater TA7 0JS

1 Summary of Key Issues and Recommendation

1.1 The proposed development relates to the establishment of a Materials Reprocessing Facility and ancillary development on land at Springway Lane Business Park.

1.2 The main issues for consideration in this Report to Committee relate to:

- **Need for the facility**

- **Impact on local amenity**
- **Ecological impacts**

It is recommended that planning permission be GRANTED subject to the imposition of the planning conditions set out in Section 11 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those reasons be delegated to the Strategic Commissioning Manager, Economy and Planning.

2 Site Description

- 2.1 The site is some 1.3 hectares in area, extending to 1.54 hectares when taking the area of the access into account. It is located to the north of the existing Springway Lane Business Park, which is situated approximately 750m to the south west of the village of Westonzoyland.
- 2.2 The Business Park occupies a position on land comprising part of a former airfield. There are a number of occupiers in the Business Park, with various activities taking place including slab production, coal suppliers and other 'waste' related activities.
- 2.3 A small caravan park is sited around 100m to the southeast of the site.
- 2.4 Langmead and Weston Level SSSI is located approximately 50m to the south.
- 2.5 Land to the west of the site is in agricultural use.

3 Site History

- 3.1 A previous application for the same development was submitted to the Council in February 2018. This application was withdrawn after the Council screened the proposed development and determined that an environmental impact assessment was required.
- 3.2 Planning permission (reference 53/98/00026) was previously granted in 1988 for "*Retention of wooden store building and mobile home/office and continued use of land for the storage and recycling of wooden pallets*" to BYB Pallet Recovery and permitted the recycling and incineration of pallets, as well as storage up to 5.5m in height.

4 The Proposal

- 4.1 This application is for the establishment of a Materials Reprocessing Facility (MRF) where hardcore/aggregates, road planings, topsoil, wood and green waste would be recycled, recovered and sorted prior to being dispatched from the site for reuse.
- 4.2 The site is currently laid to hardstanding and is secured by a 3m high wall comprising concrete blocks along the northern, eastern and part of the southern boundaries. The other parts of the site are secured with fencing and gates.
- 4.3 There are existing storage bays on the site (along the eastern boundary). They have been constructed to assist the separation and management of materials discarded at the site by the previous occupants.
- 4.4 It is proposed to develop the site further by adding the following infrastructure:
 - Extension of the 3m boundary wall along the southern and southwestern boundaries;
 - Erection of 2.4m and 1.2m boundary walls, separated by a 1m gap (to be filled with soils and planted with native hedgerow plants) along the northern boundary;
 - Erection of a barn style topsoil storage building;
 - Erection of further storage bays in the western area of the site;
 - Construction of low level bunding (300mm sleeping policeman-style) around a designated processing area;
 - Installation of an operational water containment tank, gullies, open channel drain and soakaways, and
 - Planting of native shrubs/hedgerow along the boundaries with the arable field to the west.

- 4.5 The topsoil storage building is proposed to be erected in the southwest corner of the site. Its dimensions are 43m x 20m with a height of 8.5m to the eaves. The final materials and colouring would be determined through the imposition of a planning condition.
- 4.6 It is proposed that roofs will be fitted to the green waste and wood waste bays to ensure that the material is kept dry.
- 4.7 The proposed waste management operation will comprise the importation of waste materials that will first be placed in the incoming waste storage bays to be located along the western edge of the site. These materials will then be 'processed' within the bunded processing area.
- 4.8 It is anticipated that up to 50,000 tonnes of waste will be processed each year.
- 4.9 The 'processing' would comprise several distinct operations:
- Hardcore and road planings would be crushed where necessary, and screened into various sized aggregate;
 - Soils would be screened into topsoils and subsoils;
 - Wood would be chipped for use in biomass boilers or other outlets; and
 - Green waste would be shredded for off-site composting.
- 4.10 In order to facilitate the above, it would be necessary to use mobile plant including a crusher, screener, shredder, front loader, wheeled excavator and grabber.
- 4.11 Once the material is processed it would be stored in the designated offsite/outbound bays to be located along the eastern boundary of the site. The topsoil would be retained in the building.
- 4.12 The proposed hours of operation are 07.00-17.00 Mondays to Friday. There is no formal proposal to work on Saturdays but the applicant would wish to 'reserve the right' to work between 07.00 – 13.00 when required.
- 4.13 Access to the site is proposed via an existing farm track that links the northernmost part of the site to the A372. This track is already hard surfaced and comprises concrete (part) and compacted hardcore (part).
- 4.14 The proposed operations would generate around 36 HGV movements per day (18 in and 18 out).

5 The Application

5.1 Plans and documents submitted with the planning application are set out below:

- Application forms and Notices
- Documents:
 - Planning Statement and Appendices dated 28th June 2018;
 - Appendix A - Transport Statement
 - Appendix B - EIA Screening Matrix
 - Appendix C - Dust Management Plan
 - Appendix D - Ecological Appraisal
 - Appendix E - Flood Risk Assessment
 - Appendix F - Noise Assessment
 - Appendix G - Natural England Pre-application Advice
- Drawings
 - Location Plan: 744A-1
 - Location Overview Plan: 744A-2
 - Site Plan: SCR.WZ.2017
 - Proposed Sorting Shed Elevations: TOW/WZ/001
- Additional Information submitted post application
 - Updated Ecological Appraisal, April 2019
 - Noise Assessment Report April 2019

5.2 A revised Site Plan (reference SCR.WZ.2017 Rev.A) was submitted on 7th August 2019. It incorporated additional drainage details and the location of fixed pole-mounted dust suppression.

5.3 A Flood Water Containment Plan, September 2019, was submitted on 4th September 2019, in response to comments made by the Environment Agency.

6 Environmental Impact Assessment (EIA)

6.1 The Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 2017 refers to various types of development in Schedules 1 and 2. Development proposals falling within Schedule 1 are regarded as “EIA development” and trigger EIA procedures. Consideration must be given to Schedule 2 developments to determine whether it is likely to have a significant effect on the environment by virtue of factors such as its nature, size or location

in deciding whether or not the proposed development should be regarded as EIA development.

- 6.2 Based on the information contained within this application, the Case Officer issued a Screening Opinion on 8th August 2018 confirming that *'it is the opinion of the Waste Planning Authority that the environmental impact of the proposed development is likely to be significant and therefore an Environmental Statement is required.'* This Opinion was based on the fact that the development was one of the types listed in Schedule 2, the area of the development exceeded 0.5 hectares and the site lies proximate to a SSSI and 1800m from Somerset Levels and Moors Special Protection Area (SPA) and Somerset Levels and Moors RAMSAR.
- 6.3 Given the site's location, it was considered that a significant effect on sensitive features was likely as a consequence of dust generation and site drainage.
- 6.4 The Screening Opinion concluded that *'the development falls within Schedule 2 and exceeds the indicative threshold. Potential impacts are identified in the Site of Special Scientific Interest and notable features of Ramsar that are present in the SSSI. Insufficient detail on the proposed mitigation to prevent pollution such as sealed systems or water interception system is included in the application, to be able to consider this within the Screening Opinion. Pathways exist which could cause pollution to protected species of the SSSI and species that support the Ramsar 1.8 km away. It is the opinion of the Waste Planning Authority that the environmental impact of the proposed development is likely to be significant and therefore an Environmental Statement is required'*.
- 6.5 The applicant then submitted a request for a Screening Direction from the Secretary of State under part 6 (10) of the EIA Regulations. The Secretary of State confirmed that the development falls within Schedule 2 of the Regulations. However, having taken into account the selection criteria in Schedule 3 of the Regulations, the Secretary of State did not consider that the proposal is likely to give rise to significant effects on the environment. Accordingly, the Secretary of State directed that the proposed development is not EIA development within the meaning of the EIA Regulations.
- 6.6 The Secretary of State's Direction means that the Waste Planning Authority's Screening Opinion is no longer valid.

7 Consultation Responses Received

7.1 The following consultation responses have been received.

7.2 Westonzoyland Parish Council: Objection:

The Parish Council's objects for the following reasons:

- Previous unauthorised development on the site
- Environmental impacts
- Need for EIA – full EIA and ES essential
- Proximity of residential properties
- Adverse effects on the Langmead and Weston SSSI, the Somerset Levels & Moors SPA
- Pollution of water courses and natural drainage
- Uncontrolled release of toxic substances
- Adverse impacts on highways and sub-standard roads
- Additional road traffic and other noise
- Impact on residential amenity and reasonable enjoyment of properties fronting main road

7.3 Environment Agency (EA): No Objection

7.4 The EA has no objection to the proposed development subject to the comments in their response and the inclusion of the informative and conditions relating to flood risk, pollution prevention and drainage. The EA confirm that there will be a need for a bespoke Environmental Permit.

7.5 Ecological Advisor: No objection, subject to conditions:

The County Ecologist has reviewed the information submitted with the application and confirms through the preparation of a Habitats Regulations Assessment that the proposed development is unlikely to have an adverse effect on the integrity of the Somerset Levels and Moors SPA / Ramsar, provided the mitigation measures are conditioned or subject to a s106 agreement (as referred to in Section 9.6 of this Report).

7.6 Highways Development Control: No objection subject to conditions:

Transport Development has considered the application and details and confirms no objection in principle subject to the provision of detailed design drawings for the access junctions, including visibility splays, site parking and the imposition of planning conditions and informatives relating to the need for a

S.171 Licence, Section 184 Agreement, general works, restriction on tonnage inputs and dust suppression.

7.7 Acoustics Advisor: No objection, subject to conditions:

The Acoustic Advisor has responded on three separate occasions to the original and subsequent amendments to the noise assessment report. Based on his assessment he remains of the view the greatest noise impacts of this proposal on surrounding residential development will arise during short bouts of crushing or shredding. The impact of this noise in his view could be classified by a National Planning Policy Framework description that 'Noise can be heard and causes small changes in behaviour and/or attitude' and as such the planning authority therefore has a requirement to ensure any 'observed adverse effect' of noise is 'mitigated and reduced to a minimum'. In his opinion the limited bouts of processing noise within the enclosed site that is part of an industrial estate, could reasonably be expected from a business park, even though there would not at present appear to be evidence of other noisy industrial occupation. He considers the applicant's adoption of a Noise Management Plan represents a reasonable mitigation measure that will ensure a response to any unreasonable instances of noise disturbance from the development. As such, he raises no planning objection to the development provided planning conditions relating to operational hours, noise levels and a requirement to abide by the recommendations in the Noise Management Plan (May 2019).

7.8 Minerals and Waste Policy: No objection

Mineral and Waste Policy welcomes the potential additional treatment capacity in Somerset of up to 50,000 tonnes for a range of commercial and industrial waste streams, providing opportunity to move wastes up the waste management hierarchy to recycling and reuse. Based on the information provided, the proposed development is broadly in accordance with the waste hierarchy, adopted local plan policy and the adopted Waste Core Strategy. The planning team request information regarding the catchment of feedstock to ensure that DM1 is the appropriate locational policy to consider and that further details of site drainage are secured by condition.

7.9 Natural England: No objection

Natural England are broadly in agreement with the conclusions and recommendations set out in the Habitats Regulations Assessment. The only additional comment is that it is not clear that any of the work has been sufficiently tailored to bird disturbance.

Wintering waterbirds are sensitive to the effects of impulsive noises and are characterised by Lmax or Lpeak readings. In this instance, it seems that only average levels, as characterised by Leq readings, have been used for impact prediction. In our view, the impacts on wintering waterbirds may have been underestimated.

In the absence of a more tailored assessment we wish to underline our support for the proposed screening wall included in the list of mitigation measures and safeguards. That should help with noise attenuation and also serve to reduce visual disturbance to any waterbirds making use of the adjacent land.

8 Public Comments

8.1 18 representations have been received from local residents. These are all objections covering the following issues:

Traffic and Transport

- Access;
- Highway safety;
- Road through Westonzoyland is unsuitable
- Frequency of vehicles
- Increase in HGV movements;
- Maintenance of road
- Vibration from vehicles
- Damage to buildings

Ecology and Impact on Natural Environment

- Impact on natural environment;
- Impact on SSSI

Amenity

- Impact on residential amenity;
- Nearby allotments
- Nearby residential and traveller properties

- Noise
- Dust
- Odour
- Flies
- Pollution

Water Resources

- Site drainage and run-off
- Impact on springs

Other Matters

- Errors in the planning submission
- EIA Screening
- Contrary to Sedgemoor Local Plan policies 7 and D25 in relation to pollution impacts (air, noise, carbon emissions, contaminated land/soil, waste, water pollution and odour
- Historical significance World War II
- Landscape distinctiveness
- Type of waste and controls

9 Comments of the Strategic Commissioning Manager

9.1 This application relates to the proposal to locate a Materials Processing Facility on land adjacent to Springway Business Park.

9.2 The Development Plan

9.2.1 Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material considerations indicate otherwise. Relevant policies may be found in the Somerset Waste Core Strategy (WCS), adopted February 2013 and the Sedgemoor Core Strategy May 2013, adopted September 2011 (SCS) and emerging Sedgemoor Local Plan 2011-2032. Also taken into account is the National Planning Policy Framework (NPPF), published in February 2019.

9.2.2 The revised NPPF reiterates that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

9.2.3 The key policies for consideration of this planning application are:

Waste Core Strategy

- SD1: Presumption in favour of sustainable development
- WCS2: recycling and reuse (set out in full below)
- DM1: basic locational principles (set out in full below)

- DM3: impacts on the environment and local communities
- DM6: waste transport
- DM7: water resources

9.3 **Principle/Need for Development**

9.3.1 Policy WCS2 relates to recycling and reuse and confirms that planning permission will be granted for waste management development that will maximise reuse and/or recycling of waste subject to the applicant demonstrating that the proposed development would, in particular, be in accordance with Development Management Policies DM1-9. The detail of those policies is set out below.

9.3.2 For ease of reference, Policy WCS2 is set out in full below.

WCS2: recycling and reuse**General considerations**

Planning permission will be granted for waste management development that will maximise reuse and/or recycling of waste subject to the applicant demonstrating that the proposed development will, in particular, be in accordance with Development Management Policies 1-9.

Temporary storage and access

During the planning stages of residential and non-residential development, Somerset County Council (as Waste Planning Authority) will encourage the provision of adequate space and facilities – both within buildings and externally - that enables effective separation, temporary storage and collection of waste. To do this, the County Council will:

- a) work with the Somerset Waste Partnership to encourage developers to provide adequate space and facilities for waste separation and storage and access for waste collection in new and existing developments;
- b) encourage District and Borough planning authorities to include relevant development management policies, conditions and/or guidance on waste separation and storage and access for waste collection; and
- c) require effective access to be provided, via its highway standards, throughout new development for waste collection and recycling vehicles.

Recycling and reuse of inert waste

Applications for all types of development should demonstrate that viable opportunities to minimise construction and demolition waste disposal will be taken, making use of existing industry codes of practice and protocols, site waste management plans (as detailed in strategic policy WCS1) and relevant permits and exemptions issued by the Environment Agency.

Before considering inert landfill disposal, inert waste that cannot be reused or recycled on-site should be diverted off-site for recycling and/or the following beneficial uses, subject to the general considerations mentioned above:

- a) the restoration of quarries and other excavation sites (excluding peat sites);
- b) other uses with clear benefits to the local community and environment; or
- c) other facilities that will facilitate such positive use.

9.3.3 The proposed development would provide additional waste management capacity for up to 50,000 tonnes per annum for recovery and recycling of a range of waste materials.

9.3.4 The proposed development would support the principles of the waste hierarchy, in line with the Waste Management Plan for England, which sets out the Government's ambition to work towards a more sustainable and efficient approach to waste management.

- 9.3.5 The proposed development would encourage the reuse of existing resources and minimise waste in accordance with the revised National Planning Policy Framework, February 2019.
- 9.3.6 The spatial strategy for waste management for the County is set out in Chapter 9 of the WCS. It draws a distinction between strategic and non-strategic sites.
- 9.3.7 Strategic sites are required to support the delivery of strategic waste treatment capacity in the County and appropriate locational criteria are set out in Policy WCS5. A sequential approach is adopted for the identification of strategic sites.
- 9.3.8 Non-strategic sites are required to ensure that 'local' needs are met in an appropriate way. A criteria-based approach is used to set the spatial strategy for non-strategic sites and locational criteria are set out in Policy DM1; basic location principles.
- 9.3.9 Paragraph 9.19 of the WCS provides a list of waste management activities that could be accommodated at non-strategic sites and this includes small-scale recycling and waste transfer and inert waste recycling and aggregate facilities. As a guide, all of these facilities would process up to 50,000 tonnes per annum to be deemed non-strategic in nature.
- 9.3.10 The proposed development would see the importation of a range of commercial and industrial waste, suitable for processing to produce material that can be re-used. It is anticipated that the material will be largely sourced from the applicant's existing waste transfer station at Middlezoy, preventing the need for it to be hauled to the existing site at Weston Super Mare, with additional material imported from a mainly local catchment. In terms of scale, the facility would deal with no more than 50,000 tonnes of waste per annum.
- 9.3.11 In policy terms, it is clear that the proposed development falls within the non-strategic waste site category and as a consequence falls to be considered under Policy DM1.
- 9.3.12 Policy DM1 is set out in full below.

DM1: basic location principles

Planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies WCS 2-5.

Waste management development will normally be located on the following types of site (these are not listed in order of preference):

- a) existing waste management sites, sites with planning permission for waste management facilities and sites allocated for waste-related uses;
- b) land in existing general industrial use (B2 use class) or in existing storage and distribution use (B8 use class);
- c) land allocated for B2 and B8 purposes in a Local Plan or Development Plan Document;
- d) previously developed land;
- e) within or adjacent to redundant agricultural or forestry buildings (for composting and anaerobic digestion facilities only);
- f) current minerals workings (for aggregates recycling only).

The use of unallocated greenfield land will be strictly controlled and limited in accordance with the Development Plan.

9.3.13 Policy DM1 confirms that planning permission will be granted for waste management developments that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support the delivery of strategic policies WCS 2-5.

9.3.14 There are 6 defined locational criteria. The composition of the policy is such that a site only needs to comply with one criterion to be compliant.

9.3.15 In terms of the local planning policy context, Westonzoyland is identified as a key rural settlement in the adopted Sedgemoor Core Strategy. The proposed application site lies outside the defined settlement limit and it is not listed as an allocated site or in the SDC brownfield register of previously developed land considered suitable for housing. In the emerging Sedgemoor Local Plan 2011-2032, Westonzoyland is defined in policy T4 as a smaller rural settlement, where the spatial strategy for development is a focus on retention/expansion of employment sites. This does not preclude consideration of waste management development in accordance with the Waste Core Strategy.

9.3.16 The planning history of the site is outlined above. It has most recently been used as a pallet recycling facility permitted by Sedgemoor District Council some 20 years ago in March 1999. There are other waste management uses in the adjacent business park. The proposed development is described as

being located at Springway Business Park but the site is actually outside of the business park area.

9.3.17 A review of the site history and site reconnaissance work confirms that the site is previously developed land and for the purposes of Policy DM1 is compliant with one of the locational criterion.

9.3.18 The Policy also requires non-strategic sites to be in locations that are well connected to the strategic transport network. The proposed access from the site would link to A372 which is an identified local freight route between Bridgwater and Podimore, linking the national A303 and M5 in the freight route map for Somerset published in the Freight Strategy, adopted by the County Council in 2011.

9.3.19 In accordance with the advice received from the Minerals and Waste Policy Group, it is considered that the proposed development is a non-strategic waste site that accords with DM1.

9.3.20 There is also a requirement, in Policy WCS2 to accord with the policies that relate to the potential for wider impacts on the environment and local community.

9.3.21 These matters are addressed below.

9.4 **Impacts on the Environment and Local Community**

9.4.1 A number of representations and objections have been received on this application, the contents of which are summarised above.

9.4.2 The key issues are:

- Traffic and Transport
- Ecological Impacts and the Natural Environment
- Amenity
- Water Resources
- Other Matters

9.5 **Traffic and Transportation**

9.5.1 Members will be aware of the strong local opposition to this proposal and the representations from the Parish Council and local residents are set out in Sections 7 and 8 of this Report. Many have raised impacts arising from traffic and transportation.

- 9.5.2 Access to the site would be provided along a dedicated track which follows the line of a previous runway and connects to the A372. An additional track to the west of the site is included in the red line application boundary but would only be used as an emergency access.
- 9.5.3 The A372 traverses through Westonzoyland to Bridgwater. It is a single carriage road, which travels through the Somerset Levels before rising on a bridge over the M5 motorway.
- 9.5.4 The application was accompanied by a Transport Statement, appended to the Planning Statement as Appendix A.
- 9.5.5 The Transport Statement includes a number of photographs and describes the 'zigzag' route through Westonzoyland and the two right angled bends. The first bend is confirmed as 8.0m wide, which is sufficient for HGVs to pass light vehicles. The second sharp bend is 9.0m wide and also sufficiently wide for HGVs to pass light vehicles. The Transport Statement confirms that if two HGVs meet it would be necessary for one vehicle to give way to the other.
- 9.5.6 In relation to traffic flows along the A372, data was obtained from Automatic Traffic Count Site located just to the west of the Village Shop in Westonzoyland. This was complimented by an a.m. peak traffic survey carried out on 31st October 2017 at the junction next to the Village Shop.
- 9.5.7 Weekday 24-hour traffic flows on the A372 are reported for the period 2005-2016 (from counts carried out as part of the national collection of traffic data by DfT). Over the period there is a slight rise in traffic flows to 7,850 vehicles two-way over the 24-hour period.
- 9.5.8 The traffic count carried out in 2017 provides peak a.m. peak flows at the same location and greater detail of total movements and the HGV contribution. This indicates a two-way flow to the west of the junction of 607 vehicles. To the east of the junction two-way flows are lower at 574 movements.
- 9.5.9 Peak morning HGV counts are also presented and show that HGV flows are approximately 3.8% of the total flows to the west of the junction and 4.2% to the east of the junction. Weekday hourly two-way traffic flows are also presented in the Transport Statement and show the evening peak just above the a.m. peak.
- 9.5.10 A radar gun speed survey was also carried out to measure the speed of traffic passing the access to ensure that adequate visibility splays are in place to allow the vehicles to enter and exit the site in a safe manner. The Transport Assessment confirms that the visibility is adequate.
- 9.5.11 In terms of trip generation associated with the proposed development, it is anticipated that up to 5 x 8-wheel lorries would be based at the site, allowing early morning deliveries and 3-5 staff members would be employed and require parking.

- 9.5.12 The annual tonnage of material is up to 50,000 tonnes with 31,000 tonnes travelling through Westonzoyland and 19,000 tonnes travelling from the east. The daily average tonnages would be 192.3 tonnes. A peak daily tonnage (5 times that of the daily / 962 tonnes) has also been modelled.
- 9.5.13 The Transport Statement states that eight-wheel, 20 tonne capacity vehicles will be used to transport aggregate and topsoil to the site and articulate 30 tonne vehicles would be used to carry wood chip and green waste. In an average year 31,000 tonnes of aggregates, 12,500 tonnes of topsoil and 6,500 tonnes of wood and green waste would be handled.
- 9.5.14 This enables an estimate of the average daily movements, which would equate to 11.4 two-way movements to the west through Westonzoyland and 7.1 two-way movements to the east. The most likely average scenario adds 2 two-way movements through Westonzoyland in the a.m. peak period (0.3% increase) and a 0.35% increase to the east. For the peak daily figures the percentage increases are 1.6% and 1.7% respectively. The Transport Statement confirms that this corresponds to one vehicle every six minutes (peak scenario) and one vehicle every 30 minutes (average daily situation).
- 9.5.15 The Highways Development Control section have been consulted on the proposed access arrangements and do not object in principle to the proposed development. A number of comments are provided and suggested conditions relating to restricting the tonnage input.
- 9.5.16 The site is sufficiently large to accommodate parking for the HGVs and employee cars. A detailed plan can be secured by planning condition.
- 9.5.17 The access to the site has already been constructed and there is no requirement for additional licenses or agreements to facilitate its use.
- 9.5.18 The Dust Management Plan submitted with the application will ensure that dust is appropriately managed.
- 9.5.19 In planning policy terms for traffic, policies DM1 and DM6 are relevant.
- 9.5.20 Policy DM1 sets out the basic locational principles and is discussed under the Development Plan. Planning permission will be granted for waste management development at locations that are well connected to the strategic transport network. It is considered that this site is well connected and that there is no conflict with this policy.
- 9.5.21 Policy DM6 relates to waste transport. It states that planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not have a detrimental impact of the local or strategic highway network, suitable access to the site is deliverable and alternatives to road transport are explored.
- 9.5.22 The applicant, through the submission of the Transport Statement has demonstrated that the proposed development will give rise to very small

percentage increases in HGV movements. These levels of increase have been considered by the highway authority and no technical objection on highways movements has been raised.

9.5.23 There are local concerns regarding not just the number of HGV movements but the impact these movements have in highway safety terms.

9.5.24 However, no objection has been raised by the highway authority on highway safety grounds.

9.5.25 In conclusion, the proposed development is in accordance with the relevant highways related policies DM1 and DM6.

9.6 **Ecology Impacts and the Natural Environment**

9.6.1 A number of representations/objections have been received on ecology impact and the natural environmental. In particular objections have been raised as a result of the proximity of a SSSI and higher-level ecological designations, as previously described.

9.6.2 Reference is made earlier to the Council's position on EIA and the likely effects on ecological designations and the associated Screening Opinion. Reference is also made to the fact that the Secretary of State came to a contrary view and confirmed through a formal Screening Direction that the proposal was not likely to give rise to significant effects and is not EIA development.

9.6.3 Notwithstanding the need or not for EIA, the application was accompanied by an Ecological Appraisal (EA), dated September 2017.

9.6.4 The EA desk study confirmed the absence of statutory and non-statutory designated sites of conservation importance within and adjacent to the site. However, the EA acknowledges the presence of SSSIs (3 no.), one Ramsar and SPA, four non-statutory Local Wildlife Sites (LWS) and records of 19 legally protected species within a 2km radius of the site.

9.6.5 A site survey was carried out that identified a total of seven standard Phase 1 habitat types. Several mature trees were considered to provide potential nest sites but these are to be retained and protected. Reptile artificial refuge surveys confirmed the likely absence of reptiles. No further survey or mitigation measure were proposed.

9.6.6 The EA also appended pre-application advice from Natural England, through their Discretionary Advice Service. Based on the information provided Natural England considered that the operations pose potential pollution issues to the nearby SSSIs. They highlighted potential avoidance and mitigation measures for consideration.

9.6.7 The County Ecologist was consulted on the application and initially commented that he agreed with the conclusions in the Screening Opinion on

the likely significant effects on ecological designations. He also noted that the supporting information focussed on mitigated impacts. It was also considered that a Habitats Regulation Assessment (HRA) appeared necessary.

9.6.8 An updated EA was submitted in April 2019.

9.6.9 An ecological field survey and data-search was undertaken in September 2017 and again in March 2019 to determine potential receptors that could potentially be impacted by the proposals.

9.6.10 An ecological appraisal was then undertaken on information gathered using CIEEM guidelines for Ecological Impact Assessment in the UK and Ireland which are in full accordance with the mandatory requirements of the UK EIA Regulations. Section 40 of the NERC Act (2006), NPPF (2019) and The Somerset Waste Core Strategy Development Plan document were also taken into consideration as part of this process.

9.6.11 The update EA confirmed that the site of the proposed reprocessing facility is not covered by any local, national or European designated sites although a European designated site (SPA and Ramsar site) and a large SSSI are located 1.8km from the study area and a SSSI lies 60m south of the study area. The latter is noted for its species rich flora and invertebrate communities. Four LWSs lie within 2km of the study area. 19 protected/notable species have been recorded within 2km of the site. However, surveys established that none use the proposed development site.

9.6.12 Based on the ecological survey and desk-based review the EA concluded that the following features are considered to be important ecological receptors that require assessment of potential impacts:

- Somerset Levels and Moors SPA/Ramsar (incorporating King's Sedgemoor SSSI) located outside the study area (1800m northeast). Important in an *International* context.
- Langmead and Weston SSSI located outside the study area (60m south). Important in a *National* context.
- Four Local Wildlife Sites located outside the study area (up to 2000m away). Important in a *County* context.

9.6.13 Wildlife associated with or using the surrounding habitats, particularly invertebrates and birds, are encompassed within the important ecological receptors listed above.

9.6.14 The Appraisal concluded that unmitigated impacts on these features from the reprocessing facility are deemed to arise from dust, contaminated run-off, noise and visual disturbance. However, surveys for each of these elements and implementation of appropriate mitigation, reveal there are no predicted significant residual adverse impacts on European, national or local designated sites, protected/notable habitat or species associated with the proposed material reprocessing scheme. This is in accordance with national and

Somerset biodiversity planning policy (Somerset Waste Core Strategy Policy DM3).

9.6.15 The Appraisal also confirms that the scheme also incorporates ecological benefits/enhancements including better management of surface water runoff, new surface open-water features, and new mixed native hedgerow.

9.6.16 An HRA under the Habitats Regulations is required to evaluate the Likely Significant Effect of proposed developments protected under those Regulations. The process of HRA involves the initial Stage 1 SA followed by the Stage 2 AA if the proposals are likely to give rise to significant (adverse) impact on Natura 2000 sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites).

9.6.17 In order to ensure that the HRA is fully compliant with the Habitats Regulations, both a Stage 1 Screening and a Stage 2 AA has been carried out. The reasoning for this is set out below by reference to the leading Case.

9.6.18 The Case is a decision of the Court of Justice of the European Union (CECJ) in the matter of People Over Wind and Sweetman v Coillte Teoranta (C-323/17) which alters the UK position in relation to HRA's under the Habitats Directive 92/43/EEC (the Directive) and consequently the Habitats Regulations. The case concerned the decision to allow the laying of cables across two European special areas of conservation (SACs) in the Republic of Ireland. The cables were intended to connect a wind farm to the electricity grid and concerns arose that the plan may have a significant impact on a protected species of freshwater pearl mussel.

9.6.19 Under Article 6 of the Directive planning permission can only be granted if:

(a) There is no impact to the protected area [SAC], either by reason of nature of the plan or where specific preventative or mitigation techniques are employed to protect them, or

(b) Where there is a risk to the special area [SAC] and no mitigation can make it acceptable in terms of the Directive permission can only be granted where there are reasons of overriding public interest (including social or economic matters) and Member States shall take all compensatory measures necessary to ensure the coherence of Natura 2000 is protected.

9.6.20 Consultants in that case had prepared a Stage 1 SA concluding that a Stage 2 AA was not required because protective measures had been built into the design of the project.

9.6.21 The question considered by the CECJ was:

‘Whether, or in what circumstances, mitigation measures can be considered when carrying out screening for appropriate assessment under Article 6(3) of the Habitats Directive’.

9.6.22 The CECJ, in coming to a conclusion highlighted that the Directive does not refer to ‘mitigation’; only conservation, preservation, prevention and compensation. The CECJ interpreted ‘mitigation’ to mean:

“(26)... measures that are intended to avoid or reduce the harmful effects of the envisaged project on the site concerned”.

9.6.23 In considering the requirements for a Stage 2 AA under the Directive, the CECJ concluded that the only requirements were that:

- the plan or project is not necessary for the management of the special protection area
- it must be likely to have a significant effect on the site.

9.6.24 CECJ concluded that the very fact mitigation was required evidenced that the plan or project would significantly affect the special protection area. In such a scenario, an assessment should be undertaken so that the adequacy of mitigation measures could be considered with the benefit of a full Stage 2 AA (which would provide significantly more information to the decision maker).

9.6.25 The CECJ concluded that:

*“(37) ... taking account of such measures at the screening stage [i.e. Stage 1 SA] would be liable to compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular, as the latter stage would **be deprived of its purposes and there would be a risk of circumvention... which constitutes... an essential safeguard** provided for by the directive.” (Emphasis added)*

9.6.26 Previously, the UK had followed case law as set down in R (on the Application of Hart DC) v Secretary of State for Communities and Local Government [2008] EWHC 1204 (Admin) which concluded:

*“(61) ... if the competent authority is satisfied at the screening stage that the proponents of a project have fully recognised, assessed and reported the effects, and have incorporated appropriate measures when deciding whether an appropriate mitigation measures into the project, there is no reason why they should ignore such measures when deciding whether an appropriate assessment is necessary... **as a matter of common sense, anything which encourages the proponents of plans and projects to incorporate mitigation measures at the earliest possible stage in the evolution of their plan or project is surely to be encouraged.**” (Emphasis added)*

- 9.6.27 The impact of the Sweetman Case, in determining this planning application, is a requirement to consider the impacts with no mitigation in place.
- 9.6.28 The full HRA is attached to this Report as Appendix 1. The HRA incorporates the Stage 1 SA and Stage 2 AA.
- 9.6.29 Subsequent to receipt of the updated Ecology Appraisal, the County Ecologist prepared a Stage 1 Habitats Regulations Assessment Screening of likely significant effect on a European Site.
- 9.6.30 The conclusions of the Stage 1 screening stage (i.e. is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?) are set out below and relate to wintering and migratory birds and the Somerset Levels and Moors SPA/Ramsar.

Disturbance

- 9.6.31 The Kings Sedgemoor component of the SPA, located 1.8km to the northeast of the application site, is sufficient distance, with barriers in the form of banks, trees and a wall to exclude impacts visual disturbance from the operations, including human presence, vehicles and material processing.
- 9.6.32 The Functionally Linked Land located within Langmead and Weston SSSI is located 60m to the south of the development site and is currently separated from the development site by a double mature hedgerow/treeline, a vegetated embankment and an existing development, which all provide visual screening. The current screening is likely to partially mitigate the majority of visual disturbance impacts to the low numbers of qualifying species using the site during the winter months.

Loss / Degradation of Functionally Linked Land

- 9.6.33 No Functionally Linked Land would be lost from the proposals.
- 9.6.34 In absence of mitigation there is a risk that dust and particulate deposition, watercourse pollution may reduce the habitat quality associated with the SSSI and its function for providing feeding, roosting and cover habitats for qualifying species associated with the SPA, such as lapwing, snipe, teal and mallard.

Noise Disturbance to the Somerset Levels and Moors SPA

- 9.6.35 The Kings Sedgemoor component of the SPA is sufficient distance, with barriers in the form of banks, trees and a wall between the sites to exclude negative noise impacts.

Noise Disturbance to Functionally Linked Land

9.6.36 The noise model (Figure 3) states that the source noise will be less than 1dB higher than background noise levels, and thus was predicted to have no significant or measurable effect on the SSSI or any notable birds that may be associated with these habitats. However, it should be noted, there is limited evidence to support comprehensive studies into noise impacts associated with the full suite of SPA qualifying species. Without full bird surveys specific to this site, or reference to a similar scenario elsewhere, and in absence of noise prevention methods and mitigation, there is a risk that qualifying species associated with the SPA will be displaced from feeding, roosting and cover habitats within the SSSI towards less suitable habitat. Noise disturbance may reduce foraging opportunities and lead to extra energy expenditure and increased predation rates.

Disturbance to waterbirds within Functionally Linked Land due to light pollution

9.6.37 No impacts predicted due to the proposed absence for night time external lighting, existing barriers and distance to the SSSI.

Aquatic Invertebrates

Dust deposition to Functionally Linked Land

9.6.38 See degradation of functionally linked land above, with effects also pertinent to potential Ramsar invertebrates present including the Ornate brigadier soldierfly *Odontomyia ornate*

Pollution of watercourses within Functionally Linked Land from site drainage and run-off

9.6.39 See degradation of functionally linked land above, with effects also pertinent to potential Ramsar invertebrates present including the Ornate brigadier soldierfly *Odontomyia ornate*

9.6.40 As a consequence of the above, a Stage 2: Habitats Regulation Assessment – Appropriate Assessment was carried out.

9.6.41 In undertaking the appropriate assessment, the Council must ascertain whether the project would adversely affect the integrity of the European site. The precautionary principle applies, so to be certain, the Council should be convinced that no reasonable scientific doubt remains as to the absence of such effects.

9.6.42 The Appropriate Assessment considers the impacts on the integrity of the international site, either alone or in combination with other plans and projects, with regard to the site's structure and function and its conservation objectives. Where there are adverse impacts, an assessment of potential mitigation is carried out to determine if there is an overall adverse effect on the integrity of the site.

9.6.43 The Appropriate Assessment concludes that Somerset County Council consider that the proposed development is unlikely to have an adverse effect on the integrity of the Somerset Levels and Moors SPA / Ramsar, provided specified mitigation measures are conditioned or subject to a s106 agreement. These mitigation measures are set out below:

- No construction work will take place within the period between October and March inclusive in any one year. A work programme will be submitted to and approved by the Waste Planning Authority prior to work commencing on site.
- A 3m high concrete wall will be constructed and maintained along the southern and southwestern boundaries to provide further screening and noise barriers to Langmead and Weston SSSI
- A Dust and Particulate Management Plan, containing method statement for good working practices, to avoid pollution to Langmead and Weston SSSI, will be submitted to and approved by the Waste Planning Authority prior to works commencing on site. The approved plan will be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Waste Planning Authority
- A Surface and Foul Water Management Plan will be submitted and approved by the Waste Planning Authority prior to works commencing on site. This shall include, but not exclusively:
 - a) Guttering on material storage shed;
 - b) An open interceptor channel drain extending along the southern perimeter, which will capture all surface water runoff;
 - c) The interceptor drain will terminate in a concrete bay with surface gully to transfer all water to subsurface pipes; and
 - d) Sub-surface pipes will transfer water to a single sub-surface soak-a-way tank.

The approved plan will be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Waste Planning Authority.

9.6.44 Natural England has been consulted on the HRA and broadly agrees with the conclusions and recommendations. The only additional comment related to whether the noise assessment work has been sufficiently tailored to bird disturbance.

- 9.6.45 They commented that *“wintering waterbirds are sensitive to the effects of impulsive noises and are characterised by Lmax or Lpeak readings. In this instance, it seems that only average levels, as characterised by Leq readings, have been used for impact prediction. In our view, the impacts on wintering waterbirds may have been underestimated. In the absence of a more tailored assessment we wish to underline our support for the proposed screening wall included in the list of mitigation measures and safeguards. That should help with noise attenuation and also serve to reduce visual disturbance to any waterbirds making use of the adjacent land.”*
- 9.6.46 Disturbance impacts from noise are only likely to occur to wintering birds using Langmead and Weston levels SSSI (i.e. land functionally linked to the integrity of the wintering bird features of the European site). Langmead and Weston SSSI is located 60m south of the study area. Noise from such activity (c.100dB) is likely to affect SPA / Ramsar birds within 170 metres of the application which might cause a low-level response, such as heads up of birds within 43 metres and a flight response at about 21 metres. AD Ecology, the applicant’s advisor, considered that there is a low use of Langmead and Weston Level SSSI by SPA and Ramsar wetland birds. Due to the enclosed nature of the north-western fields it is likely that only small numbers of SPA/Ramsar qualifying bird species, such as snipe, will use this habitat, with most of the species, including lapwing and golden plover, requiring large open fields, open water, coast/estuaries or views to open water. From the list of SPA/Ramsar qualifying bird species AD Ecology consider that only teal (*Anas crecca*) will use this habitat.
- 9.6.47 There is no data held by Somerset Environmental Records Centre that teal are using this area of the SSSI. Although this is not absolute, the County Ecologist considers that numbers of teal affected, if present, are unlikely to be in numbers to cause a significant effect on the integrity of the species’ wintering population of the Somerset Levels and Moors SPA / Ramsar. Large numbers of teal are present within other component sites within the SPA/Ramsar.
- 9.6.48 In addition, the HRA states *‘The closest part of the Langmead and Weston SSSI is 60m south of the proposed development site. A noise assessment commissioned by the applicant which is based on the development site being enclosed by a 3m concrete wall along the southern and southwestern boundaries, has calculated the change in noise levels for the closest part of the SSSI. Wardel Armstrong found the average existing (baseline) noise levels at the SSSI is 51dB, while the worst-case noise level of the proposed operational activities at the SSSI is 44dB. The noise model (Figure 3) shows that the source noise will be less than 1dB higher than background noise levels, and thus was predicted to have no significant or measurable effect on the SSSI or any notable birds that may be associated with these habitats.’*

9.6.49 As mentioned in the statement by Natural England they support the construction of a screening wall to offset the impacts of noise. The HRA requires this to be conditioned - A 3m high concrete wall will be constructed and maintained along the southern and southwestern boundaries to provide further screening and noise barriers to Langmead and Weston SSSI.

9.6.50 Officers are satisfied that proper consideration has been given to the effects of the proposed development in the context of the Habitats Regulations and that the submitted plans and proposed conditions afford the necessary protection.

9.6.51 In planning policy terms for ecology, Policy DM3; impacts on the environment and local communities is relevant. In general terms, when determining a waste planning application, the level of protection afforded to an environmental asset will be proportional to its significance including, but not limited to, its statutory designation.

9.6.52 The Policy states that a 'test of likely significance' will usually be required for waste management development proposed in areas that ecologically support the integrity of sites of international importance.

9.6.53 It is considered that a thorough assessment has been undertaken in accordance with Policy DM3 and that the development could be carried out without an adverse effect on the integrity of the Somerset Levels and Moors SPA/Ramsar.

9.7 Impact on Amenity

9.7.40 Policy DM3 aims to protect local amenity from, amongst other things noise, dust, vibration, odour and visual intrusion. Members will be aware of the strong local opposition to this proposal and the representations from local residents are summarised in section 8 of this report. Many have raised noise and dust as potential impact from the proposed development.

9.7.41 A Noise Assessment Report accompanied the application.

9.7.42 The Report assesses the results of the noise survey carried out, together with the anticipated noise levels from the proposed development. The noise generated by the development was considered at 4 sensitive receptors:

- Residential property off A372
- Springway Lane, adjacent to residential properties
- Langmead & Weston Levels SSSI
- Kingsmead SSSI

9.7.43 Attended noise monitoring was carried out on 8th and 14th September 2017 and additional monitoring took place at Towens' existing site.

- 9.7.44 In respect of noise, Members should note that County's Acoustic Officer has provided very detailed responses on noise impact in relation to the original Noise Assessment, an updated Noise Assessment dated April 2019, a further updated version 3 of the Noise Assessment and Noise Mitigation Plan (June 2019) and in relation to specific points raised by the applicant.
- 9.7.45 The Acoustic Officer's most recent correspondence, is referred to below.
- 9.7.46 In respect of the Noise Management Plan he is satisfied that the aims and objectives of the plan are appropriate and address some of the recommended conditions of his initial report. The document is intended to be reviewed annually and changes can be made to reduce the noise disturbance arising from operations. The document contains a comprehensive set of actions intended to reduce noise. The document contains standard forms to record and investigate any noise complaints and there would appear to be company policies in place to ensure reasonable actions are taken by the operator.
- 9.7.47 Should planning permission be recommended to be granted then a planning condition should be imposed with a requirement for the development to comply with the Noise Management Plan.
- 9.7.48 He also comments on June 2019 Version 3 of the Noise Report noting that it has made a number of changes to reflect his concerns on information previously presented within the April edition of the report.
- 9.7.49 Based on consideration of the update Report the Acoustic Officer remains of the view the greatest noise impacts of this proposal on surrounding residential development will arise during short bouts of crushing or shredding.
- 9.7.50 The impact of this noise in his view could be classified by an NPPF description that 'Noise can be heard and causes small changes in behaviour and/or attitude' and as such the planning authority therefore has a requirement to ensure any 'observed adverse effect' of noise is 'mitigated and reduced to a minimum'. In his opinion the limited bouts of processing noise within the enclosed site that is part of an industrial estate, would not appear an unreasonable expectation of land use, even though there would not at present appear to be evidence of other noisy industrial occupation.
- 9.7.51 The Acoustic Officer considers the applicant's adoption of a Noise Management Plan represents a reasonable mitigation measure that will ensure a response to any unreasonable instances of noise disturbance from the development.
- 9.7.52 As a result, the Acoustic Officer raises no planning objection to the development provided planning conditions he proposed are adopted in any planning consent.
- 9.7.53 The conclusion of the Acoustic Adviser may be disappointing to local residents. However, in planning terms it would be difficult to sustain an

objection on noise grounds without a *technical* objection from the competent officer.

9.7.54 In terms of dust no formal technical objection has been raised. The processing would be carried out both outside and within a building. The latter of which would reduce in part potential dust impact. A dust management plan is submitted with the application. Also, dust can be controlled through conditions which would effectively require the operator to stop outdoor working in windy conditions and to keep stockpiles and haulage road damp to prevent fugitive dust.

9.7.55 Some members of the public have raised concerns relating to the visual impact of the development.

9.7.56 The proposed development will be set back from the A372 in an area that was formerly occupied by a pallet business. The surrounding land is flat, being a former airfield.

9.7.57 The proposed development would see the introduction of built form in the shape of a building as well as additional storage bays and perimeter fencing and blocks.

9.7.58 The site lies adjacent to the existing business park, albeit that it is accessed separately. The business park has a range of buildings and activities and the proposed development is not out of context in the immediate local area.

9.7.59 The site is proposed to be screened by additional perimeter walls and landscape planting.

9.7.60 The introduction of additional 3m and lower concrete walls will be detractors but will be seen in the context of the existing blocks and fencing.

9.7.61 The barn style storage building will be visible above the fencing but not uncharacteristic in its surroundings.

9.7.62 The current site is unused and has remnants of material stored by the previous occupant. The proposed development affords an opportunity to clear and re-order the site. Planning conditions can ensure that the development takes place in accordance with plans and that site operations are appropriately controlled to minimise landscape impact.

9.7.63 In these circumstances the proposal would not give rise to an unacceptable adverse impact on landscape or visual amenity, and would therefore not contravene Policy DM3.

9.8 Water Resources

9.8.40 A number of local residents have objected to the application on matters pertaining to surface water drainage and potential impacts on springs.

- 9.8.41 The planning application is accompanied by a Flood Risk Assessment and the Planning Statement addresses both flood risk and surface water drainage.
- 9.8.42 In respect of flood risk, part of the site is within Flood Zone 3 but within an area protected by flood defence structures. The remainder of the site is within Zones 1 and 2. The FRA confirms that there is no history of flooding at the site.
- 9.8.43 In respect of ground and surface water, there are no groundwater or aquifer designations affecting the site.
- 9.8.44 At present, surface water runoff drains off site to agricultural land. It is proposed to install an open channel drain across the full length of the site, on the southern perimeter. The purpose of this is to capture all surface water runoff from the main operational area which will drain to soakaway. The open channel drain will be fitted with check drains to allow sections of the drain to be isolated. Runoff from the building and the covered bays would drain to soakaway tanks and runoff from the processing areas would be retained within the bunded area and discharged to a storage tank enabling off site disposal.
- 9.8.45 Fuel tanks would be suitable bunded and refuelling would take place in designated areas enabling potential spillages to be contained.
- 9.8.46 Chapter 10 of the WCS sets out policy considerations regarding water resources and the need to ensure that waste management development does not cause unacceptable harm to the local water environment. Site drainage is discussed in the flood risk assessment report, noting that the site currently has no formal drainage system and that drainage of the operational area will be to a tank, emptied periodically and treated accordingly.
- 9.8.47 Policy DM7 states that planning permission will be granted for waste management development subject to the applicant demonstrating that adequate protection has been made to protect ground and surface water, the proposed development will not have an unacceptable impact on the volumes, directions or rate of flow of ground and surface water and the proposed development will not exacerbate flood risk.
- 9.8.48 The Parrett Internal Drainage Board raises no objection to the proposed development.
- 9.8.49 The Environment Agency raises no objection to the proposed development subject to comments they make and inclusion of the informative and conditions specified in their response.

9.8.50 In respect of flood risk a condition is proposed relating to flood risk that would require the provision of a contingency plan detailing how materials will be secured and mobilised in a flood event.

9.8.51 In respect of pollution prevention and drainage, the EA raises concerns regarding the proposed drainage arrangement, particularly the permeability of the site's perimeter wall. However, the EA is content that these concerns can be overcome by the submission of a scheme for the disposal of surface and foul water drainage. This can be dealt with by planning condition.

9.8.52 The EA confirms that a bespoke Environmental Permit will be required as currently there are only exemptions registered. The Environmental Permit will address and control the detailed working plan and arrangements for the site.

9.8.53 A number of objections have been received in respect of water resources. However, there are no technical objections from statutory or other consultees. It is considered that the objections raised can be overcome by the planning conditions proposed by the EA above.

9.9 Other Matters

9.9.40 A number of other matters are raised, as follows:

- Errors in the planning submission
- EIA Screening
- Contrary to Sedgemoor Local Plan policies 7 and D25 in relation to pollution impacts (air, noise, carbon emissions, contaminated land/soil, waste, water pollution and odour
- Historical significance
- Type of waste and controls

9.9.41 These are dealt with in turn below.

Errors in the Planning Statement

9.9.42 Officers are content that errors have been addressed through clarifications from the applicant or updated Reports.

EIA Screening

9.9.43 EIA Screening is addressed earlier in the Report. It is regrettable that local residents were unaware at the time of the Secretary of State's formal Screening Direction confirming that the proposed development is not EIA development under the Regulations.

9.9.44 Notwithstanding the Secretary of State's decision, Officers have taken a precautionary approach to the consideration of the potential impact on Somerset Levels and Moors SPA by conducting a Stage 1 Screening and Stage 2 Appropriate Assessment under the Habitats Regulations.

9.9.45 The conclusions from this are set out above.

Historical Significance

9.9.46 Officers are content that any perceived errors have been addressed through clarifications from the applicant or updated Reports.

Type of Wastes and Controls

9.9.47 Objections and representations have been received in connection with the types of waste and controls.

9.9.48 The proposed waste types and means of processing the waste to maximise recovery are set out above.

9.9.49 A bespoke Environmental Permit will also be required to control the site operations. The planning and permitting regimes should not seek to duplicate controls.

9.9.50 Officers are content that the proposed planning conditions cover the land use control elements of the proposal.

10. The Planning Balance

10.2 Officers have fully considered the proposed development in the context of the Development Plan, the level and nature of local opposition and the responses received during consultation.

10.3 Concerns have been received from consultees in respect of noise and ecology in particular. It is considered that the applicant has exercised their opportunity to address the concerns raised and has provided additional information that has been subject to further consultation and responses from consultees, as appropriate.

10.4 There are no technical objections to the proposed development and the proposal is generally compliant with the Development Plan.

10.5 Section 38(6) of the Town and Country Planning Act 1990, as amended, stated that in determining planning applications decision must be made in accordance with the Development Plan unless material considerations indicate otherwise.

10.6 There are no material considerations that would warrant a refusal of planning permission contrary to the Development Plan.

10.7 For these reasons the application is recommended for approval.

11. Recommendation

- 11.1 It is recommended that planning permission be **APPROVED** subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those reasons be delegated to the Strategic Commissioning Manager, Economy and Planning:

Commencement of Development

1. The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

Notification of Commencement

2. Within 7 days of the commencement of the development hereby permitted, the Waste Planning Authority shall be notified in writing of the commencement of the development hereby permitted.

Reason: To enable the Waste Planning Authority to monitor the development effectively.

Display of Planning Permission & Related Documents

3. A copy of this planning permission and related documents (including the approved application details, plans and scheme of operations and any subsequent scheme submitted and approved under conditions attached to this permission) shall be made known to any person(s) given responsibility for the management, control or operation of activities at the site and copies of the said documents shall be available for inspection on site at all times when personnel are operating at the site for the purpose of mineral extraction, maintenance or restoration.

Reason: To ensure those persons responsible for the site are aware of the terms of this permission.

Approved Plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan ref: 744A-1
 - Location Overview Plan: 744A-2
 - Site Plan: SCR.WZ.2017 (Rev A);

- Proposed Shed Elevations: TOW/WZ/001;
- Surface Water and Drainage Design as set out in Section 5 of HES Flood Risk Assessment Rev. F
- Flood Containment Plan, September 2019
- Dust Management Plan (v1.1 dated 08/05/2018)
- Noise Management Plan issued by Wardell Armstrong (May 2019)

Hours of Working

5. No waste processing operations shall occur at the site except between the hours of:
- 07.00-17.00 Monday to Friday; and
 - 07.00-13.00 on Saturday.

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

Waste Types

6. Materials to be accepted at the site shall be non-hazardous and limited to:
- Hardcore;
 - Road planings;
 - Clean, unpolluted soils;
 - Wood; and
 - Green waste.

Reason: In the interests of amenity.

Material Processing

7. Materials processing shall only take place within the bunded area as shown on Site Plan: SCR.WZ.2017 Rev A.

Reason: To protect the amenity of local residents and minimise noise disturbance to the surrounding area.

Parking Plan

8. Parking at the site shall take place only in the locations shown on Site Plan, drawing no. SCR.WZ.2017 Revision A.

Reason: In the interests of amenity and operational controls at the site.

Drainage

9. The Drainage Design, as set out in Section 5 of the HES Flood Risk Assessment (Rev. F), shall be implemented. The bunded processing area shall drain to the sealed drainage tank. Bays for storage of wood and green waste shall be roofed, bunded and drain to the sealed drainage tank.

Reason: To minimise the risk of pollution of the water environment in the interest of wildlife conservation, public safety and the amenities of the surrounding area.

10. Measures set out in the Flood Containment Plan, September 2019, shall be implemented upon commencement of the development and the development shall thereafter be operated in accordance with the approved plan.

Reason: to reduce the possibility of stored waste materials mobilising during a flood event.

Storage of Oils, Fuels and Chemicals

11. Any storage of oils, fuels or chemicals on the site shall be in bunded tanks or in other tanks sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the capacity of all tanks included within the bund walls. All filling points, vents, gauges, sight glasses and overflow pipes shall be within the bund. Associated pipe work shall be located above ground level and protected from accidental damage.

Reason: To minimise the risk of pollution of the water environment in the interest of wildlife conservation, public safety and the amenities of the surrounding area.

Noise and Dust

12. The approved Dust Management Plan (v1.1 dated 08/05/2018) shall be implemented and accorded with at all times.

Reason: To protect the amenity of local residents.

13. Noise from the operation of the site shall be minimised by adopting the recommendations of the Noise Management Plan issued by Wardell Armstrong (May 2019) or any revised Plan that has received the written agreement of the waste planning authority. The operator shall provide the waste planning authority with full access to the associated records of the Plan within 24 hours of its request.

Reason: To protect the amenity of local residents and minimise noise disturbance to the surrounding area.

14. The noise arising from site operations shall not exceed a free-field LAeq(1-hour) level of 47dB at any existing residential property.

Reason: To protect the amenity of local residents and minimise noise disturbance to the surrounding area.

Throughput

15. Throughput of materials for reprocessing at the site shall not exceed 50,000 tonnes per annum.

Reason: In the interests of amenity and highway safety.

Sheeting of Vehicles

16. All vehicles accessing and egressing the site carrying materials <50mm in diameter shall be sheeted to prevent debris and dust.

Reason: In the interests of amenity and highway safety.

Lorry Routeing

17. All HGV traffic shall access and egress the site via the access road shown on Location Plan ref: 744A-1. The access road shall be maintained in a state of good repair.

Reason: In the interests of amenity and highway safety.

Maintenance of Vehicles, Plant and Machinery

18. All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers.

Reason: In the interests of amenity.

Protection of Nesting Birds

19. No vegetation removal works around the site shall take place between [1st March and 31st August] inclusive, unless a competent ecologist has undertaken a careful, detailed check of the shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given.

Protection of Trees

20 The mature trees referred to in the Ecological Appraisal (EA), dated September 2017 will be protected throughout the life of the development.

Reason: To ensure the trees are protected.

Construction

21. No construction work will take place within the period between October and March inclusive in any one year. A work programme will be submitted to and approved by the Waste Planning Authority prior to work commencing on site and thereafter works shall take place in complete accordance with the work programme.

Reason: To protect the interests of ecological designations.

Site Restoration

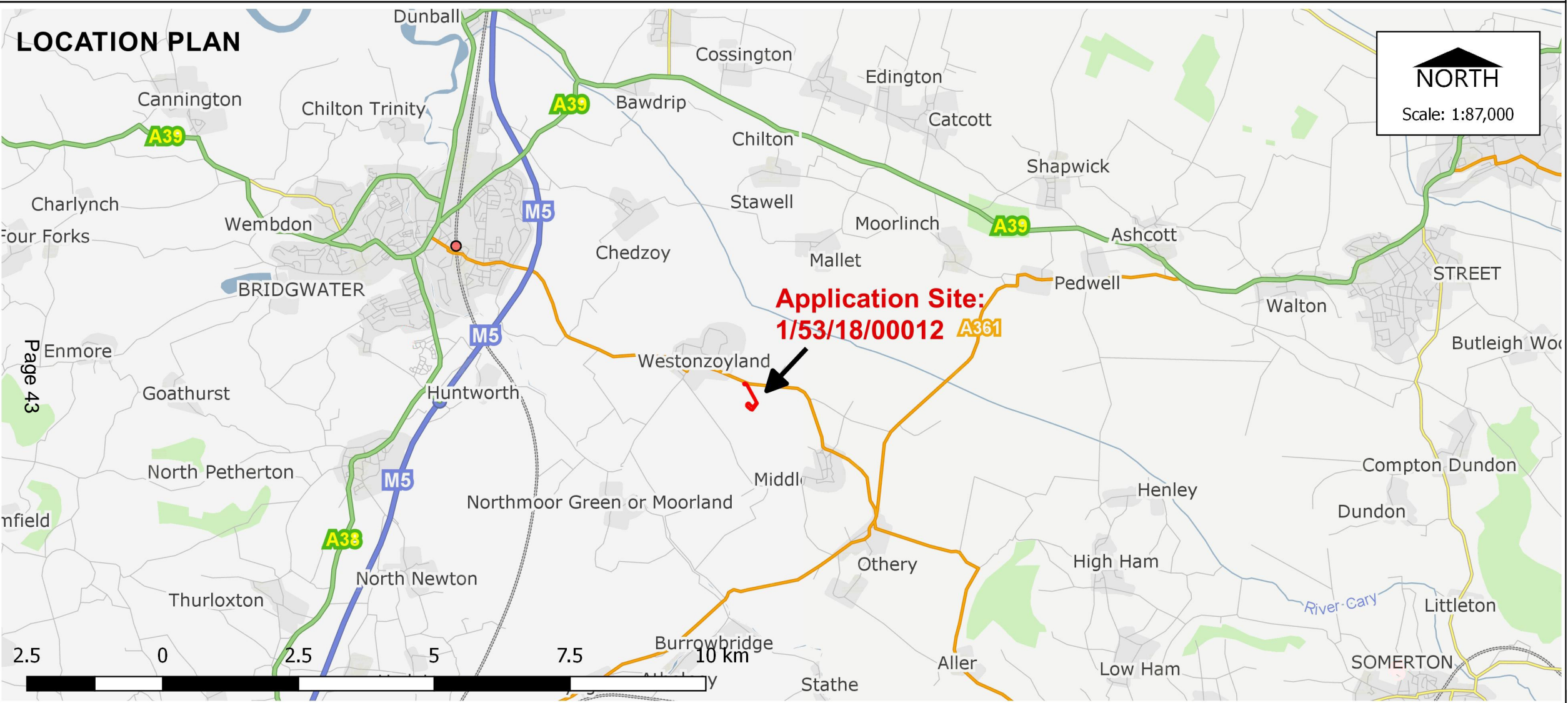
22. On cessation of the use hereby permitted, the site shall be fully restored in accordance with a scheme of restoration to be submitted to the Waste Planning Authority within three months of cessation of the use. The site shall be restored within six months of the Waste Planning Authority's written approval of the scheme.

Reason: To ensure the site is restored at an appropriate time and to an appropriate condition.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed **towards a timely determination of the application**. Issues of concern have been raised in connection with the proposal. However, the proposed development accords with the spatial strategy of the Development Plan and environmental and amenity concerns can be adequately addressed through planning conditions.

LOCATION PLAN



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Paul Hickson
 Strategic Commissioning Manager
 Community & Environmental Services
 Somerset County Council
 County Hall, Taunton, TA1 4DY

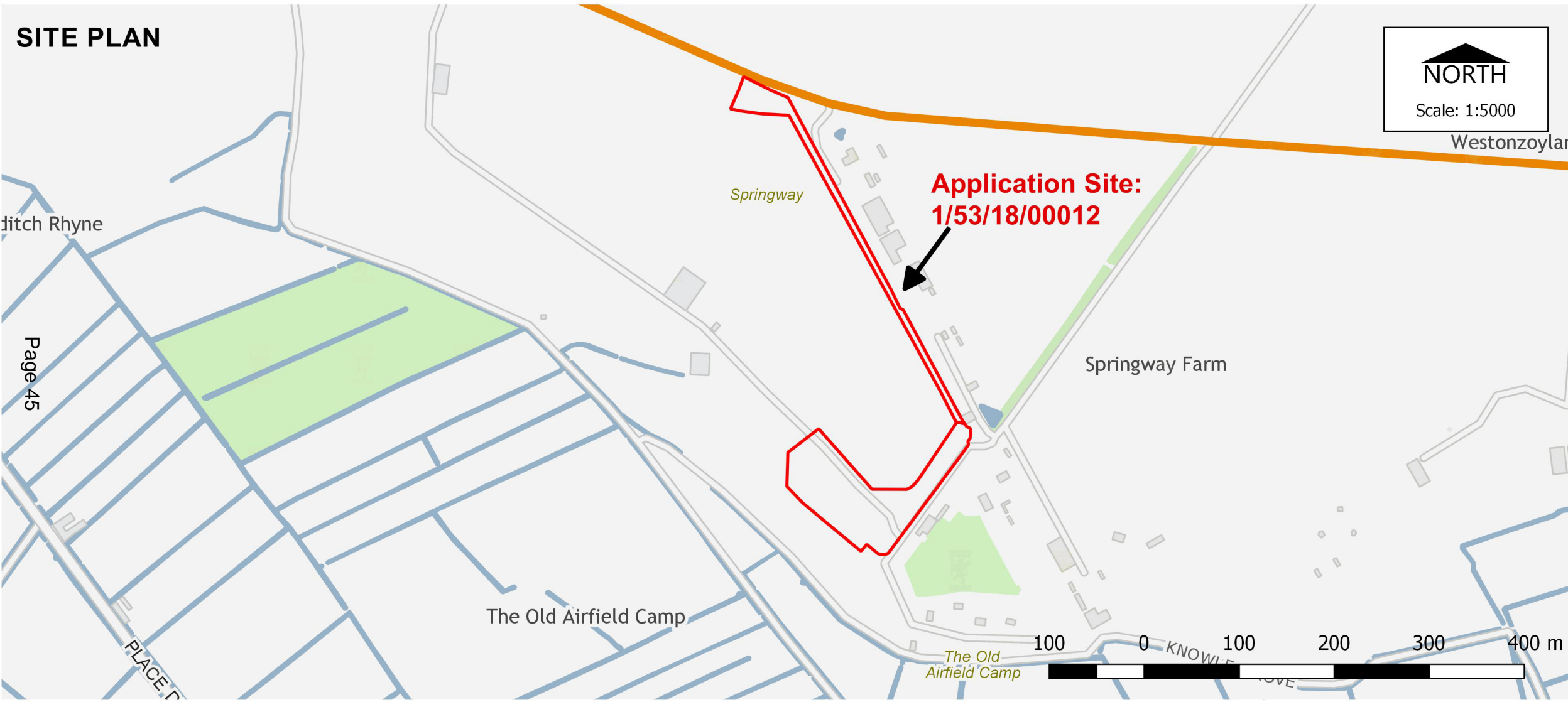
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SITE PLAN



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PLACE D

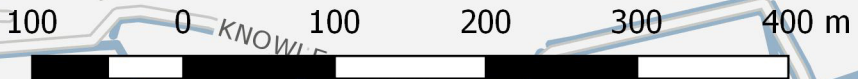
Springway

Application Site:
1/53/18/00012

Springway Farm

The Old Airfield Camp

The Old Airfield Camp



Paul Hickson
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

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