

Application Number: SCC/3619/2019

Date Registered: 13 May 2019

Parish: St Cuthbert Out

District: Mendip

Member Division: Mendip West

Local Member: Councillor Graham Noel

Case Officer: Stephen Boundy

Contact Details: stephen.boundy@devon.gov.uk (01392 383000)

Description of Application: Temporary use of land, the creation of a low level removable slab for stationing of a portable temporary structure and the stationing of containerised equipment, for the purposes of R&D trials demonstrating portable waste management technology with greater efficiencies during & post pyrolysis for a period of up to twelve months.

Grid Reference: Easting - 353034, Northing - 146478

Applicant: PyroCore Ltd

Location: The Paper Mill site, The Old Railway Yard, Haybridge Lane, Wells, BA5 1AG

1. Summary of Key Issues and Recommendation

1.1 The proposed development relates to provision of a temporary pyrolysis plant for demonstrating portable waste management technology. The main issues for Members to consider are:

- planning policy considerations;
- the potential impact of the development on air quality;
- the potential impact of the development on ecology/biodiversity;
- the potential impact of the development on landscape and visual amenity;
- the potential impact of the development on residential amenity; and
- traffic generation, access and the highway network.

1.2 It is recommended that planning permission be GRANTED subject to the conditions set out in section 9 of this report, and 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 & Planning.

2. Description of the Site

2.1 The site is located on a portion of the Paper Mill Site, Haybridge Lane, Wells. The proposed development is immediately south of the Paper Mill buildings, with a playing field located to the east, woodland to the west and an area with an extant planning permission for a 'thermal waste treatment facility' to the south. The River Axe is immediately adjacent to the site. The site is previously developed and, in the past, has been used in conjunction with activity at the Paper Mill. Currently, the site comprises of an area of hardstanding, upon which at least some of the structures/plant/machinery associated with the proposed development have already been positioned.

2.2 Access to the proposed development is obtained from the A371, via Haybridge Lane and the main entrance to the Paper Mill.

2.3 There are a number of designated areas within the vicinity of the proposed development including:

- Mendip Hills Area of Outstanding Natural Beauty (AONB) - Approximately 700 metres north;
- Mendip Woodlands AND North Somerset and Mendip Bats Special Areas of Conservation (SACs) - Approximately 1400 metres north;
- Wookey Station Geological Site of Special Scientific Interest (gSSSI) - Approximately 150 metres east;
- Wookey Hole AND Ebbor Gorge SSSIs - Approximately 1400 metres north; and

- Bishop's Palace Scheduled Monument - Approximately 1500 metres west.

2.4 The nearest residential properties to the site of the proposed development are approximately 200 metres to the north west and south east.

3. The Proposal

3.1 The proposal is for the temporary use of land for the creation of a low-level removable slab for stationing of a portable temporary structure and the stationing of containerised equipment, for the purposes of Research & Demonstration trials demonstrating portable waste management technology with greater efficiencies during and post pyrolysis for a period of up to twelve months.

3.2 The technology proposed in the application is designed to be portable for use in various scenarios including maritime operations, isolated communities, disaster relief and for specific waste streams such as plastics or textiles.

3.3 The site of the proposed development comprises 1149 square metres. Within this area is located the temporary processing building (enclosing the waste reception area, shredder, charging system, pyrolyser and ash management), the exhaust gas remediation baghouse container / boiler and heat recovery unit and stack, two containers for storage, a sales unit and an attenuation pond.

3.4 Over the 12 months period, up to a total of 50 tonnes of waste will be processed at the site with the system capable of processing 250kg per hour. It is envisaged that the site will operate approximately once a month, processing 4 tonnes of waste in a 16 hours period on each occasion. The by-product of this process is non-hazardous char. Approximately 5% of the weight of the input (2.5 tonnes per annum) of char will be produced and this will be disposed of at a suitably permitted waste management site.

3.5 The process of pyrolysis achieves the decomposition of waste at elevated temperatures in the absence of oxygen and, in contrast to the more common process of incineration, does not involve combustion of the waste materials. Pyrolysis produces a gas (syngas) that is burnt to produce the heat to maintain the pyrolysis process and to provide usable energy.

3.6 Three dedicated parking spaces are proposed, and adequate turning space has been provided for HGVs delivering the waste (in one-tonne bags) and removing the char by-product.

4 Background

4.1 The site of the proposed development is previously developed and forms part of the wider St Cuthbert's Mill site, with the Mill itself located immediately to the north. This site has a long history of industrial activity with the production of paper commencing in 1736. There is no known planning history associated with the site of the proposed development.

- 4.2 To the south of the site of the proposed development (north of the A371) is a site with an extant planning permission (application reference: 101679/014) for the 'Construction of a thermal waste treatment facility, associated infrastructure and landscaping'. This permission was granted in 2008 and, although the facility is not operational (or constructed), the permission was implemented by the undertaking of works to widen part of Titlands Lane to comply with the Section 106 agreement and also levelling of the site. This facility has permission for the treatment of 45,000 tonnes per annum of waste.

5. The Application

- 5.1 Plans and Documents submitted with the application:

- Application form and fee
- Planning Statement (7 May 2019)
- Preliminary Ecological Appraisal (4 July 2019)
- Stack Height Determination Report (12 July 2019)
- Drainage Calculations Email (Dated 22 August 2019)
- Micro Drainage Results for 30 and 100 Years Return Periods
- Location Plan (SI-ZZ-DR-A-5003 Revision P06)
- Proposed Site Plan (SI-ZZ-DR-A-5000 Revision P09)
- Proposed Building Plan (MB-00-DR-A-5000 Revision P06)
- Proposed Building Elevations 1 of 2 (MB-ZZ-DR-A-5001 Revision P04)
- Proposed Building Elevations 2 of 2 (MB-ZZ-DR-A-5002 Revision P02)
- Site Co-ordination Plan (SI-ZZ-DR-A-5006 Revision P01)
- Proposed Vehicle Tracking (SI-ZZ-DR-A-5001 Revision P07)

6. Environmental Impact Assessment (EIA)

- 6.1 The proposed development was screened under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

- 6.2 Upon review of the material supplied by the applicant, Somerset County Council considers that the proposed development is not EIA development. As such it will not require EIA to be undertaken to accompany any planning application for the development described. The main reasons for this recommendation are that:

- the proposed development is for a temporary (12 months), small scale (maximum throughput will be 250kg/hr with the total annual throughput limited to 50 tonnes)

development of an intermittent nature (operating for approximately 16 hours, once a month);

- the development is not listed in Schedule 1 of the EIA Regulations 2017;
- the development is listed in Schedule 2 of the EIA Regulations 2017 and meets the applicable criteria;
- the development is significantly below the indicative criteria and thresholds outlined in the Planning Practice Guidance for Schedule 2 Paragraph 11(b) (Other Projects – installations for the disposal of waste);
- the development is not located within, or partly within a ‘sensitive area’ as defined by Regulation 2 of the EIA Regulations 2017; and
- although the planning permission for the adjacent facility is extant, it is considered highly unlikely that this facility and the proposed development will be operational at the same time, particularly given the 12 months temporary duration associated with the proposed development. In any case, the 50 tonnes annual capacity of the proposed development would represent a negligible increase over the 45,000 tonnes annual capacity of the adjacent site.

6.3 Due to the reasons summarised above it is considered that, given the scale, nature and location of the proposed development, it is unlikely to give rise to significant environmental effects and therefore does not constitute EIA development.

7. Consultation Responses Received

External Consultees

7.1 Mendip District Council

No response received.

7.2 St Cuthbert Out Parish Council

Recommendation: Approval with the proviso that this application (SCC/2019/3619) is referred to the Somerset County Council Regulatory Board. This is due to:

- Slender margin majority vote by Councillors on the Planning Committee.
- Wide-ranging concerns from residents:
 - close proximity to residential areas and the nature of prevailing winds
 - the robustness of emissions testing was questioned
 - waste disposal of by-products such as char
 - the possibly hazardous nature of the waste
 - traffic concerns

- possible existing contamination of the site
 - availability of alternative sites (as mentioned by Pyrocore: Yorkshire, Bristol & Bath Science Park)
 - the pre-emptive arrival of containers and the connecting of units with disregard for planning procedure
 - incorrect claims that the Paper Mill site has a history of pyrolysis
 - the nature of St Cuthbert's Mill as a listed building
 - uncertainty over status of previous pyrolysis plant applications at this site
 - the haste & timeframe of the application notice by Somerset County Council
- Given the holiday season, it was felt there was not full opportunity for many residents to make comments
 - RPS & Pyrocore have not been given the opportunity to present their case fully and facilitate measured discussion with residents

7.3 **Wookey Parish Council**

Wookey Parish Council recommends refusal for the following reasons:

- location;
- unsuitable local road infrastructure;
- no information has been provided concerning the objectives of the potential testing, environmental impact of such experiment work, safe system of work or oversight of such activities;
- lack of benefit to the local community;
- concerns regarding safety, including lack of monitoring, emergency protocols, potential emissions and pollution;
- impact on ecology and the environment;
- impact on the amenity of local residents; and
- proximity to local housing and a rugby pitch.

If the application were to be approved Wookey Parish Council would like to see a number of conditions imposed and a Section 106 agreement securing improvements to roads and installation of footpaths near the site access and egress.

7.4 **Environment Agency**

The Environment Agency has no objection to this proposal but the following informatives and recommendations should be included in the Decision Notice:

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

The site must be drained on a separate system with all clean roof and surface water being kept separate from any foul drainage.

The applicant must ensure they comply with all waste legislation when moving and disposing of waste, including any waste removed from site must go to a suitable permitted waste facility.

This development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, or else a waste exemption may apply. The applicant is advised to contact our National Permitting Team on 03708 596506 to discuss the issues likely to be raised.

7.5 Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

We note that the County Ecologist has been consulted on this proposal and we support his comments on protected species.

7.6 Somerset Wildlife Trust

We have noted the above-mentioned Planning Application. We also note that an Ecological Appraisal has been submitted. However, we are concerned that the Appraisal concentrates on the construction of the hard standing and access, there doesn't not appear to be any assessment of the possible impact of fumes and gases from the incinerator when it is in operation. We would request that this information is provided and, if it is not, we would submit a holding objection.

Internal Consultees

7.7 Lead Local Flood Authority

We would like to reiterate that the tankered scheme is only acceptable for the suggested up to 12 months period indicated. Any proposal to extend this would need a suitable surface water drainage scheme with viable point of connection for surface water drainage. We would suggest a condition applied to the application to secure the detail of the plans for the reinstatement site after the 12 months period has ended.

Therefore, subject to the above we can confirm that we are satisfied with the proposal, and suggest a further condition requiring submission of a sustainable surface water drainage scheme.

7.8 Highways Development Management

Standing Advice applies.

7.9 County Ecologist

RPS was commissioned by PyroCore Ltd to carry out a Preliminary Ecological Appraisal (PEA) in July 2019 for the proposed installation of the waste incineration facility at Haybridge. This comprised a desk study, Phase 1 habitat survey and an ecological scoping survey which assessed the potential of the site to support species of conservation concern or other species which could present a constraint to the development of the site. The results confirmed:

- The Phase 1 habitat survey identified that the site comprises of a concrete pad and clean crushed concrete.
- Beyond the site boundary, there are two areas of broadleaved woodland, one to the west of the site, the other to the south.
- Between the western woodland and site boundary runs a canalised section of the River Axe.
- To the east of the site runs species poor hedge surrounding an area of amenity grassland.
- The site itself was found to have minimal potential to support protected and notable species.
- Surrounding habitats, including the woodlands and linear hedgeline features are considered suitable habitat for breeding birds and bats

The site is within 1.4km of North Somerset and Mendip bats SAC and Wookey Hole SSSI, with SERC records showing several bats adjacent to the site, including GH within 7 metres and LH within 513 metres.

The application site lies within Band C of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC which is designated for its horseshoe bat features. However, the proposed development is highly unlikely to have an effect on horseshoe bats and therefore I do not propose to carry out a Habitats Regulations Assessment for the application.

SCC recommendations

CEMP

Avoidance and/or mitigation of potential pollution and contamination events to features such as the nearby River Axe, surrounding hedgerows and woodland habitat

beyond would need to be incorporated into the plans. Therefore please attach the following condition to any planning permission granted:

- No development shall take place (including ground works, vegetation clearance, if required) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - Risk assessment of potentially damaging construction activities.
 - Identification of “biodiversity protection zones”.
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - The location and timing of sensitive works to avoid harm to biodiversity features.
 - The times during construction when specialist ecologists need to be present on site to oversee works, as appropriate.
 - Responsible persons and lines of communication.
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, as appropriate
 - Use of protective fences, exclusion barriers and warning signs.
 - The management plan will also specify the measures which will be put into place to ensure that all remaining solids resulting from operation of the pyrolytic process would be managed and disposed of at appropriate licensed facilities and would be handled in such a way to ensure that there was no risk of contamination of local receptors (in particular the River Axe).

The approved CEMP shall be adhered to and implemented throughout the construction and operation period (in relation to waste disposal) strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to comply with legislation relating to European protected species, and with Government and local policy.

Bats

No additional lighting at the site and no overnight operation of the facility will ensure that there are no additional disturbance or likely changes to existing bat commuting and foraging behaviour. Should any external lighting be required at the site please attach the following condition:

- Prior to occupation, a “lighting design for bats”, following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: All bats are afforded protection under the Habitats Regulations 2017 by which populations are to be maintained at Favourable Conservation Status as defined under Article 1 of the Habitats Directive 1992. Lacking evidence to the contrary it must be assumed the River Axe and boundary hedgerows and trees forms part of the habitat available to maintain local bat populations. Bat species are adversely affected by the introduction of artificial lighting on commuting routes, which in effect can cause severance between roosts and foraging areas. A dark boundary area will also help maintain other light sensitive species on site and contribute towards conserving biodiversity.

7.10 **County Council Acoustics Specialist**

In summary - In my view it would seem likely that noise from the development would not exceed the daytime background noise expected to exist at dwellings. If this is the case noise would not equate to an adverse effect and would not be sufficient to object to the planning consent for development under the NPPF.

The temporary development would also appear to be only occasionally in operation however, it might seem possible for the situations of 16-hour operation to fall within periods when night-time sensitivities to noise existed. As the application provides no helpful information to verify my expectation for minimal noise impact it would therefore seem prudent to define an operational design limit for this development. I would therefore suggest a planning condition stipulate that the development be designed to not exceed a level of 35dB(A) at any dwelling. To provide further safeguard against the presence of unwanted distinct audible process alarms or other tonal noise characteristics I would recommend this design limit be specified in terms of a Rating Level, as defined within British Standard 4142.

While I would suggest it may not be possible to monitor this planning limit at any dwelling during the daytime, because typical background noise would render it difficult to measure, it may be possible to verify compliance by applying geometric correction to this design limit, from the closest dwelling at 220m to a point 10m from the development. Based on this simple geometric consideration it would imply compliance if noise at 10m from the plant did not exceed a level of 62dB(A).

Recommendation

I recommend the following planning condition:

The operation of processing plant within the site shall be designed to not exceed a rating level of 35dB at any dwelling. The Rating Level shall be the specific sound level arising from the processing plant plus any adjustment for the characteristic features of the sound, as defined by British Standard 4142.

7.11 **South West Heritage Trust**

There are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

7.12 **Scientific Officer**

The details submitted by the applicant with regard to air quality are of a suitable nature with regard to the emission of potential pollutants and calculation of the necessary stack height for adequate dispersion, and I currently have no issue with the assessment of that particular aspect of the proposed development.

What is not covered in the application, or only briefly referred to, are potential issues with dust emissions during the construction and operational phases of the development, and odour emissions. Both of these factors have the potential for adverse effects on the amenity of nearby residents, and I therefore cannot comment further on these aspects.

7.13 **Public Consultation**

The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter.

Resulting from this consultation, 51 letters of objection were received and 1 letter of support.

The material objections raised are detailed below:

- air quality/emissions concerns, including insufficient stack height;
- the proximity of nearby housing and a proposed school;
- safety concerns including: the 'research and development' nature of the proposed development, lack of safety and monitoring procedures and associated risk of accidents;
- risk of pollution/contamination and potential health impacts;
- the site access is inadequate, and the development will have an unacceptable impact on the local highway network, including on highways safety;
- impact on residential and visual amenity, including noise, light, odour and dust at unsociable hours;
- the proposed development should not be located in a rural area and should be co-located with other waste management facilities;

- the proposed development will undermine the waste hierarchy and the source of waste is unknown;
- temporary consent may lead to a future permanent consent;
- proximity to / impact on the Mendip Hills Area of Outstanding Natural Beauty;
- impact on local tourism and a general lack of community benefits;
- impact of the development on ecology/wildlife/biodiversity including proximity of and impact on nearby SSSI's and SAC's;
- unknown environmental effects / lack of submitted information meaning the 'Precautionary Principle' should be followed;
- lack of community consultation and time to respond to the consultation;
- relationship with the adjacent extant planning permission;
- preparation of the site and storage of plant/machinery etc. prior to obtaining planning permission;
- management of the by-products of the pyrolysis process;
- impact on heritage assets;
- contribution to climate change;
- the proposed development is contrary to policy; and
- lack of Environmental Impact Assessment.

The letter of support was on the basis of general support for the concept of turning waste into energy and was subject to implementation of robust emission control processes and road improvements.

8. Comments of the Service Manager – Planning Control, Enforcement & Compliance

8.1 The key issues for Members to consider are:

- planning policy considerations;
- the potential impact of the development on air quality;
- the potential impact of the development on ecology/biodiversity;
- the potential impact of the development on landscape and visual amenity;
- the potential impact of the development on residential amenity; and
- traffic generation, access and the highway network.

8.2 The Development Plan

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Waste Core Strategy (Adopted 2013)

- Mendip Local Plan Part I: Strategy and Policies 2006-2029 (Adopted 2014)

8.3 Material Considerations

8.3.1 Other material considerations to be given due weight in the determination of the application include the following:

- the National Planning Policy Framework [NPPF], February 2019
- National Planning Policy for Waste (October 2014)
- Planning Practice Guidance [PPG]
- Mendip Local Plan Part II: Sites and Policies (Emerging)

8.4 Planning Policy Considerations

8.4.1 Policy WCS3 (other recovery) of the Somerset Waste Core Strategy states that planning permission will be granted for proposed waste management development that will maximise other recovery from waste, subject to the applicant demonstrating that the proposed development:

- a) will not treat waste that could viably be recycled or composted;
- b) will facilitate the recovery of energy from waste; and
- c) will, in particular, be in accordance with Development Management Policies 1-9.

8.4.2 In this case it is understood that although this is a 'research and development' facility, the applicant will seek to use representative waste that is not capable of meaningful recycling. It is considered that a planning condition is appropriate to ensure that this is the case and criterion 'a' of Policy WCS3 will therefore be met.

8.4.3 With regards to criterion 'b', when fully operational these plants can generate power; however, in this case as it is a demonstration project for a temporary period on an intermittent basis, there are no proposals to harness or export this energy. Due to the nature of the proposals, it is unlikely to be viable for the proposed development to facilitate the recovery of energy, although the development is self-sustaining once started and can produce either hot water or steam. Consequently, it is considered that the proposed development broadly accords with Policy WCS3 (other recovery) of the Somerset Waste Core Strategy. Further consideration is given to the accordance of the proposal with Development Management Policies 1-9 below.

8.4.4 Policy DM1 (basic location principles) of the Somerset Waste Core Strategy (2013) outlines the types of site where waste management development will normally be located. The site of the proposed development accords with this policy in being 'previously developed land' and 'land in existing general industrial use'. The site is sufficiently well connected to the A371 and will support the delivery of Policy WCS3 (above). Overall, the proposals are therefore in accordance with Policy DM1.

8.5 Air Quality

- 8.5.1 Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy states that planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate significant adverse impacts from (amongst other factors) dust and emissions to adjoining land uses and users and those in close proximity to the development.
- 8.5.2 There are few residential properties in close proximity to the proposed development with the closest being located over 200 metres to the south east and north west. It is, however, noted that there is housing currently under construction (and a planned school) approximately 300 metres east of the site, with the City of Wells beyond this.
- 8.5.3 It is considered that the details submitted by the applicant concerning air quality are of a suitable nature with regard to the emission of potential pollutants and calculation of the necessary stack height for adequate dispersion. Given this, and the temporary, small-scale and intermittent nature of the proposed development, it is concluded that the proposals will not generate a significant adverse impact from emissions to adjoining land uses and users and those in close proximity to the development, and are therefore in accordance with Policy DM3.
- 8.5.4 Whilst the applicant has not submitted a large amount of information with regards to the potential impacts of dust associated with construction and operation of the proposed development, in this case it is considered that, given the current use of the site and the proposed low levels of activity, it is unlikely that there will be a significant adverse impact arising in relation to dust. It is therefore considered appropriate to control this through a condition requiring the submission of a Construction Environmental Management Plan (CEMP) which will set out measures for the control of dust and be subject of approval by the County Council.

8.6 Impact of the development on ecology/biodiversity

- 8.6.1 The proposed development comprises a concrete pad and clean crushed concrete with minimal potential to support protected and/or notable species. Beyond the site boundary, there are two areas of broadleaved woodland, one to the west of the site, the other to the south. Between the western woodland and the site boundary runs a canalised section of the River Axe. To the east of the site is species poor hedgerow surrounding an area of amenity grassland. The surrounding habitats, including the woodlands and linear hedgerow features, are considered suitable for breeding birds and bats.
- 8.6.2 The site is approximately 1.4km south of North Somerset and Mendip and Mendip Woodlands Special Areas of Conservation (SACs) and Wookey Hole and Ebbor Gorge Sites of Special Scientific Interest (SSSIs).
- 8.6.3 Policy DP5 (Biodiversity and Ecological Networks) of the Mendip Local Plan Part I: Strategy and Policies 2006-2029 states that all development proposals must ensure

the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species.

- 8.6.4 It is considered that, due to the scale, temporary and intermittent nature of the proposed development, it will not have an unacceptable impact upon ecology and biodiversity, subject to the inclusion of conditions relating to: any lighting to be utilised at the site (ensuring that this does not have an unacceptable impact upon bats, in accordance with Policy DP6 (Bat Protection) of the Mendip Local Plan Part I: Strategy and Policies 2006-2029 (Adopted 2014); and the submission of a Construction Environmental Management Plan (CEMP) to avoid potential pollution and contamination events and ensure they do not affect nearby species and habitats.
- 8.6.5 The SCC Ecologist noted that, although the application site lies within Band C of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC, which is designated for its horseshoe bat features, the proposed development is highly unlikely to have an effect on horseshoe bats and, therefore, a Habitats Regulations Assessment is not required.

8.7 Landscape and visual amenity

- 8.7.1 Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to these issues. Whilst the proposed development is not located within an AONB, the Mendip Hills AONB is located approximately 700 metres north of the proposed development. Despite this relatively close proximity, the existing paper mill is located between the proposed development and the AONB meaning views of the development to/from the AONB will be highly limited and in the context of an existing industrial development. It is therefore considered that the proposed development will not have an unacceptable impact upon the characteristics and special qualities of the AONB.
- 8.7.2 More generally, the site is well screened within the local landscape and any views of the proposed development will be in the context of an existing industrial site, particularly the large buildings/structures associated with the existing Paper Mill. Overall, it is considered that the proposed development will not have an unacceptable impact upon landscape and visual amenity and is therefore in accordance with Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy (2013) and Policy DP4 (Mendip's Landscapes) of the Mendip Local Plan Part I: Strategy and Policies 2006-2029.

8.8 Residential amenity

- 8.8.1 The nearest residential properties are located over 200 metres to the south east and north west. There is housing currently under construction (and a planned school) approximately 300 metres east of the site, with the City of Wells beyond this.
- 8.8.2 With regards to noise impact, it is not considered likely that noise from the proposed development would exceed the existing daytime background noise levels at existing

residential dwellings, and noise levels will be mitigated by the proposed enclosure of the plant. As the development is proposed to operate for 16-hour periods, there is the potential for operation at times where the noise environment is more sensitive (from late evening until early morning). It is therefore considered appropriate to impose a planning condition to ensure that the proposed development will not exceed a rating of 35dB at any dwelling. This will ensure that the operations are in accordance with Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy.

- 8.8.3 Given the distance to the nearest residential properties it is considered impacts from any lighting will be negligible, but a condition requiring approval of lighting details is proposed.
- 8.8.4 The potential impacts arising from odour can be controlled by the imposition of a planning condition ensuring that no putrescible waste is stored or processed at the site.
- 8.8.5 Overall, it is considered that the impact of the proposed development on residential amenity will be minor and certainly not significantly adverse with regards to Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy, consequently, the proposed development is in accordance with this policy.

8.9 Traffic generation, access and the highway network

- 8.9.1 Access to the proposed development is obtained from the A371, via Haybridge Lane and the main entrance to the Paper Mill. Somerset County Council Highways Development Management have advised that their standing advice document published in June 2017 applies in this instance.
- 8.9.2 Whilst it is acknowledged that a large number of objections were received from members of the public citing traffic/access concerns, it is considered that the actual volume of traffic generated by the proposed development is negligible and, as such, will not have a detrimental impact on the function of the local highways network.
- 8.9.3 It is noted that the proposal will utilise the existing main access to the Paper Mill which is considered suitable for the volume and nature of traffic generated by the proposed development. Consequently, it is considered that the proposed development is in accordance with Policy DM6 (Waste Transport) of the Somerset Waste Core Strategy.
- 8.9.4 The proposed site plan shows three dedicated parking spaces on site, and this is considered appropriate for the operational needs of the development in accordance with Policy DP10 (Parking Standards) of the Mendip Local Plan Part I: Strategy and Policies 2006-2029.

8.10 Other Matters

Flood risk

8.10.1 The proposed development is not considered to have an unacceptable impact on flood risk. The proposal is for a 12 months temporary development on a previously developed site and the proposed drainage strategy is appropriate for this period. A sustainable surface water drainage scheme should be required by condition to ensure that the proposed development will not have an unacceptable impact on the volumes, direction and rates of flow of surface water in accordance with policy DM7 (water resources) of the Somerset Waste Core Strategy. It is considered that water quality can be adequately controlled by the Construction Environment Management Plan required by a condition. Consequently, it is considered that the proposed development is in accordance with policy DM7 (Water resources) of the Somerset Waste Core Strategy.

Heritage

8.10.2 Whilst several representations state that the proposal will impact upon local heritage assets, the nearest designated heritage asset is located is over 550 metres north of the proposed development and, therefore, no designated heritage assets (or their settings) will be affected by the proposed development.

8.10.3 The proposed development will impact upon the Paper Mill which is a non-designated heritage asset. Paragraph 197 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". In this case, although the proposed development is located within the curtilage of the Paper Mill, the proposals will have no direct impact upon the buildings associated with the Paper Mill. Given that the proposals are for a 12 months temporary duration, with all structures and equipment to be removed at the end of this period, it is considered that that the proposal will result in only limited harm to the non-designated heritage asset for a short, temporary period.

Safety Concerns

8.10.4 Some local residents have raised safety concerns arising from the research nature of the proposal and the technology proposed. However, any waste management operation will need to comply with relevant safety and pollution control legislation, and the waste planning authority is entitled to assume that such legislation will be complied with.

Cumulative impacts and relationship with adjoining facility

8.10.5 Section 4.2 of this report outlines the status of the 'thermal waste treatment facility' adjoining the proposed development (to the south). Policy DM3 of the Somerset Waste Core Strategy requires that development will not generate unacceptable cumulative impacts. In this instance, although the planning permission for the adjacent facility is extant, it is considered highly unlikely that this facility and the proposed development will be operational at the same time, particularly given the 12

months temporary duration associated with the proposed development. In any case, the 50 tonnes annual capacity of the proposed development would represent a negligible increase over the 45,000 tonnes annual capacity of the adjacent site. Consequently, it is concluded that the proposed development would not generate unacceptable cumulative impacts in conjunction with this, or any other development, and is therefore in accordance with Policy DM3.

Tourism

- 8.10.6 Objections were received stating that the proposed development would have an unacceptable impact on tourism within the local area. Given that the proposals are for a small-scale, temporary development, operating on an intermittent basis, on a previously developed site, it is considered that this will not have an unacceptable impact on tourism within the local area.

Climate Change

- 8.10.7 Policy DM2 (sustainable construction and design) of the Somerset Waste Core Strategy states that “planning permission will be granted for waste management development subject to the applicant demonstrating a commitment to sustainable construction and design”. In this instance, given the nature of the proposed development, it is considered that there are few opportunities to demonstrate sustainable construction measures. Overall however, it should be noted that the proposed development will process non-recyclable waste that would otherwise have to be dealt with by disposal. Whilst in this instance the proposed development will not result in the recovery of energy (as explained in 8.4), it is considered that, as the proposal is for the research and development of energy recovery from waste technology, this demonstrates broad accordance with the principles of Policy DM2.

Temporary Consent

- 8.10.8 Concern has been raised regarding the potential for the temporary consent to be renewed or become permanent. It should be noted that planning practice guidance states that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

8.11 Concluding Comments

- 8.11.1 The proposed development is of a very small scale and for a temporary period of 12 months to allow for research and demonstration activities associated with its potential uses. It is considered that no significant adverse impacts will occur on the local community and environment, notwithstanding the substantial number of objections received, subject to inclusion of appropriate conditions limiting the duration and scale of the development and controlling matters such as emissions of noise and dust and lighting.

9. Recommendation

- 9.1 It is recommended that planning permission be GRANTED 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 conditions be delegated to the Strategic Commissioning Manager – Economy & Planning.

TEMPORARY PERMISSION

1. The development permitted shall cease by 7th November 2020 and all associated structures, plant and equipment shall be wholly removed and the site restored to its previous condition by 7th December 2020.

REASON: The development is only required for a temporary period and shall be restored in accordance with the requirements of Policy DM4 (site restoration and aftercare) of the Somerset Waste Core Strategy (2013).

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled: SI-ZZ-DR-A-5003 Revision P06 (Location Plan); MB-00-DR-A-5000 Revision P06 (Proposed Building Plan); MB-ZZ-DR-A-5001 Revision P04 (Proposed building Elevations 1 of 2); MB-ZZ-DR-A-5002 Revision P02 (Proposed building Elevations 2 of 2); SI-ZZ-DR-A-5000 Revision P09 (Proposed Site Plan); SI-ZZ-DR-A-5006 Revision P01 (Site-Co-ordination Plan); SI-ZZ-DR-A-5001 Revision P07 (Proposed Vehicle Tracking); Planning Statement (ref:OXF11310 – 07 May 2019); Memo Report 'Proposed Temporary Pyrolysis Plant, Haybridge Lane, Wells – D1 Calculation' (dated: 12 July 2019); and Email from RPS regarding drainage (dated 22 August 2019).

unless varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRIOR TO OPERATION)

3. There shall be no operation of the development hereby permitted until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Waste Planning Authority. The CEMP shall include the following:
- Risk assessment of potentially damaging construction activities.
 - Measures relating to the control of dust during construction and operation.
 - Identification of "biodiversity protection zones".
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - The location and timing of sensitive works to avoid harm to biodiversity features.

- The times during construction when specialist ecologists need to be present on site to oversee works, as appropriate.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works, or similarly competent person, as appropriate.
- Use of protective fences, exclusion barriers and warning signs.
- The management plan will also specify the measures which will be put into place to ensure that all remaining solids resulting from operation of the pyrolytic process would be managed and disposed of at appropriate licensed facilities and would be handled in such a way to ensure that there was no risk of contamination of local receptors (in particular the River Axe).

Thereafter the development shall be carried out in strict accordance with the approved details and any subsequent amendments shall be agreed in writing with the Waste Planning Authority.

REASON: To ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction and operation of the proposed development, in accordance with policies DM3 (impacts on the environment and local communities) and DM7 (water resources) of the Somerset Waste Core Strategy (2013).

4. There shall be no operation of the development hereby permitted until a sustainable surface water drainage scheme for the maximum duration of 12 months, together with a programme of implementation and maintenance for this period has been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information about the design storm period and intensity, means of access for maintenance, the methods employed to monitor, attenuation and remove surface water from the site and measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Details on the arrangements for the removal of surface water from the attenuation system. This should include a monitoring and maintenance schedule for the 12-month period to establish adequate capacity of the system.
- Calculations and plans to show that no flooding occurs in the 1 in 30-year storm event and any flooding in excess of the 100 years 24 hours storm event is controlled within the designed exceedance routes towards the River Axe.
- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Any works required on or off site to prevent flooding or pollution.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National

Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

CONDITIONS (OPERATIONAL)

5. No more than 50 tonnes of waste shall be delivered to, stored, or processed at the site.

The operator shall maintain monthly records of all waste entering the site and make them available to the Waste Planning Authority at any time upon request.

The records shall contain details of all deliveries including date, vehicle registration, type of vehicle, type of waste, tonnage of waste, source of waste.

REASON: To minimise the impact of the development on the local residents and the local highway network in accordance with policies DM3 (impacts on the environment and local communities) and DM6 (waste transport) of the Somerset Waste Core Strategy (2013).

6. No waste that could viably be recycled or composted shall be imported, stored or processed at the site.

REASON: To exclude wastes that are not acceptable at the site in accordance with Policy WCS3 (other recovery) of the Somerset Waste Core Strategy (2013).

7. No hazardous or putrescible waste shall be imported, stored or processed at the site.

REASON: To exclude wastes that are not acceptable at the site in accordance with Policy WCS3 (other recovery) of the Somerset Waste Core Strategy (2013).

8. The operation of processing plant within the site shall be designed to not exceed a rating level of $L_{AR}35dB$ at any dwelling. The rating level shall be the specific sound level arising from the processing plant plus any adjustment for the characteristic features of the sound, as defined by British Standard 4142.

REASON: To ensure that the development will not have a significant adverse impact from noise on the amenity of adjoining land uses and users, in accordance with Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy (2013).

9. The development must be drained on a separate system with all clean roof and surface water being kept separate from any foul drainage.

There must be no discharge of foul or contaminated drainage from the development into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

REASON: To ensure that site drainage will not have an unacceptable impact on local water quality, in accordance with Policy DM7 (water resources) of the Somerset Waste Core Strategy (2013).

10. No external lighting shall be implemented in relation to the development hereby permitted until a "lighting design for bats", following Guidance Note 8 - bats and artificial lighting (ILP and BCT 2018), has been submitted to and approved in writing by the Waste Planning Authority.

The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Waste Planning Authority.

REASON: To ensure that the proposed development will not have an unacceptable impact on protected species, in accordance with Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy (2013) and Policy DP6 (bat protection) of the Mendip Local Plan Part I: Strategy and Policies 2006-2029 (Adopted 2014).

INFORMATIVES

The applicant must ensure they comply with all waste legislation when moving and disposing of waste, including any waste removed from site must go to a suitable permitted waste facility.

This development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, or else a waste exemption may apply. The applicant is advised to contact the Environment Agency's National Permitting Team on 03708 596506 to discuss the issues likely to be raised.

Please quote the Agency's reference on any future correspondence regarding this matter.

10 Relevant Development Plan Policies

- 10.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 10.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:-

Somerset Waste Core Strategy (Adopted 2013)

The policies in the development plan particularly relevant to the proposed development are: -

- SD1: presumption in favour of sustainable development;
- WCS3: other recovery;
- DM1: basic location principles;
- DM2: sustainable construction and design;
- DM3: impacts on the environment and local communities;
- DM4: site restoration and aftercare;
- DM6: waste transport; and
- DM7: water resources.

Mendip Local Plan Part I: Strategy and Policies 2006-2029 (Adopted 2014)

The policies in the development plan particularly relevant to the proposed development are: -

- DP1: local identity and distinctiveness;
- DP3: heritage conservation;
- DP4: Mendip's landscapes;
- DP5: biodiversity and ecological networks;
- DP6: bat protection;
- DP7: design and amenity of new development;
- DP8: environmental protection;
- DP9: transport impact of new development;
- DP10: parking standards; and
- DP23: managing flood risk.

10.3 The County Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework, National Planning Policy for Waste, Planning Practice Guidance and Mendip Local Plan Part II: Sites and Policies (Emerging).

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

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this

service. This proposal has been assessed against the National Planning Policy Framework, Waste Core Strategy, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.