

Somerset County Council

Regulation Committee – 7 Oct 2021

Report by Service Manager - Planning & Development, Enforcement & Compliance:

**Application Number:** SCC/3840/2021

**Date Registered:** 14 June 2021

**Parish:** Creech St Michael Parish Council,

**District:** Somerset West and Taunton Council,

**Member Division:** Monkton and North Curry,

**Local Member:** Councillor David Fothergill

**Case Officer:** Colin Arnold

**Contact Details:**

**Description of Application:** Variation of condition 5 (waste recycling and transfer operations hours) of the original Planning Permission SCC/3751/2020 for the redevelopment of existing waste transfer station and depot.

**Grid Reference: Easting** - 327728, **Northing** - 127827

**Applicant:** Mr Niall Kelly, SUEZ Recycling and Recovery UK Ltd

**Location:** Walford Cross Depot

Walford Cross

Taunton

TA2 8QP

## **1. Summary of Key Issues and Recommendation(s)**

1.1 The main issues for members to consider are:

- Waste planning policy considerations
- Need, economic impacts and benefits
- Impacts from noise
- Local Highway impacts

1.2 It is recommended that planning permission be **GRANTED** subject to the imposition of the conditions set out in section 9 of this report, and that authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development.

## **2. Description of the Site**

2.1 Walford Cross is located approximately 5km northeast of Taunton at the junction of the A38 and A361. A minor road is aligned due south from the junction and provides access to the former Langdon Industries Ltd distribution depot before terminating adjacent to the M5 motorway which runs north-east / south-west along the boundary of the old depot.

2.2 The application site is roughly triangular extending to about 1.1ha and operates as a waste transfer site for household recyclable materials arising from kerbside collections under planning permission 4/14/19/0042 granted in February 2010.

2.3 The application site is currently being redeveloped. But while in operational waste use, it acts as a depot for vehicle storage and as a small material recycling facility for the tipping of plastics, aluminium cans, glass and paper and cardboard. Baling of material also takes place on the site.

2.4 The closest residential properties are Walford Farm, located approximately 180 metres to the north west of the site. Further residential dwellings are located approximately 180m to the south of the site on the opposite side of the M5 motorway.

## **3. The Proposal**

3.1 Planning permission SCC/3751/2020 contains 27 conditions.

Condition 4 attached to planning permission SCC/3751/2020, permits the following activities.

"No site operations shall take place prior to 0600 hours on any day or after 2000 hours on weekdays or Saturdays or after 1300 hours on Sundays and Bank Holidays."

Condition 5 permits:

"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."

This proposal initially sought to amend condition 5 to allow the following operational hours:

"Waste recycling and transfer operations (e.g., baling and loading) shall only take place on weekdays between 6AM and 8PM and on Saturdays between 8 AM and 1PM, which can be extended until 5PM on Saturdays following a bank holiday."

3.2 The proposals seek to bring the waste recycling and transfer operations in line with the operational hours as outlined in condition 4. Vehicles and site staff can access the site and non waste recycling and transfer operations can take place from 6am. This will mean that waste vehicles arriving at the site before 8am will be able to tip before 8am and the site will be able to load waste out prior to the Refuse Collection Vehicles (RCVs) arriving. The applicant suggests that it would create a more efficient operation.

3.3 The Saturday working hours would allow the site to catch up on a morning if delays during the week occur and the extended hours following a bank holiday will replace the working hours lost due to the bank holiday closure.

3.4 After the end of the consultation period and considering the several objections received from local residents and the Parish Council, the applicant submitted on 30 July 2021 a new proposal to address the concerns raised:

*“Currently the site is permitted to operate between the following hours as outlined in condition 4 of planning permission SCC/3751/2020:*

*(No site operations shall take place prior to 0600 hours on any day or after 2000 hours on weekdays or Saturdays or after 1300 hours on Sundays and Bank Holidays)*

*This condition relates to the operation of the site when vehicles are based at the facility allowing them to leave and arrive between the above hours. This currently permits vehicle movements between 6am and 8pm Monday – Saturday and between 6am and 1pm on Sunday.*

*It is noted that comments raised by the Parish Council states that the proposed hours are ‘unsustainable in terms of accessing the site’, however it is considered that the above hours already permits staff to access the site from 6am and this is not proposed to change.*

*The tipping/loading hours are controlled by condition 5 attached to planning permission SCC/3751/2020, which states:*

*(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 above condition permits waste recycling and transfer operations between 0800-2000 (12 hour operation) Monday to Friday, with general vehicle movements and staff access being permitted on a weekend as outlined in Condition 4.*

*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. The current permission (planning ref: SCC/3751/2020 (condition 5) allows for tipping/baling over a 12 hour period on a weekday and having considered the comments from the Parish Council around noise and operating hours, SUEZ are willing to reduce the proposed*

*tipping hours to 0600-1830 Mon – Friday, which would only result in an additional half an hour of tipping when compared to the existing hours, instead of 0600-2000 hours as originally applied for under this variation of condition.*

*The proposed Saturday hours (0800 – 1300) are to allow tipping on a Saturday morning to catch up, if required, if any collections are missed during the week. The Saturday afternoons (0800-1700) following a Bank Holiday are also requested to allow the facility to catch up on waste transfer operations following the missed day of collections on the Bank Holiday.*

*The additional hours on a weekday morning are requested in order to accommodate vehicles arriving from the early morning collections rounds and to allow vehicles that arrive back later on in the evening tip first thing in the morning before going to their onward collection rounds.*

*The proposed amendments include reducing the proposed operating hours (from weekday operations 0600-2000) to allow the site to undertake waste transfer operations between 0600 – 1830 Monday – Friday, the proposed Saturday hours remain unchanged. Currently the site is permitted to undertake waste transfer operations between 0800-2000 (Monday – Friday), therefore the new proposed hours only represent an additional 30 minutes of operations.”*

3.5 Following further negotiations with the SCC Acoustic Specialist the condition 5 change to put back the timing of the glass sorting element as this was potentially the noisiest activity to:

‘Waste recycling and transfer operations (e.g. baling and loading) shall only take place on 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.’

#### **4. Background and Planning History**

4.1 The Walford Cross facility was granted permanent planning permission (4/14/09/0042) in 2009 for use as a Waste Transfer Station. This included the erection of recycling facility structures, revised location of portable cabins and modular structures for use as office and welfare facilities, erection of lighting columns, and additional parking provision.

4.2 The planning permission was amended in 2011 (planning permission 4/14/11/2020) to make some minor amendments to the site layout.

4.3 The Somerset Waste Partnership Waste Collections and Recycling Services Contract extends the range of materials that householders in Somerset can place in their recyclable kerbside collection. The applicants have detailed that in order to most effectively deliver the service, a new fleet of Resource Recovery Vehicles (RRVs) manufactured by Romaquip will be used to collect the recycling materials. Romaquip vehicles utilise a different method of discharging materials from the current fleet. The RRVs have multiple stillages which are used to collect the different recyclable materials.

4.4 The emptying of the vehicles is controlled by the driver using an in-cab system, with materials being discharged from the sides and rear of the vehicle. This differs from the current fleet which empty waste from the back of the vehicles. To enable this new method of discharge, SUEZ proposed to provide covered bay storage of adequate width to receive the segregated materials which will be brought into the site by the Romaquip vehicles.

4.5 In 2021, planning permission was granted for the redevelopment of the site, to cater for the new waste collections contract (SCC/3751/2020). The planning permission was for the reconfiguration of the site layout, block off the existing access and to create a new access into the site to the south, new in and out weighbridges and relocated office and welfare facilities. New covered bays were proposed for the collection of food waste and other materials.

## **5. The Application**

### 5.1 Documents submitted with the application

- Noise Impact Assessment. NVC Ltd. 6<sup>th</sup> April 2021
- Site location plan 1:1250 DR/C/7100/P03
- Site location plan 1:1250 DR/C/7100/P02
- Existing Topographical Plan

## 6. Environmental Impact Assessment (EIA)

6.1 The Town and Country (Environmental Impact Assessment) Regulations 2017 refer to various types of development in Schedules 1 and 2. Development proposals falling within Schedule 1 are regarded as 'Environmental Impact Assessment (EIA) development' and trigger EIA procedures. For Schedule 2 development, consideration must be given to whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.

6.2 The conclusion of the Council's EIA Screening Opinion (for the original proposal SCC/3751/2020) detailed that the proposal constitutes a change to development as specified under Schedule 2, Part 13 class (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 but these alterations to an existing site are not considered likely to have any significant environmental effects. The indicative criteria for class 11(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states that sites taking less than 50,000 tonnes of waste are unlikely to require an Environmental Impact Assessment. Although the collection of a wider variety of materials for recycling will increase the throughput of the site to 44,000 tonnes per annum, this is still below the threshold of the criteria. The proposal does not involve the disposal of waste by incineration nor is it located within 100 metres of any controlled waters so will not result in any adverse effects.

6.3 Due to the site's location and the scale and nature of the proposed changes, it is considered that the development is unlikely to have any significant effects on the environment and therefore does not require an Environmental Impact Assessment.

## **7. Consultation Responses Received (16 neighbour letters sent and site notice erected)**

### External Consultation

- 7.1 Somerset West and Taunton Council – was notified.
- 7.2 Cllr David Fothergill – was notified.
- 7.3 West Monkton Parish Council – was notified.
- 7.4 Creech St Michael Parish Council – Objection.

"I would advise that CSM PC considered this planning application under delegated powers by the CSM Planning committee and decided to NOT SUPPORT.

Recommendation: NOT SUPPORT

Creech St Michael Parish Council DO NOT SUPPORT this planning application proposing an operational start time of 06.00 hours Mondays to Fridays, which will result in staff being reliant on travelling to site in their cars/motorbike/vans (or bicycles) BEFORE 06.00 hours as "sustainable" public transport is not available at that time, and motor vehicles travelling to the site will occur when the background noise from the M5 motorway/A38/A361 will be low and, therefore, the occupiers of the neighbouring properties will be more sensitive to any audible noise from traffic or machinery. As well as the proposed operating hours Monday to Friday of 06.00 hours being unacceptable, the proposed operating hours on Saturdays between 08.00 hours and 13.00 hours, with an extension to 17.00 hours on Saturdays following a Bank Holiday is also



unacceptable. Priority should be given to continuing to protect the residential amenities of the area, including the health/mental health and wellbeing of the residents in the nearest residential properties which are circa 150m to 180m distance from the site boundaries, Walford Farmhouse which is located circa 240m from the Depot site boundary, and properties south of the site on the opposite side of the M5 motorway, Regina Villas, which are located circa 160m from the site boundary.

The proposed use, by reason of its close proximity to the existing residential properties, with an earlier operating start time of 06.00 hours, and Saturday operations, would result in harm, general disturbance and noise to the neighbouring occupiers.

The original planning application SCC/3751/2020 applied to have earlier start times but the Planners decision imposed Condition 5 in order to protect the residential amenity of the area, in accordance with Policy DM3: Impact on the environment and local communities of the Somerset Waste Core Strategy (2013) – nothing has changed, therefore, this current planning application should be REFUSED.”

7.5 Public Health FAO: Stewart Brock – was notified.

7.6 SCC Acoustics - final comments (full version and previous comments available on the Councils website)

‘ . . . I consider that further information has helped to resolve uncertainties with predictions made to support this application. Based on the considerations above I can now recommend that planning accept the applicant’s proposal for glass loading operations to take place during the weekday periods from 07:00. The operator’s offer would also include the planning benefit to amenity provided by avoiding noise from this distinctive operation during weekends.’

## Public Consultation

### 7.10 4 letters of objection

- Increase in hours of noise from continual noise from bottle and glass being tipped and crushed 5 days a week
- Son doesn't like sudden loud noises and any increase would affect our wellbeing
- Trees removed from the site
- Increase in traffic in a accident black spot
- No notification of application
- Highway safety concerns
- Strongly recommend refusal
- Site layout has been changed with the removal of one of the main buildings since original acoustic report was done

Following amendment to application (and re-consultation) 2 letters of continued objection

- Hours should stay the same 8am-8pm Monday to Friday
- Already a noise problem from the site and the enforcement officer has attended to try and rectify it (Officer note: an environmental health officer from Somerset West and Taunton was contacted on this matter and gave the following response: 'I can confirm that we have had a recent complaint about HGV's parking on the land to the side of the premises ...running their refrigeration units in the evening / at night. The problem appears to have been solved, following undertakings from the company not to do so, received in mid-July.'))
- No change in circumstances and the site is not operational so how do they know they need to increase the working hours

- The up-to-date noise report says the glass would be generating 111db my ride on mower is 100db and I can hear the glass clearly when using my mower. The glass is loaded outside with a machine in the open air.
- Noise issues from vehicles, radios, horns and front loaders
- Impact on mental wellbeing
- The 6am start seems very early to start if there are no vehicles being kept on site. Also there is no guarantee that Suez will not move the goalposts and increase the hours when they have permission granted, as they have this time; therefore, we wish to maintain the objection to this proposal.

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

8.1 The key issues for Members to consider are:

- Waste planning policy considerations
- Need, economic impacts and benefits
- Impacts from noise
- Local Highway impacts

## **8.2 The Development Plan**

- Somerset Waste Core Strategy (SWCS) (adopted February 2013); and
- Taunton Deane Core Strategy (TDCS) (2012) and saved policies of the Taunton Deane Local Plan (TDLP) (2004).

## **8.3 Material Considerations**

- National Planning Policy Framework
- National Planning Policy for Waste

## 8.4 Main Issues

As discussed above there are four main issues pertaining to this application and these are duly explored below:

### Waste Planning Policy Considerations

In terms of Planning Policy, the most relevant policy when considering this application is the Somerset Waste Core Strategy Policy SD1 relates to sustainable development. The general thrust of the policy is that planning permission will be granted, without delay, for policies that improve the economic, social, and environmental conditions in the area, unless material considerations indicate otherwise. In this case, it is considered that the following assessment demonstrates that the proposal represents sustainable development, by reason that it satisfies the relevant planning policies within the Development Plan. Consequently, it is considered that the proposal accords with policy SD1 of the Somerset Waste Core Strategy.

### Need, economic impacts and benefits

As the principal of development has already been established through the grant of planning permission SCC/3751/2020 but it should be noted that Policies WCS2 (Recycling and Reuse) and Policy DM1 (Basic Location Principles) were deemed to have been satisfied as to the need for the development and its location and need not be revisited at this stage.

### Impacts from noise

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: a) significant adverse impacts from noise, dust, vibration, odour, emissions, illumination,*

*visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development; b) significant adverse impacts on a public right of way or visual amenity; and c) unacceptable cumulative impacts.'*

Policy DM1: General Requirements of the Waste Core Strategy requires the protection of the amenity of residential dwellings and the local and wider environment.

*'Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Management policies which apply in a particular case:*

*Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;'*

Noise impact appears to be the main concern of the objectors. The Council's Acoustic specialist has analysed the submitted noise report in depth which indicates that the nearest noise sensitive properties are located to the north off the A361 road with intervening ground between the Site and receptors occupied by existing industrial and commercial buildings. The Site boundary is circa 150m to 180m distance from these receptors. Other residential receptors include Walford Farmhouse located to the northwest, which is circa 240m from the Depot site boundary and south of the Site on the opposite side of the M5 Motorway at Regina Villas, which are at a distance of approximately 160m. Taking into account the mitigation measures contained within the noise report and after the Acoustic Specialist asking for further details relating to the glass unloading (which clearly creates noise) the agent has confirmed that this will now take place from 7.00am onwards. The acoustic specialist is now satisfied with this and therefore the now changed condition 5 is considered appropriate.

Local highway impacts

As this was assessed under the previous approved application it is considered that the local highway will not be unduly impacted upon by this proposal.

### **Conclusion and Recommendation**

The main issues relating to this application were assessed and approved under the planning reference approval SCC/3751/2020 and only the condition 5 needs to be assessed at this stage (as no material changes to legislation or situation have occurred in the intervening period between the last application and this Section 73 application). Whilst duly acknowledging the concerns of the objectors given the relative distances involved between the site and residential properties, the agreement to the later time for glass loading and the acceptance of the SCC Acoustic Specialist to the proposal – it is duly recommended for approval with the following conditions.

### **Conditions**

1. The development hereby permitted shall be commenced by 19<sup>th</sup> March 2024.

Reason: In accordance with the previous approval ref. SCC/3751/2020 and pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall be carried out in strict accordance with the approved documents and plans:

- Site Location Plan (WFC/CLK/XX/XX/DR/C/7100RevP02)
- Existing Topographical Survey (WFC/CLK/XX/XX/DR/C/7101RevP02)
- Existing Drainage Plan (WFC/CLK/XX/XX/DR/C/7102 RevP02)
- Existing Impermeable Drainage Plan  
(WFC/CLK/XX/XX/DR/C/7104RevP02)

- Proposed Site Plan WFC/CLK/XX/XX/DR/C/7201RevP04) (updated during course of application)
- Proposed Levels Plan (WFC/CLK/XX/XX/DR/C/7205RevP03)
- Proposed Drainage Plan (WFC/CLK/XX/XX/DR/C/7207RevP03)
- Proposed Impermeable Area Plan (WFC/CLK/XX/XX/DR/C/7209RevP02)
- Proposed Vehicle Tracking (WFC/CLK/XX/XX/DR/C/7210RevP01)
- Proposed Site Cross Sections WFC/CLK/XX/XX/DR/C/7215RevP02)
- Existing Site Wide Elevations (WFC/CLK/XX/XX/DR/C/7220RevP02)
- Proposed Site Wide Elevations (WFC/CLK/XX/XX/DR/C/7230RevP02)
- Existing Baler Elevations (WFC/CLK/XX/XX/DR/S/0015RevP02)
- Existing glass bay building elevations (1)  
(WFC/CB/XX/XX/DR/C/0020RevP02)
- Existing paper bay elevations (WFC/CB/XX/XX/DR/C/0025RevP02)
- Existing kitchen waste bay building elevations  
WFC/CB/XX/XX/DR/C/0030RevP02)
- Existing mess room & WC building elevations  
WFC/CB/XX/XX/DR/C/0035RevP01
- Existing modular building elevations WFC/CB/XX/XX/DR/C/0040RevP01)
- Proposed baler shed floor & roof plan  
WFC/CLK/XX/XX/DR/S/1000RevP01)
- Proposed bin bay floor plan (WFC/CLK/XX/XX/DR/S/1005RevP01)
- Proposed bin bay roof plan (ECH/CLK/XX/XX/DR/S/1006RevP01)
- Proposed food and bale covered storage plans  
(WFC/CLK/XX/XX/DR/S/1010RevP02)

- Proposed office and welfare building plans and elevations (WFC/CB/XX/XX/DR/C/1015RevP02)
- Proposed baler shed elevations (WFC/CLK/XX/XX/DR/S/1200RevP01)
- Proposed bin bay elevations (WFC/CB/XX/XX/DR/S/1205RevP01)
- Proposed food and bale covered storage elevations (WFC/CLK/XX/XX/DR/S/1210RevP01)
- Proposed weighbridge office plan and elevations (WFC/CLK/XX/XX/DR/S/1215RevP02)
- Existing site wide elevations (WFC/CLK/XX/XX/DR/C/7220RevP01)
- Existing topographical survey
- Proposed Permeable and Landscape Areas Plan (WFC/CLK/XX/XX/DR/C/7240 RevP02)

Reason: For the avoidance of doubt as to the extent of the permission granted.

3. The development hereby permitted shall be in accordance with the details received on 31 March 2021, and the plans and drawings attached thereto.

- WFC-CLK-XX-XX-DR-S-1000 REV P01 – Proposed Baler Shed floor and roof plan
- WFC-CLK-XX-XX-DR-S-1200 REV P01 – Proposed baler shed elevations
- WFC-CLK-XX-XX-DR-S-1005 REV P01 – Proposed bin bay floor plan
- ECH-CLK-XX-XX-DR-S-1006 REV P01 – Proposed bin bay roof plan
- WFC-CB-XX-XX-DR-D-1205 REV P01 – Proposed bin bay elevations
- WFC-CLK-XX-XX-DR-S-1210 REV P01 – Proposed food and baler covered storage elevations



- WFC-CB-XX-XX-DR-C-1015 REV P03 – Proposed office and welfare building plans and elevations

Submission in respect of Condition 3 attached to planning permission

SCC/3751/2020/Cond3 for Details to satisfy condition 3 - details of finished

brickwork/blockwork, roof materials and colour scheme of the proposed

structures at Walford Cross Depot, Walford Cross, Taunton, TA2 8QP

Reason: In the interests of the amenity of the area in accordance with Policy DM2: Sustainable construction and design of the Somerset Waste Core Strategy (2013).

4. No site operations shall take place prior to 0600 hours on any day or after 2000 hours on weekdays and Saturdays or after 1300 hours on Sundays and Bank Holidays.

Reason: To protect the residential amenities of the area in accordance with Policy DM3: Impacts on the environment and local communities of the Somerset Waste Core Strategy (2013).

5. Waste recycling and transfer operations (e.g. baling and loading) shall only take place on 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.

Reason: To protect the residential amenities of the area, in accordance with Policy DM3: Impacts on the environment and local communities of the Somerset Waste Core Strategy (2013).

6. All plant used on site shall be fitted with silencers complying with the manufacturer's specifications and shall be maintained to minimise noise emissions. All mobile plant required to use reverse warning alarms shall be fitted with non-tonal broadband devices.

Reason: To protect the amenities of local residents in accordance with Policy DM3: Impacts on the environment and local communities of the Somerset Waste Core Strategy (2013).

7. Noise levels arising from site operations shall not exceed the following limits:-

LAeq(15min) 50dB free-field at the boundary of any residential property outside the boundaries of the application site and existing prior to the issue of this consent.

LAeq(5min) 63dB at 1m from the façade of any existing office window outside the boundaries of the application site and existing prior to the issue of this consent.

Reason: To minimise the nuisance from noise in the interest of the amenities of the adjoining properties in accordance with Policy DM3: Impacts on the environment and local communities of the Somerset Waste Core Strategy (2013).

8. Operations associated with site construction shall not arise outside of the hours of 0700 -1900 hours on weekdays or 0700-1300 on Saturdays and shall adopt the best practicable mitigation measures detailed in Section 7 of the Noise Impact Assessment Report by Noise & Vibration Consultants Ltd, dated 6th April 2021.

Reason: To minimise the nuisance from noise in the interest of the amenities of the adjoining properties in accordance with Policy DM3: Impacts on the environment and local communities of the Somerset Waste Core Strategy (2013).

9. No removal of hedgerows, trees, scrub and tall ruderal herbs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has

undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Policy CP 8: Environment of the Taunton Deane Core Strategy 2011 -2028.

10. The detailed drainage strategy as submitted and approved shall be carried out in accordance with:

- Drainage Operation and Maintenance Plan Version R01 by SUEZ
- Surface Water Drainage Calculations 12243-01b by Craddys
- 12243-0050 Rev C – Proposed Drainage Layout
- 12243-0056 Rev B – Proposed Drainage Details Sheet 2
- 12243-0140 Rev C – External Works Earthworks Analysis
- 12243-0110 Rev E – Proposed Kerbs and Surfacing Plan

Brief particulars of which are as follows:

Submission in respect of Condition 14 attached to planning permission SCC/3751/2020/Cond14 for Details to satisfy condition 14 - submission of a detailed drainage strategy for the site (which includes the final design and maintenance of the

drainage assets that will control the flows of water on and around the site) at Walford Cross Depot, Walford Cross, Taunton, TA2 8QP.

Reason: In the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the Highways England drainage asset. To ensure Highway Safety in accordance with Policy DM6: Waste Transport of the Somerset Waste Core Strategy (2013).

11. All surface water drainage from impermeable parking areas, hardstandings for vehicles and external service areas, shall be passed through an oil interceptor before being discharged into any watercourse, surface water sewer or soakaway system. Details of the oil interceptor shall be submitted in writing for the approval of the County Planning Authority. Roof water shall not pass through the oil interceptor. Both foul and surface water drainage systems shall be completely operational before the development hereby permitted is brought into use.

Reason: To prevent pollution of the water environment in accordance with Policy DM7: Water Resources of the Somerset Waste Core Strategy (2013).

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of the water environment in accordance with Policy DM7: Water Resources of the Somerset Waste Core Strategy (2013).

13. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on

drawing number 7201 Revision P04. Such visibility splays shall be constructed prior to the access first coming into use and shall thereafter be maintained at all times.

Reason: To ensure Highway Safety in accordance with Policy DM6: Waste Transport of the Somerset Waste Core Strategy (2013).

14. The Development hereby permitted shall not be occupied until the parking spaces and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details shown on submitted drawing 7201 Revision P04. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure Highway Safety in accordance with Policy DM6: Waste Transport of the Somerset Waste Core Strategy (2013).

15. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, in accordance with the dust and highway cleanliness management plan approved 28th July 2021 and thereafter retained and maintained as such.

Reason: To ensure Highway Safety in accordance with Policy DM6: Waste Transport of the Somerset Waste Core Strategy (2013).

16. The site operator shall carry out a review of the on-street parking on 'Old Lipe Lane' on a monthly basis from the date the development hereby approved is brought into use. These monthly reviews should take place for a continuous 12-month period. These reviews shall be submitted to the Waste Planning Authority upon request. If a parking issue is identified the developer shall apply to the Highways Authority for a Traffic Regulation Order to extend double yellow line provision on 'Old Lipe Lane' and, if successful, the site operator shall implement the scheme.

Reason: To ensure Highway Safety in accordance with Policy DM6: Waste Transport of the Somerset Waste Core Strategy (2013).

17. The development shall be carried out in accordance with the details submitted on 31 March 2021, and the plans and drawings attached thereto numbered:

- Drainage Operation and Maintenance Plan Version R01 by SUEZ;
- Surface Water Drainage Calculations 12243-01b by Craddys;
- 12243-0050 Rev C – Proposed Drainage Layout;
- 12243-0056 Rev B – Proposed Drainage Details Sheet 2;
- Kingspan Klargester BioDisk Domestic Brochure;
- Klargester Product Brochure;
- Klargester Oil/Fuel Separators Brochure;
- PIA Performance Results Certificate for Klargester BioDisk; and
- Drainage Options Appraisal and Catchment Analysis by Clarkebond.

Brief particulars of which are as follows:

Submission in respect of Condition 16 attached to planning permission SCC/3751/2020/Cond16 for Discharge of condition 16 - Drainage - Redevelopment of existing waste transfer station and depot at Walford Cross Depot, Walford Cross, Taunton, TA2 8QP.

Reason To ensure that the development is served by a satisfactory, sustainable system of foul 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 and with Policy DM7: Water Resources of the Somerset Waste Core Strategy (2013).

18. The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy DM2 of the Somerset Waste Core Strategy and the National Planning Policy Framework.

19. Inspection on a regular basis or as otherwise required by the Waste Planning Authority shall be undertaken by the site operator to determine if the site is being inadvertently used for the harbouring or breeding of vermin. Action shall be taken to eradicate vermin if they are found on the site. A written record of inspections shall be kept and made available to the Waste Planning Authority upon request.

Reason: To protect the residential amenities of the area in accordance with Policy DM3: Impacts on the environment and local community of the Somerset Waste Core Strategy (2013).

20. Conditions 10, 11, 12 and 19 of the original consent SCC/3751/2020 were deemed to be discharged and are therefore not reproduced as part of this certificate

21. Former conditions 13 & 15 of SCC/3751/2020 to be reproduced if not resolved with LLFA.
22. Two conditions to be reproduced if not resolved relating to surface water (no discharge to highway) and relating to the boundary treatment to the site

### **Informatives**

- Site drainage should be served by a suitably sized silt trap and interceptor. This is likely to require a suitable Environmental Permit from the Environment Agency.
- All foul drainage should be kept separate from clean surface and roof water,
- The applicant may be required to secure an appropriate legal licence/legal agreement for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
- This proposal does not affect the sites Standard issues Permit SR2008 No3 - 75kte HCI Waste TS plus treatment conditions and is a minor variation for the permit boundary extension.
- Any vehicle wash-down areas or refueling areas should be on hardstanding with interceptors. If fuel is to be stored on site, then it will need to be in a suitable tank with adequate bunding. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.
- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs



of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

- Site security - The developer is advised to consider site security and is reminded of a statutory duty under Section 17 of the Crime and Disorder Act 1998 for a Local Authority to do all that it reasonably can to prevent crime and disorder in its area.
- Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

## **11. Policy Analysis**

11.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.

11.2 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 the:

- Somerset Waste Core Strategy (adopted February 2015);
- Taunton Deane Core Strategy (adopted September 2012).

11.3 The policies in those Plans particularly relevant to the proposed development are:

Somerset Waste Core Strategy

SD1: Presumption in favour of sustainable development – The proposal accords with the Core Strategy's policies and other material considerations do not warrant approval being withheld.

WCS2: Recycling and Reuse – The development will assist in maximising the reuse and/or recycling of waste. DM1 (Basic Location Principles) – The application site is well connected to the strategic transport network and may provide for sustainable development. The proposal relates to an existing waste management site.

DM3: Impacts on the environment and local communities – Subject to the inclusion of appropriate conditions to limit noise and dust impacts, the proposed facility will have no significant adverse effects on the local community or environment.

DM6: Waste transport – The local highway network is capable of accommodating the predicted traffic movements,

DM7: Water Resources - The proposed temporary development is not expected to exacerbate flood risk.

#### Taunton Deane Core Strategy

CP8 (Environment) – The proposed site is considered appropriate in terms of scale, siting and design, and is not expected to have significant adverse impacts on protected habitats and species or the local landscape character. Local flood risk is not expected to be exacerbated.

DM1 (General Requirements) – The application site is in a sustainable location. Traffic generation is not expected to lead to overloading of access roads, or raise unacceptable road safety problems.

11.4 The County Council has also had regard to all other material considerations, in particular the National Planning Policy Framework, the National Planning Policy for Waste and Planning Practice Guidance.

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

11.5 In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a preapplication 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, National Planning Policy for Waste, Waste Core Strategy 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.