

## **REGULATION COMMITTEE**

Minutes of a Meeting of the Regulation Committee held in the , on Thursday 7 October 2021 at 10.00 am

**Present:** Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr M Caswell, Cllr M Keating, Cllr S Coles, Cllr J Clarke, Cllr A Kendall and Cllr M Pullin (substituting for Cllr N Taylor))

**Other Members present:** Cllr C Lawrence

**Apologies for absence:** Cllr N Taylor

### **1      Declarations of Interest - Agenda Item 2**

There were no new declarations. For reference, the following personal interests of the members of the Regulation Committee have been published in the Register of Members' Interests, which is available for public inspection via the Committee Administrator:

Cllr M Caswell, Member of Sedgemoor District Council

Cllr J Clarke, Member of Mendip District Council

Cllr S Coles, Member of Somerset West and Taunton Council

Cllr N Hewitt-Cooper, Member of Mendip District Council

Cllr A Kendall, Member of South Somerset District Council & Yeovil Town Council

Cllr M Pullin, Member of Mendip District Council

### **2      Accuracy of the Minutes of the meeting held on 2 September 2021 - Agenda Item 3**

The Minutes of the meeting held on 2 September 2021 were agreed as an accurate representation of the meeting and signed by the Chair as a correct record.

### **3      Public Question Time - Agenda Item 4**

There were two members of the public that had registered to speak; their statements were considered as part of Agenda Item 5, Application No. SCC/3840/2021.

### **4      Walford Cross Depot - Variation of Condition 5 (Waste Recycling & Transfer Operations Hours) of the Original Planning Permission - Agenda Item 5**

(1) The Committee considered a report by the Planning Officer-Planning and Development on this application, which involved the variation of the waste recycling and transfer operation hours that had formed Condition 5 of the original application, SCC/3751/2020 for the redevelopment of existing waste transfer station and depot at Walford Cross Depot, Walford Cross, Taunton TA2 8QP, which had been approved. He noted a correction to the report in Section 2, Paragraph 2.4, stating that Walford Farm was actually located approximately 280 metres to the west, rather than 180 metres to the northwest as stated in the report.

(2) The Case Officer outlined the application by reference to the report, supporting papers, and the use of maps, plans (location, site, aerial) and photographs.

(3) The Case Officer's report and presentation covered: A summary of key issues and recommendation(s), description of the site; the proposal; background and planning history; plans and documents submitted with the application, including a Noise Impact Assessment; Environmental Impact Assessment; consultation responses from external and internal consultees and the public; comments from the Service Officer on planning control, enforcement, and compliance; and the conclusion and recommendations including the conditions.

(4) After presenting plans, maps and photos, the Case Officer highlighted the key issues for consideration by the Members, which were: (a) waste planning policy considerations relative to Policy SD1, sustainable development and DM3, and environmental impacts; (b) necessity, economic impacts, and benefits, which had been established by the approval of Application No. SCC/3752/2020; (c) impacts from noise, with changes signifying that the glass loading and unloading will take place later in the morning; and (d) local highway impacts. In relation to these issues, the Case Officer noted that the site development will be sustainable and not give rise to environmental impacts, that the need for the site had been established by the approval of the original planning application, and that the main concern to be considered today entailed the noise issues relative to the hours during which waste recycling and transfer operation, e.g. baling and loading, are permitted.

(5) The Case Officer's report noted with respect to the consultation responses received that 16 neighbour letters had been sent and a site notice erected; there was one objection resulting from the external consultation from Creech St Michael Parish Council, while there were four letters of objection received from the public consultation. Following amendment to the application and re-consultation, there were two letters of continued objection.

(6) The Case Officer noted that the original planning permission (SCC/3751/2020), Condition 5, permitted that, "Waste recycling and transfer operations (e.g., baling and loading) shall not take place prior to 0800 hours on any weekday and not on Saturdays, Sundays and Bank Holidays." The proposal considered today initially sought to amend Condition 5 to allow the above operations to take place "on weekdays between 6 AM and 8 PM and on Saturdays between 8 AM and 1 PM, which can be extended until 5 PM on Saturdays following a bank holiday", which seeks to bring the waste recycling and transfer operations in line with the operational hours as outlined in Condition 4 in order to increase efficiency. Following objections raised and further negotiations with the SCC Acoustic Specialist, the change to Condition 5 is now proposed as follows: "Waste recycling and transfer operations (e.g. baling and loading) shall only take place between 0600 and 1830 (Monday – Friday) and on Saturdays between 0800 and 1300, which can be extended until 1700 on Saturdays following a bank holiday. There shall be no loading of glass into bulk haulage vehicles before 0700 (Monday – Friday) and 0800 on a Saturday." All other operating hours will remain in accordance with the original application for which planning permission was granted, i.e., 0600-2000 hours on weekdays and Saturdays, 0600-1300 hours on Sundays and Bank Holidays.

(7) In his conclusion, the Case Officer recommended that planning permission be granted subject to the imposition of the conditions set out in Section 9 of his report, with Condition 5, covering the hours permitted for waste recycling and transfer operations (e.g., baling and loading) and specifically with respect to loading of glass, having been amended from the initial proposal and accepted by the SCC Acoustic Specialist.

(8) Two members of the public requested to speak before the Committee: Barry Griffin, local resident, as an Objector; and Niall Kelly, Planning Manager, SUEZ Recycling & Recovery UK, as a Supporter.

Mr Griffin stated that he lived at neighbouring Walford Farmhouse and that he had lived at the farmhouse for 28 years. He stated that his residence was only an estimated 180 metres from the site in question, not 280 metres, and that it was untrue that noise monitoring had occurred on his farm, as he had not been contacted by the Case Officer or Members about noise. He stated that by extending working hours at the site, they would have noise 7 days a week 14 hours a day, which was not acceptable or good for his family's mental health. He said that there will be bulk container lorries going down the lane, and as there are no waiting facilities at the site, only two loading bays, these lorries will be

queued on the lane waiting. He added that he had received correspondence asking him to trim the hedge because the lane is so narrow and they desire that two artic lorries can pass. However, the lane is only 4-1/2 metres wide, and people use the lane to walk to the bus stop; what is more, the lane is an accident black spot, with accidents occurring almost weekly. He referred to the Council's Acoustic Specialist's noise report, which attributed more than 100 decibels each for glass, movement, plastic, and bulk materials, meaning that put together they created a dramatic noise; and he contested the veracity of the report's assertion that the noise was only 35 decibels at his house. In summary, Mr Griffin requested that the application be refused.

Niall Kelly, Planning Manager for SUEZ Recycling and Recovery, then read a statement in support of the application. He stated that SUEZ had been awarded the Somerset Waste Partnership Waste Collections and Recycling Services contract constituting the collections of household dry recycling and residual waste. As part of this contract, SUEZ is committed to redeveloping and upgrading the existing waste management facilities, including Taunton, to accommodate the new collections contract. In September 2020, SUEZ applied to redevelop the existing Taunton site, which was approved at the end of March 2021. However, it became apparent that the consented operating hours did not meet the requirements of the new waste collection contract. Currently the site is permitted to operate between 0600 and 2000 hours on weekdays and Saturdays, and between 0600 and 1300 hours on Sundays and bank holidays, which entails vehicles accessing the site and tipping. The loading and baling hours specifically are only allowed after 0800 hours on weekdays (and not on Saturdays, Sundays or bank holidays), hence the proposal to allow loading and baling to take place earlier in the morning and on Saturdays. One of the main changes as a result of the development of the new waste transfer station at Taunton is that vehicles that were previously based there to serve the waste collections rounds will no longer be based at the site, meaning that the majority of activities on the site will now relate to waste transfer operations (loading and baling). He requested that the Committee approve the application.

(9) In response to the public speakers' comments, the Chair advised that a number of things mentioned by Mr Griffin had been dealt with last year in the original application. The Case Officer clarified with respect to the distance from the site to Mr Griffin's residence that it was 280 metres from the centre of the site, while it was 180 metres from the site boundary to the residence boundary. The Case Officer confirmed that the noise monitoring had not taken place at Mr Griffin's residence but rather in an adjacent field.

(10) The Committee proceeded to debate, covering matters including the need for the recycling facility, the noise levels involved, and the relatively small change requested to the hours of operation with safeguards regarding the starting time for glass recycling operations. It was pointed out that once the site has been fully developed, most operations will be inside, which will mitigate much of the noise impact, and that the site is adjacent to the M5 motorway whose noise may be greater than that of the recycling site. In response to a request for clarification, the Technical Advisor-Acoustics stated that the site of noise monitoring was just east of the residence and therefore representative, that 0700 hours is considered daytime hours, and that according to Standard BS4142 the difference between the site noise and the background noise from the highway was not considered significant.

(11) Cllr Caswell, seconded by Hewitt-Cooper, moved that planning permission be granted subject to the conditions set out in Section 9 of the report.

(12) A vote was then taken on the Case Officer's recommendation to approve the application from Walford Cross Depot, Walford Cross, Taunton; all members were in favour. Cllr Caswell's motion was carried, and the Committee accordingly RESOLVED:

(a) That planning permission be GRANTED subject to the conditions set out in Section 9 of the report, specifically Condition 5, as no material changes to legislation or situation have occurred in the intervening period between the last application and this Section 73 application.

(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 & Planning.

## **5 Any Other Business of Urgency - Agenda Item 6**

There were no other items of business.

**(The meeting ended at 10.32)**

**CHAIR**