

Regulation Committee
Thursday 7 November 2019
10.00 am Council Chamber, Shire Hall,
Taunton



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 - 30 October 2019

For further information about the meeting, please contact Michael Bryant on 01823 359048 or 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.

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AGENDA

Item Regulation Committee - 10.00 am Thursday 7 November 2019

1 **Accuracy of the Minutes of the Meeting held on 3 October 2019** (Pages 3 - 16)

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

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 3 October 2019 at 10.00am in the John Meikle Room at the offices of Somerset West and Taunton Council, The Deane House, Belvedere Road, Taunton.

Present:

Cllr J Parham (Chairman)
Cllr M Caswell
Cllr J Clarke
Cllr N Hewitt-Cooper
Cllr M Keating
Cllr A Kendall
Cllr T Lock (Substitute for Cllr S Coles)
Cllr N Taylor

The Chair welcomed everyone to the meeting, outlined the meeting procedures, referred to the agenda and papers and highlighted the rules relating to public question time.

1 **Apologies for Absence** - agenda item 1

Cllr S Coles

2 **Declarations of Interest** - agenda item 2

Reference was made to the following personal interests of the members of the Regulation Committee published in the register of members' interests which was available for public inspection in the meeting room:

| | |
|----------------------|--|
| Cllr M Caswell | Member of Sedgemoor District Council |
| Cllr N Hewitt-Cooper | Member of Mendip District Council |
| Cllr A Kendall | Member of South Somerset District Council Member of Yeovil Town Council |
| Cllr T Lock | Member of South Somerset District Council Member of Yeovil Town Council |
| Cllr J Parham | Member of Shepton Mallet Town Council |
| Cllr N Taylor | Member of Cheddar Parish Council |

3 **Accuracy of the Minutes of the Meeting held on 13 June 2019** - agenda item 3

The Chairman signed the Minutes of the Regulation Committee held on 5 September 2019 as a correct record.

4 **Public Question Time** - agenda item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

(2) All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

5 **Proposed Materials Reprocessing Facility and Ancillary Development at Springway Business Park, Springway Lane, Westonzoyland TA7 0JS** - agenda item 5

(1) Committee Report

The Committee considered the report of the Strategic Commissioning Manager, Economy and Planning on this application.

(2) Letter of Representation from Mr and Mrs Tucker

The Chairman referred to an email dated 1 October 2019 from Mr and Mrs M Tucker, residents of Westonzoyland, objecting to the application on the grounds of the HGV traffic that would be generated; the inappropriate location for the development; and lack of notification of the Regulation Committee meeting.

(3) Case Officer's Presentation

(i) Introduction

The Case Officer, Maureen Darrie, made a presentation on Application No. 1/53/18/00012 which covered the matters referred to in (ii) to (ix) below as a basis for the Committee's consideration of the application.

(ii) Key Issues

The Case Officer indicated that the key issues for consideration were:

- need for the facility
- impact on local amenity
- ecological impacts.

(iii) Application Site - Description and History

The Case Officer described the application site with the use of maps, plans and photographs, indicating that:

- the application site was some 1.3 hectares in area, extending to 1.54 acres when the area of the access was taken into account. It was located to the north of the existing Springway Lane Business Park, which was situated approximately 750 metres to the south-west of the village of Westonzoyland
- agricultural land surrounded the site on two sides
- Langmead and Weston Level Site of Special Scientific Interest (SSSI) was located 50m to the south at its nearest point
- a small caravan park was located around 100m to the south-east of the site
- the nearest residential property was located on the access to the adjacent business park
- the business park occupied a position on land comprising part of a former airfield. There were a number of occupiers in the business park, with various activities taking place including slab production, coal supply and other “waste” related activities
- the application site was a “brownfield” site, previously occupied by a palette recycling company (permitted in 1988), remnants of which were on site
- an application for the same development as currently proposed was submitted in February 2018, but was subsequently withdrawn.

(iv) The Proposal

The Case Officer described the proposal as follows:

- the application was for the establishment of a materials processing facility - hardcore/aggregates; road planings; topsoil; wood and green waste would be imported to the site
- the material would be recycled, recovered and sorted and then taken from the site for reuse elsewhere
- the site was currently laid to hardstanding, for the majority of the surface. The applicant had secured the site using concrete/demountable blocks around the site perimeter, where there was a gated access, which would not be used. There were also some blocks at the entrance to the site. These were all put in by the applicant to ensure the site was secure (this was a retrospective element that could be regularised and was covered in the planning statement)
- the applicant had been trying to tidy the site and had also erected some bays so that any reusable materials could be segregated
- the additional infrastructure proposed comprised:
 - extension of the 3m boundary wall along the southern and south-western boundaries - *‘lego block type construction’*

- 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 - *stepped construction*
 - erection of a barn-style topsoil storage building (43m x 20m x 8.5m high to eaves)
 - erection of further storage bays in the western area of the site - *the green waste bays would be fitted with roofs*
 - 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
 - planting of native shrubs/hedgerow along the boundaries with the arable field to the west.
- access would be via an existing farm entrance
 - it was anticipated that up to 50,000 tonnes per annum of waste would be processed through the site each year - this equated to around 200 tonnes per day on average but the proposal sought 18 in and 18 out vehicle movements per day to allow for differences in vehicle sizes and contractual variations
 - processing would take place centrally in the site using use mobile plant including a crusher, screener, shredder, front loader, wheeled excavator and grabber
 - hardcore and road planings would be crushed 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
 - green waste would be shredded for off-site composting
 - once the material was 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. Storage would be limited to the top of the bays ie. 2.4m high
 - the hours of operation would be 7.00am to 5.00pm. Monday - Friday, no regular working on Saturday, when working would be on an as required basis 7.00am - 1.00 pm
 - material would be locally sourced, in the Bridgwater and Taunton areas.

(v) *Environmental Impact Assessment (EIA)*

The Case Officer confirmed that the proposals before the committee did not constitute EIA development. Although the County Council had issued a screening opinion confirming the view that the proposals were EIA development, a screening direction issued by the Secretary of State had found to the contrary. However, this did not mean that the proposals were in any way assessed less rigorously.

(vi) Consultations

The Case Officer reported on the responses received to consultations with Westonzoyland Parish Council; Environment Agency; Ecological and Acoustics Advisors; Highways Development Control; Minerals and Waste Policy; and Natural England.

Westonzoyland Parish Council had objected to the application for the following reasons:

- previous unauthorised development on the site
- environmental impacts
- need for EIA - full EIA and Environmental Statement essential
- proximity of residential properties
- adverse effects on the Langmead and Weston SSSI, the Somerset Levels and Moors Special Protection Area
- 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.

Other consultees had either raised no objections to the application subject to planning conditions and/or observations.

The Case Officer commented that: there had been a lot of additional information requested and supplied by the applicant relating to noise, waste containment, ecology and site drainage, which had been assessed by the relevant consultees; and that there were no technical objections to the application.

(vii) Representations

The Case Officer reported that 18 objections/representations had been received from local residents, covering the following issues:

- Traffic and Transport:
 - access
 - highway safety;
 - unsuitability of road through Westonzoyland
 - 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.

(viii) The Development Plan and Principle/Need for the Development

The Case Officer indicated that, under the revised National Planning Policy Framework published in February 2019 and the provisions of the Planning and Compulsory Purchase Act, 2004, applications for planning permission had to be determined in accordance with the Development Plan, unless material considerations indicated otherwise.

The key, and overarching, policy was Policy WCS2 relating to recycling and reuse in the Waste Local Plan, which included a presumption in favour of waste management development that would maximise reuse and/or recycling of waste subject to the proposal being in compliance with wider development management policies (DM1 - 9)

This proposed development would assist in driving management of waste up the waste hierarchy, was considered to have a local catchment and fell to be considered under Policy DM1 (Basic Location Principles). It was well located in relation to the highway network, supported the delivery of reuse/recycling waste, and was sited on previously developed land, one of the locational preferences in the policy. As such it met the locational criteria for non-strategic sites set out in Policy DM1.

Impacts on the Environment and Local Community

The Case Officer responded to the objections/representations received to the application from Westonzoyland Parish Council and local residents:

Traffic and Transportation

Access to the site would be provided along a dedicated track which followed the line of a previous runway and connected to the A372. An additional track to the west of the site was included in the red line application boundary but would only be used as an emergency access.

The daily average tonnage of material that would be brought to the site was approximately 200 tonnes but the Transport Assessment had been carried out on the basis of five times that level - an absolute worst-case scenario - with the outcome that the proposed development would generate only a very small percentage increase in HGVs (less than 2%). The Highway Authority had been consulted and had raised no objections, subject to maintenance of appropriate visibility splays, which could be achieved.

Ecological Impacts

Objections had been raised given the site's proximity to Langmead and Weston SSSI and other, more distant high-level ecological designations. Ecological appraisals had been carried out and the County Ecologist had undertaken a Habitats Regulations Assessment comprising both a screening and Stage 2 Appropriate Assessment (set out in the report).

Natural England was satisfied that the development could be carried out without impact to designated features and, in accordance with the views of the County Ecologist, subject to the maintenance of the 3m high wall along the south and south-west to provide screening to the SSSI.

Amenity

The County's Acoustic Advisor had conducted a thorough review of noise and had presented detailed findings on the original and two subsequent reports. He

remained of the view that the greatest noise impact would be from the crusher/shredding that would take place in short bouts.

The Acoustic Advisor considered that the adoption of a noise mitigation plan would represent reasonable mitigation that would ensure a response to any unreasonable incidents of noise. He had no planning objections to the proposal.

Water Resources

The application was accompanied by a Flood Risk Assessment. Part of the site was in Flood Zone 3 with the remainder in Zones 1 and 2.

Currently surface water ran to agricultural land. It was proposed to install an open channel drain across the site capturing all surface water run-off to soakaway, fitted with check drains to allow isolation. Run-off from the processing areas would be discharged to a tank to allow retention for disposal. There were no objections from the Environment Agency subject to conditions.

(ix) Case Officer's Conclusions

Having reviewed the key issues set out in Paragraph 3(ii) above, the Case Officer summarised the position as follows:

- in planning policy terms, the pertinent policies were WCS2 and DM1
- the proposal would assist in driving waste management up the waste hierarchy in accordance with the Development Plan and national waste policy. The facility would perform a "local" role and source waste from a local catchment area
- Westonzoyland Parish Council had objected to the proposed development as had a number of local residents. However, there were no statutory objections to the proposal, or objections from internal advisors
- there were no material considerations that would warrant a refusal of planning permission contrary to the Development Plan.

The application was therefore recommended for approval, subject to conditions.

(4) Public Speakers

The Committee heard from the following, as set out below:

(i) Mr O Laidlaw - Land and Mineral Management - Agent for the Applicant

15 months ago, we made a planning application which had been very well researched to make sure that there would be no undue impact. Over the past 15 months it has been assessed and scrutinised in detail by your own specialists and experts in their various fields. None of your consultees have raised any technical

objection of any kind and they confirm that the proposals are sound and will have no unacceptable impacts.

The site's access onto the A372, which is an important lorry route for the county, has been assessed as part of the Transport Statement and deemed to be safe with sufficient visibility in both directions. The County's Highways consultee has raised no objection. The vehicle movements to and from the site will only account for a fraction of a percentage of the existing vehicle movements along this road past the site.

The site will be visually and acoustically well screened with perimeter walls and new landscape planting. Noise and dust will be controlled through the implementation of the approved operational and management plans which, again, have been assessed by your planning officer and acoustic specialist and found to be acceptable.

The potential for possible ecological impacts has been reviewed by two independent ecologists: the County Ecologist and by Natural England, who have all come to the same conclusion that there will not be an impact.

The materials to be accepted at the site are non-harmful and unreactive. There will be no water run-off from the site because all surface water will be captured and either directed to a soakaway or into a sealed tank. Dust, site drainage and the materials to be accepted have also been assessed by the Environment Agency as part of the Environmental Permitting process and deemed acceptable without risk of environmental harm, with a permit for the proposed activities due to be issued imminently.

The proposal will enable Towens to operate far more efficiently. The additional capacity to recycle the proposed materials is welcomed by your Minerals and Waste Policy Team - helping the county achieve wider goals of sustainable development.

In summary, the proposal provides significant benefits. It is supported by planning policy. There is no technical objection. There are no unacceptable impacts. Any potential impacts will be controlled by planning conditions which have been agreed with your planning officer.

Thank you for allowing me to speak today, and I respectfully ask that you grant planning permission."

(ii) Mr J Telling - Director of Towens Waste Management - Applicant

Towens provides recycling, waste management and haulage services from three sites in Somerset - Weston-super-Mare, Clutton and Middlezoy and we are hoping

to open a new materials processing facility in Westonzoyland which is why we have applied for this planning permission.

We are a family owned and run company employing over 120 local people that has been serving the area for nearly 30 years.

In our waste management and recycling operations we take waste from construction, commercial organisations and residential properties, separate, sort and process it/enabling the reuse and recovery of materials that would otherwise be sent to landfill. We are proposing to bring inert materials like soil and concrete plus wood and green waste to Westonzoyland for further processing so they are suitable for reuse. 100% of the materials that we bring to the Westonzoyland site will be reused with nothing sent to landfill.

The site will produce clean soils for local use and recycled aggregates - reducing the need for virgin materials from the quarries. It will also produce woodchip as fuel for biomass boilers, creating renewable energy and clean wood for recycling. We shall also be preparing green waste for future composting elsewhere.

As well as creating an additional five new local jobs, the proposed facility will reduce the number of HGV road miles travelled transporting materials from the Taunton and Bridgwater area to this site rather than going to our principal site in Weston, reducing carbon emissions.

We are very aware of the proximity of the site to local residents and natural habitats and we have designed the layout of the site and the landscaping to make it as low impact as possible. In time as the hedgerows from the site mature it shouldn't be visible from the main road.

We understand and respect the planning conditions attached to the planning officer's report and will fully comply with them.

We believe that our proposal is sustainable from both a community and environmental perspective and we ask that you grant us permission for the development of the site.

(iii) Mr A Hurford - Clerk to Westonzoyland Parish Council - Objector

I am here to speak on behalf of Westonzoyland Parish Council and the villagers, particularly those living close by the site in the mobile homes. I do not intend to repeat all the objections so comprehensively set out in the hugely detailed report. I shall highlight key points.

One does wonder, in the light of the objections and opposition, whether this is an appropriate site for a materials reprocessing facility especially with the amount up to 50,000 tons to be processed per year.

This application and its withdrawn predecessor have taken an unacceptable length of time to process and in the meantime the company have gone ahead non-compliant and flouting all planning requirements.

We have excessive HGV/skip movements shown at 36 per day with impacts on the main road through the village, the access onto the fast stretch across the airfield, the Middlezoy old transfer site and the skip lorries accessing that as well, and as pointed out in the recent written submission from Michael Tucker, use of the dual carriageway through a major housing estate with three or four schools in Bridgwater and the A372. Although it is now said a maximum 10 movements - 5 in, 5 out - the points shown in Paragraph 7.6 on transport must be addressed. Unless I have missed the plan, an access condition is also essential but is not in the 22 proposed conditions it would appear.

Noise, particularly from shredding and crushing, is an issue and affects the occupiers of the mobile homes (100 yards or so away), and smells seemingly disregarded but evident notably in hot weather from the green waste process, where research elsewhere shows odours can travel several hundred metres off site and, for example, exacerbate respiratory conditions.

We are also amazed that during the process of the application, a requirement for an EIA was appealed to the Secretary of State, the screening opinion invalidated without any interested parties, Parish Council included, being aware or with the opportunity to present opposition notwithstanding the proximity of the residential occupiers, the SSSI, the Level and Moors SPA and RAMSAR site, and the ecological advice on water/surface runoff and pollution etc. The legitimacy of the appeal process must surely be questioned because without a shadow of doubt there is a major environmental impact.

If 22 plus conditions are being recommended that should say something about the suitability of the site. If to be granted, it is most disconcerting given the unhelpful attitude of the applicants to the local community and residents' enquiries and representations since occupation of the site. There is little faith into what degree conditions will be satisfied and complied with. We seek refusal of the application.

The Case Officer responded to the representations made by the public speakers, referring to:

- the proposal's compliance with policies for a local waste facility in terms of throughput of material
- the reasons for the length of time taken to process the application, which were mainly due to complex issues involving Habitats Regulations Assessments
- the provision by the applicant of blockwork around the site perimeter in advance of any planning consent for security purposes, which was capable of being altered

- the average number of vehicle movements being five in and out of the site per day carrying approximately 200 tonnes of material - a peak daily tonnage of five times that amount involving 18 in and 18 out HGV movements had also been modelled to provide a robust assessment and was, as already mentioned, a 'worst case scenario'
- the need to add a condition regarding improved visibility splays to the list of proposed conditions
- the thorough assessment of the noise aspect by the Acoustics Advisor
- odour being regulated through the Environmental Permitting process
- there being no provision for contesting the Secretary of State's EIA screening direction.

(5) Letter from the Environment Agency

The Chairman referred to a letter dated 26 September 2019 from the Environment Agency confirming their acceptance of the submitted flood water waste containment plan and requesting the inclusion of two additional conditions on any planning consent to reduce flood risks

(6) Debate

The Committee proceeded to debate during which Members raised matters - to which the Case Officer responded - including:

- concern about some elements of the proposed development having been undertaken prior to the application being considered, and the need to treat the application no differently than any other;
- clarification of the maximum number of HGV movements and the Highway Authority's views;
- the need for further conditions covering: maintenance/consolidation of the access road and junction (to remove potholes etc) and wheel washing to prevent contamination of the highway by debris; improved visibility splays; dust suppression; 10mph speed limit; and landscaping
- boundary hedgerow; location of proposed site boundary double wall; and proper establishment and maintenance of planting
- restrictions on non-Towens vehicles and members of the public using the site
- daily tonnage limit
- monitoring and enforcement of planning conditions
- currency of Transport Assessment, whether it was based on rigid or articulated lorries and manoeuvring problems arising from the use of both types
- elevated lighting on HGVs.

The Case Officer commented that, if the number of HGV movements in and out of the site was consistently higher than envisaged, then the maximum permitted

annual tonnage of material for reprocessing was likely be reached at an early stage.

(7) Motion

Cllr Hewitt-Cooper, seconded by Cllr Taylor, moved the recommendation by the Strategic Commissioning Manager, Economy and Planning as set out in the report, and amended to read as shown in the resolution below.

(8) Decision

The Committee Resolved unanimously in respect of Planning Application No. 1/53/18/00012

(a) that planning permission be GRANTED subject to:

- the conditions set out in Paragraph 11 of the officer's report
- the two conditions requested by the Environment Agency in their letter of 26 September 2019 published as a 'late paper'
- further conditions requiring:
 - the access road and junction to be maintained in good condition and the surface to be consolidated near the junction with the main road, to prevent contamination of the highway by debris from vehicle tyres
 - improved visibility splays through the removal of the first layer of concrete blocks, reduction of bunding and maintenance of vegetation at the access
 - dust suppression measures to include the sheeting of vehicles to prevent impact on the local area
 - wheel washing facilities to be provided, to prevent contamination of the highway by debris from vehicle tyres
 - the introduction of a 10mph speed limit for the access road
 - a landscaping plan providing for the maintenance and enhancement of the boundary hedgerows, and replacement of any tree, shrub or vegetation that dies within 5 years.

(b) that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager, Economy and Planning.

(The meeting ended at 11.38am)

CHAIR

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