

# DR/36/16

committee                    DEVELOPMENT & REGULATION

date                            28 October 2016

## **MINERALS AND WASTE DEVELOPMENT**

**Proposal: Continuation of timber processing without compliance with condition 6 (Waste Handling) of planning permission ESS/21/16/COL which was for a variation of condition 4 and 23 of planning permission reference number ESS/13/11/COL to read for condition 4: all waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building: and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building. For condition 23 (i) the extension building shall be varied to approve the containment walls to the sites northern boundary as now constructed.**

Location: **LAND AT GREENACRES, PACKARDS LANE, WORMINGFORD**

Ref: **ESS/29/16/COL**

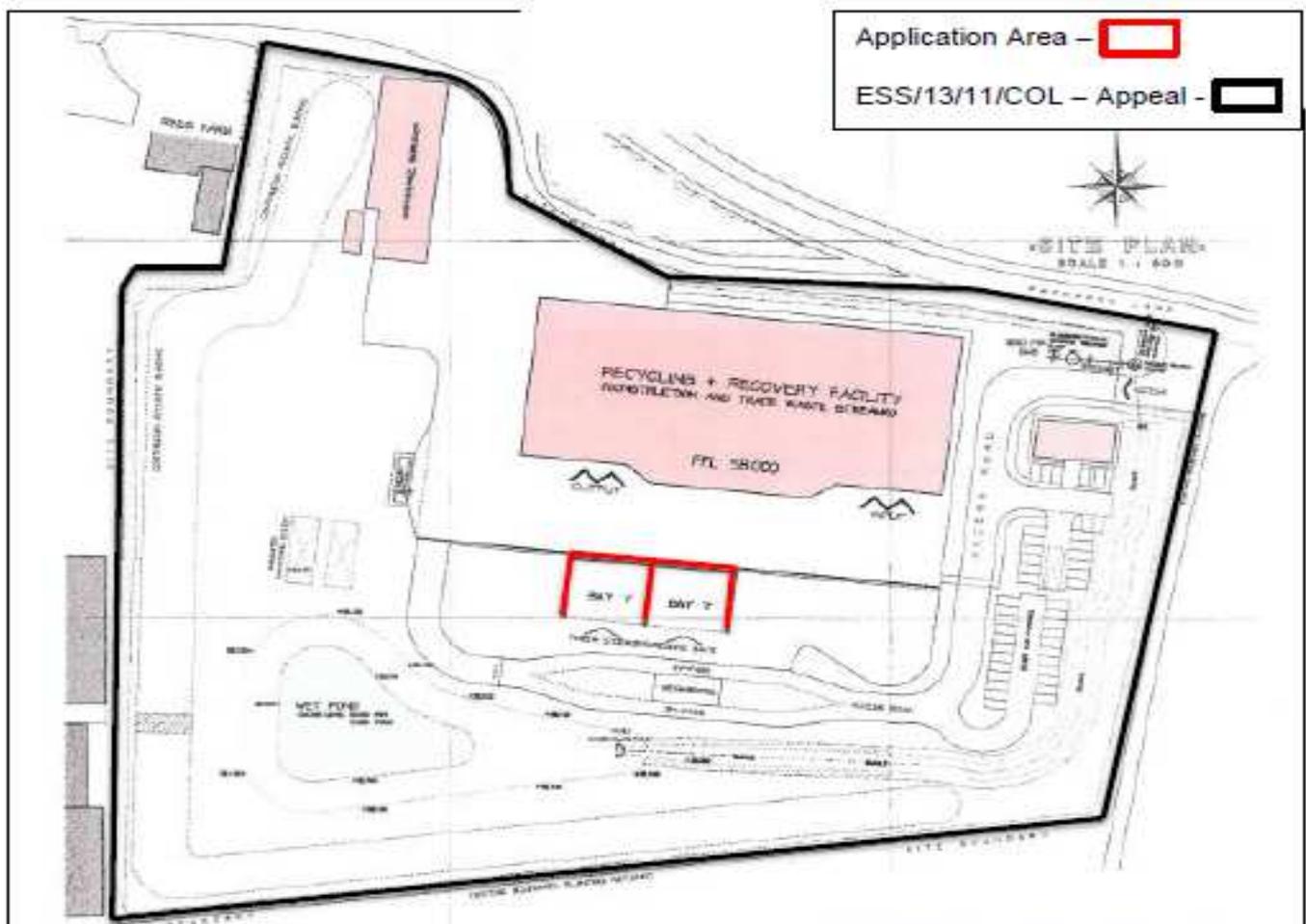
Applicant: **Colchester Skip Hire**

Report by Director of Operations, Environment and Economy

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The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)





## 1. BACKGROUND AND SITE

The Colchester Skip Hire waste management facility was granted approval on appeal in July 2012. Implementation of the permission has taken place with the commissioning in 2014 of the recycling/recovery building.

The business is restricted by condition to some 50,000 tonnes per annum through put comprising commercial and industrial waste and construction and demolition wastes. Food wastes are diverted away from the site directly from source to off-site energy recovery facilities.

The business sees the above type wastes collected in the operator's own skip/dustcart type vehicles. Collected loads are then delivered to the site during the business day and sorted within the recovery building. Planning approval was granted in July of this year, ESS/21/16/COL that provided for the use of the end bay in the workshop/maintenance building to be used for the storage of dry bales and upgrading of part of the northern site perimeter fence. All other activities of waste handling are required to be taking place within the recovery building.

Since the site has developed wood waste has been separated and stored/processed outside the recovery building as are filled skips (see further

comment below on this aspect).

Since commissioning in 2014 of the recovery building, the site operator has been implementing various aspects of the planning condition requirements discharged through the submission of reserved matters. These have included amongst other matters the landscaping, foul/surface drainage and water catchment provision, revised colour cladding of the facility (approved July 2015) and a welfare building (porta cabin style approved as a non material development June 2016). This committee approved in July 2016 the use of part of the workshop building for the storage of dry waste bales and the retention of the sleeper wall on the north eastern boundary.

Ongoing landscaping to complete the required scheme and habitat management aspects are being completed later this planting season..

The history of this site has seen the involvement of the local action group, Residents Against Skip Hire (RASH), principally comprising the occupiers of the sites three nearest local properties. Their involvement post the appeal Inquiry has continued and relations between the local residents and the site operator have been strained with the site activities having generated regular complaints to the Waste Planning Authority (WPA). These complaints have amongst other matters comprised noise, reversing beepers, odour, lighting, cladding requirements of the buildings and positioning of bunding.

In an effort to establish better relations and understanding on both sides of each other's concerns, a site liaison meeting has been established comprising the site operators, two of the three local residents (the third being party to minutes and invites), Local Member, County Council Portfolio Holder for Waste; Parish Councils (both Wormingford and Fordham), the WPA and more latterly the Environment Agency. Invites are also extended to the District Council Member and Planning and Environmental Health Officers.

The five meetings that have taken place to date have been supported by all parties and whilst issues remain, these get raised at the meetings which themselves maintain an avenue for the locals to see site progress and have face to face contact with interested parties.

Some issues raised by locals have been about the apparent slow uptake of the operator to implement some of the approved schemes as well as reversing beepers on vehicles/site noise, odour and outside storage aspects and use of the company skips.

The Waste Planning Authority (WPA) has been working to help steer the operator to achieving its responsibilities as well as addressing activities that have developed as the business has grown and which require regularising. The WPA has had, and continues to progress, meetings with both the operator and agent (together and separately) in identifying and working through the site operator's activities and future aspirations whilst also liaising with local residents separately as well as acting as a mediator between the parties, where appropriate.

Whilst the liaison meeting site visits have been used to enable the operator to show

site progress, the meetings themselves have provided an opportunity to outline the forward work programme in terms of the issues still needing to be addressed. Included in this work programme has been the following:

- (i) Provision of the staff welfare cabin. This arose as a requirement to provide appropriate clean and dirty separation facilities for the staff when arriving and changing for work and their interaction with their rest/eating area. This matter has now been dealt with as addressed earlier in this report.
- (ii) Use of the approved workshop end bay for dry storage of bales and regularising the change in the design of part of the northern site perimeter fence. This was approved by the committee at the July 2016 meeting.
- (iii) Regularising the wood processing activities – the subject of this report.
- (iv) Addressing the outside storage of filled skips awaiting removal off site.
- (v) Addressing the reversing beepers on highway vehicles such as the dustcarts and skip lorries.

Ongoing aspects continuing to be discussed with the operator relate to (iv) and (v) above.

Whilst the above matters are largely being addressed, some local residents remain of the view that the WPA is not acting in their interests or enforcing against the operators transgressions.

## **2. PROPOSAL**

This application seeks to vary Condition 6 (Waste Handling) of planning permission ESS/29/16/CHL to allow wood waste to be handled externally. The proposal is to accommodate 2, three-sided bays each measuring 18 metres wide by 16.65 metres deep and 6 metres high. The bays would store wood waste and would be joined and having a common dividing wall and be constructed of a proprietary brand of interlocking concrete blocks. The open end would face to the south away from the recovery building.

In support of the application the applicant confirms that *“The application has been submitted in order to regularise the activity of shredding and recycling timber products to produce a beneficial recycled by- product.*

*The shredding activity constitutes an activity that requires to be undertaken outside of the main recycling building as insurance cover cannot be secured for the shredding of waste or any waste-derived product within the building. Reference has been made to the likes of products such as paper, cardboard and plastics being recycled within the building - these products are simply sorted and separated and subsequently baled thus avoiding the need for shredding.*

*The location for the timber recycling compound has been carefully chosen for many reasons after liaising with the Environment Agency including the proximity to the reservoir containing 1.5 million litres of water in the event of an emergency.*

*CSH Environmental has actively encouraged customers to separate timber from their general waste and many are now sending pre-sorted timber only products for*

recycling.

*The recycling of timber currently accounts for approximately 3% of the total recycled material and the recycled timber by-product is very much in demand by local businesses who have opted to use bio-mass boilers to provide heat to their business.*

*For insurance purposes the unloading, storage, sorting and treatment of timber products is not permitted within the recycling building and is currently carried out in a designated area externally and this application seeks to vary Condition 06 to regularise the processing of this activity.*

*The proposal is to provide an approved designated bunded compound comprising two storage bins constructed in precast concrete interlocking "lego" blocks to the dimensions shown on the attached drawings.*

*The wording of Condition 06 is proposed to be varied to read "all waste materials, recycled materials and recycled products shall be loaded, stored, sorted, treated, processed and handled only within the proposed main recycling building; and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.*

*As previously stated the storage sorting and treatment of timber cannot take place within the recycling building due to the inability to insure the building and equipment required for the recycling of timber.*

*CSH Environmental has been processing timber in the open for many years with the approval of the Environment Agency utilising the same method and machinery as currently operated.*

*The proposed siting for the recycling process has been dictated in the main by the location of stored water in both the rainwater harvesting system and the adjoining pond which could be used for fire fighting purposes in line with the insurance company requirements.*

*CSH Environmental produce up to a total of 1000 tonnes per month of recycled timber comprising both 'A' grade (energy from waste) and 'C' grade (biomass). Both grades are collected and delivered locally and the volume of timber processing is limited to the designated area applied for".*

### **3. POLICY**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise. Other material considerations include:

- i) The National Planning Policy Framework (NPPF) March 2012.

- ii) The National Planning Policy for Waste October 2014.
- iii) Essex and Southend Waste Local Plan Adopted September 2001
- iv) Essex County Council Replacement Waste Local Plan Pre Submission document June 2016
- v) Colchester Borough Council Local Development Framework Development Policies Adopted October 2010.

The following policies of the Essex and Southend Waste Local Plan Adopted September 2001 (WLPA); Essex County Council Replacement Waste Local Plan Submission document June 2016 (WLPS) and the Colchester Borough Council Local Development Framework Development Policies Adopted October 2010 (paraphrased or in quotation marks if set out in full) are of relevance to this application:

The following policies of the Essex and Southend Waste Local Plan Adopted September 2001 and Colchester Borough Council Local Development Framework Development Policies Adopted October 2010 provide the development plan framework for this application. The following policies (paraphrased or in quotation marks if set out in full) are of relevance to this application:

Relevant policies within the Essex and Southend Waste Local Plan Adopted September 2001 are:

#### Policy W3A (Best Practicable Environmental Option)

Requires that consideration be given to:

- The goals of sustainable development
- Whether the proposal represents the best practicable environmental option for that particular waste stream
- Whether the proposal conflicts with options further up the waste hierarchy.
- Conformity with proximity principle.

#### Policy W8A (Criteria for waste management facilities)

Supports waste management facilities at specific locations provided relevant criteria are met including:

- There is a need for the facility to manage waste.
- The proposal represents the Best Practicable Environmental Option.
- The development complies with other relevant policies.
- Adequate road access.
- Integrated schemes for recycling, composting, materials recovery and energy recovery would be supported where there are shown to be benefits in the management of waste which would not otherwise be obtained.

#### Policy W10A (Planning Conditions and Obligations)

Provides for the WPA to impose conditions as appropriate to ensure the development is operated in an acceptable manner and undertaken in accordance with approved details.

## Policy W10B (Content of Planning Applications and Material Considerations)

Requires all proposals for waste management to be accompanied by full planning applications to include such aspects as “siting, design and external appearance of buildings, plant, equipment and storage facilities, landscaping and suitable measures to mitigate and control unacceptable adverse effects, including noise and artificial lighting”.

## Policy W10E (Content of Planning Applications and Material Considerations)

- Supports applications for waste management development where provision is made to address, amongst other matters relevant to this application:
- Effects on the amenity of neighbouring occupiers.
- Effects on the landscape.
- Impact on road traffic generation.

The most relevant policy within the Colchester Borough Council Local Development Framework Development Policies Adopted October 2010 is:

### a) Policy DP1 “Design and Amenity”

The policy requires that “all development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will...” the policy then lists various aspects with those of relevance to this application being:

- (i) “Respect and enhance the character of the site, its context and surroundings in terms of its ..... height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features. Wherever possible development should remove existing unsightly features as part of the overall development proposal;
- (ii) Provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian, cycling and public transport access....
- (iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight;
- (iv) Create a safe and secure environment;
- (v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and the statement of the Council’s commitment to carbon reduction measures including the promotion of efficient use of energy and resources”.

The Essex County Council Replacement Waste Local Plan Submission document has been submitted in June 2016 to the Secretary of State and Examination held in September/October 2016. The submitted policies reflect the intention of the Waste Planning Authority towards waste related matters and whilst such policies are at this stage, some weight should be given to the new Plan in respect of applications of the nature being contemplated in this report.

Relevant policies within this document are:

(a) Policy 6 (Open Waste Facilities)

This policy considers such waste management facilities that take place in the open air and which could have noise and air impacts that influence where such activities should take place. The policy seeks to collocate such activities at existing permitted waste management sites or co-located with other waste management development.

(b) Policy 10 (Development Management Criteria)

Provides support for waste management development where such development can be demonstrated not to have an unacceptable impact (including cumulative impact with other existing development) on a list of issues, where relevant to this application include:

- (i) Local amenity
- (ii) Safety and capacity of road network
- (iii) Appearance quality and character of the landscape and visual environment.

(c) Policy 12 (Transport and Access)

Provides support for waste management development where it would not have “an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of waste by rail and/or water will be encouraged subject to other policies in this Plan. Where transportation by road is proposed. This will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles”.

Policy 12 sets a hierarchy for transport preference of the waste with the movement by rail or water at the top followed by access through an existing junction to the main road network via a suitable section of existing road. A final criterion for creation of a new road access is not relevant to this application.

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

The NPPF sets the scene for placing sustainable development at the heart of the planning system. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- Seek to secure high quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- Supporting the transition to a low carbon future in a changing climate and

encouraging the use of renewable resources.

- Contribute to conserving and enhancing the natural environment and reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 14 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

### National Planning Policy for Waste

The National Planning Policy for Waste was published October 2014 and sets out the national case for the management of wastes. The Introduction to this document states that it is *“the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions through: delivery of sustainable development and resource efficiency .....*”

The National Planning Policy for Waste published October 2014 sets out under the heading of identifying waste management facility needs that Waste Planning Authorities in their preparation of local plans identify such opportunities to meet identified needs of their area for the management of waste streams.

Waste planning authorities should also:

- drive waste management up the waste hierarchy ..... recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;
- consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;
- take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;
- work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;
- consider the extent to which the capacity of existing operational facilities would satisfy any identified need”.

In identifying suitable sites, Waste Planning Authorities are required to assess the suitability of sites against “ each of the following criteria:

- the extent to which the site or area will support the other policies set out in this document;
- physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B to the appropriate level of detail needed to prepare the Local Plan;
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and
- the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.”

For the determination of planning applications the policy statement requires waste planning authorities to amongst other matters “

- “consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”

#### **4. CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL: No objections subject to conditions to ensure that:

- (i) Operation of the shredder to be undertaken so that noise level at the boundary with Rees Farm shall not exceed 35dB Laeq,
- (ii) Height of the noise barrier exceeds the height and length of the shredder.
- (iii) Details of dust containment or suppression to be provided and agreed and that the use to be undertaken in line with agreed scheme.

(iv) Operations to take place only during site operating hours.

WORMINGFORD PARISH COUNCIL: Object. The parish states that *“Wormingford Parish Council recognises and appreciates that a number of improvements have been made in recent years to ameliorate noise, smells and dust produced by this operation, however we are also disappointed to note that retrospective planning applications continue to be made by Colchester Skip Hire. The local residents would maintain that many of the provisions that were made in 2012 have now been removed or simply ignored.*

*Cllrs have received reports that not only is the wood from mixed skips being processed but pallets are being brought to the site specifically to be processed, therefore exacerbating the issue. Cllrs are concerned with regards to the noise that processing timber in the open will/does create therefore again affecting the local residents.”*

FORDHAM PARISH COUNCIL: Any comments received will be reported at the meeting.

COUNTY COUNCIL’S NOISE CONSULTANT (CNC) – No objection.  
The CNC notes that in respect of:

*“Concrete Blocks – I can see from the information referred to (drawing JDP 156) that the concrete blocks, in theory, appear suitably for the purpose of preventing sound transmission. AAD also advise that “bonded coursing” will be used which would maximise the barrier effect.*

*Noise Model settings – I have undertaken further discussions with AAD and I am now content that the settings used in the noise model are acceptable.*

*Percentage on-time per hour – No response is provided for this. However, as I previously noted, this would only result in a minor uplift in noise level (1 dB).*

*Other noise sources present – The response advises that the loader already exists on site for handling waste timber. Therefore, this is not considered an additional noise source specifically related to the wood shredder.*

*In summary, as with any noise modelling exercise the predictions are theoretical. However, taking into account of the above, in conjunction with the previous information provided, I satisfied that the noise model inputs are acceptable. As such I do not believe it unreasonable to conclude that noise from the shredder would be 35 dB as detailed in the initial Noise Assessment at the nearest sensitive receptor. N.B. This is 10 dB below the criteria set by condition for the site of 45 dB; thus the assumption that it would not contribute to the noise level at the nearest receptor (on the basis that 45 dB + 35 dB = 45.4 dB)”.*

ENVIRONMENT AGENCY (EA): No objection. The Agency notes that the site has a wood processing exemption under the Permitting Regulations that allows treatment or storage of up to 500 tonnes of wood over any 7 day period. The Agency notes that this application improves the site infrastructure regarding managing potential noise and dust impacts.

SUSTAINABLE ESSEX INTEGRATION & WASTE MANAGEMENT: Any comments received will be reported at the meeting.

LOCAL MEMBER – COLCHESTER – CONSTABLE -Any comments received will be reported at the meeting.

## 5. REPRESENTATIONS

Site, press and neighbour notification was undertaken and as a result 3 letters of representation have been received objecting to the application.

The objections relate to, in summary:

<u>Observation</u>	<u>Comment</u>
The applicant refers to insurance reasons as justification. If this is so then why other processes allowed in building on assumption that fire risk is the primary concern?	The justification aspects are set out earlier in this report.
Timber waste should be transferred and handled at another site not giving rise to environmental impacts and the applicant actively encourages use of site for timber recycling.	See appraisal
Applicant's dismissive attitude towards adhering to the appeal conditions. Goes against what the Inspector had permitted with the development taking place within a building.	See appraisal
Following site visit the applicant has previously said that timber processing would occur for some 2 hrs per day and the shredder in 1-2 hour sessions and timber is separated into two types This represents a major and frequent waste processing activity. When wind is in direction of properties we believe we are aware of the timber activities noise from shredder and repetitive noise from crane and reversing alarms.	See appraisal
Acoustic report provides noise levels of shredder and not other associated activities such as the crane and vehicles.	See CNC comments
Noise report only done on one day, no weather conditions described.	noted

<p>Noted this is first noise report made available and site is required to undertake regular monitoring. Noise report also does not refer to timber processing so not considered germane to this application. Also notes that noise levels on boundary with Rees Farm well in excess of maximum allowed. Report concludes that site activities “are within the noise control limits set by Condition 9”.</p>	<p>noted</p>
<p>No information on what the acoustic properties of the blocks are.</p>	<p>Noted. Noise Issues – See appraisal.</p>
<p>No mention of reversing beepers which can be constant and in large part around the timber processing area. Site vehicles should have white noise fitted.</p>	<p>Not part of this application.</p>
<p>“Since CSH have been processing timber outside without a purpose made dust suppression system this has caused significant nuisance which has been reported to the Environment Agency. On 2 recent occasions I have taken CSH to County Court and have received compensation covering the costs of cleaning my property. An example of a recent report to the Environment Agency is their reference 1454070 directly associated with the processing of timber outside which caused clouds of dust to move across my property on 19th July 2016.”</p>	<p>The reference number referred to is one the resident would be given through the logging process with the Agency website. The WPA do not have access to these reports.</p> <p>In respect of county court aspects These are private matters between the resident and operator</p>
<p>Noise report is flawed and would be more representative for monitoring to done over a week. Monitoring should be done by Environmental Protection and not the Applicant’s company.</p>	<p>See appraisal</p>
<p>There is no dust suppression system described within the applicant’s proposal.</p>	<p>See appraisal</p>
<p>Representee believes some 13 of the 22 conditions have been breached. That “WPA should help protect local residents amenity and not be so totally biased towards applicant at expense of everyone else.”</p>	<p>Not part of this application</p>

## 6. APPRAISAL

The principal issues in respect of this proposal are:

- A. Appropriateness for the location and operation of the wood processing activities.
- B. Environmental aspects –Visual
- C. Noise and Dust
- D. General

### A. APPROPRIATENESS OF THE DEVELOPMENT IN THIS LOCATION

Local residents have queried both the insurance justification aspect together with the necessity for wood processing to take place at all outside the processing building or even at the site.

Members will recall the background to this particular application being discussed at the committee in July 2006 when it considered the storage bay and retention of the sleeper walling.

That there may be an insurance justification is acknowledged as are the local resident concerns and it is around the aspect of environmental acceptance for the outside processing activities that is considered to be the most pertinent question to be answered in respect of this application.

Since the appeal was determined some 5 years ago, waste management handling techniques continue to develop. It is always open to operators to seek to vary planning conditions which amongst other matters has been a result of experience or to accommodate new techniques/aspects of the business interests. The operator has already confirmed that at the time of the appeal they were handling some 5 different waste streams with this having increase to around 30 today.

The NPPF and those other policies referred to in this report, seek to support development where it is considered that such activities are otherwise found to be acceptable in their own right. For existing planning permissions, it is always open to operators to seek to vary conditions to accommodate changes to working practices. It is considered that the question in this particular case is whether a timber processing activity at this particular location is an appropriate and acceptable use of the land in its own right.

At this site, timber is received through the normal importation methods and as part of the operators permitted commercial business activities. Timber handling represents only around 3% of the total waste handling.

The ability to receive, handle and process timber all at one dedicated facility represents an economically sensible activity. Nonetheless, against this must be weighed such environmental impacts that may arise and these are addressed further below.

The timber processing activities comprise principally two aspects; locational; suitability and the physical characteristics arising from receipt, storage and processing.

From a locational aspect the operator has sited the facility in front of the existing recovery building on an existing hard standing and away from sensitive receptors. The positioning allows ease of access from the recovery building and does not prejudice the overall sites working arrangements. Timber can be stockpiled to ensure full loads are available for dispatch. Notwithstanding any insurance considerations, timber stockpiling within the recovery facility would take up valuable space and prejudice the efficient running of the waste handling facility as a whole. Likewise trying to ensure timber was processed and dispatched at a rate to not prejudice the rest of the recovery operations could lead to transport of incomplete loads that would be both uneconomic, inefficient and less sustainable.

On a more general locational aspect, the co-location of the timber handling is complimentary to existing site activities. Were timber to be handled off-site, as suggested by one of the local residents, this could lead to double handling as timber is segregated from the general waste received at the facility and transported off site for further processing. Such activities would not represent the best environmental option; would likely require a suitable site to be available for receipt of timber and in double handling the transport aspects would be likely to be unsustainable.

The provision of the bays would help demarcate the stockpile locations and keep the area tidy, whilst the height of the bays would match the stockpile heights which are themselves governed by the height of the on-site grab machine. The shredder would be positioned such that its operation would have the stockpile and bays between it and the sensitive receptors. The orientation of the shredder would also be such that it faced southward or away from sensitive locations.

In terms of its locational aspects the retention of a timber storage and processing activity at this location in its own right, has not been found to conflict with the principles of WLPA Policies W3A, W8A and DP1 or WLPS policies 1, 6 and 12.

## B VISUAL

The handling of the timber which is a bulky product in its own right has been so positioned that it is not in line of sight from the adjoining sensitive receptors. The proposed construction of the storage area bays would provide a physical demarcation for the activities and as stated earlier the stockpile heights would be restricted and in any event would be within the existing site and would not present a visual intrusion. Neither Place Services (Landscape) nor the Environment Agency have objected.

The visual aspects of the proposal would not be considered to conflict with WLPA Policies W3A, W8A and DP1 or WLPS Policies 6 and 10.

## C ENVIRONMENTAL ASPECTS - NOISE AND DUST

Local residents have referred to both noise and dust impacts arising from the

timber processing activities/bay construction; operating times, vehicle reversing alarms as well as querying the veracity of the applicant's supporting noise reports.

The timber processing is proposed to be undertaken within the existing site's operational working hours and there is no planning justification to restrict the operating periods of the timber processing activities further.

In terms of noise generated from the timber processing the CNC has been in correspondence and discussion with the applicant's acoustic consultant and has received clarification on particular points such that the CNC has no objection to the proposal and notes that the boundary noise levels would be some 10db below the criteria set by condition for the site at 45db.

Notwithstanding the local residents' comments about the perceived noise generation, the noise survey submission has been undertaken in line with accepted noise monitoring protocols by a competent noise consultant. The CNC has responded on the submission and his comments are set out earlier in this report.

In respect of local resident's concerns over dust arisings, there was a previous issue with one of the local residents when some bund works were being undertaken as part of works being taken to address earlier local concerns. It has not been substantiated that off-site dust arising from the timber processing impacts on sensitive receptors has actually occurred.

The Environment Agency, the body that controls the processing element of the timber processing activities under their permitting regime, has not objected to the proposal nor has the CNC when considering air quality aspects. The applicant has stated that *"as you are aware the process currently operated by CSH Environmental comprises a slow speed shredder producing minimum 130mm timber. Once the bund walls are constructed to a height of 6 metres air borne dust is unlikely to cause a problem, however, CSH Environmental are proposing to have a portable water bowser positioned adjacent to the process area connected to an oscillating blower which will be available if required to suppress dust"*.

Whilst it is not considered that the timber processing would be a dust source liable to affect neighbouring receptors the offer of a water suppression source adjacent to the processing activities would provide an assurance that in the event that dust were to arise then the suppression system would address this. A condition could be included should planning approval be forthcoming to address this aspect.

Environmental emissions as a result of the timber storage/processing activities are not considered to conflict with WLPA Policies W3A, W8A and DP1 or WLPS Policies 6 and 10. The timber storage/processing aspects are also not considered to require restrictions being placed on their proposed operating hours.

#### D. GENERAL

The opportunity is given to planning authorities when determining applications made as Variation of Conditions (Section 73 of the Town and Country Planning Act 1990 – Determination of applications to develop land without compliance with

conditions previously attached) to consider such conditions as are necessary allowing review and update of the remaining extant conditions associated with the relevant permission, and any subsequent ancillary permission, to ensure that they are consistent with the application that it is being determined under.

As discussed earlier in this report, the site is likely to be subject to further applications and as a result of these, should planning approval be forthcoming, then the extant conditions of the sites principal permission could be reviewed again at that time.

It is considered appropriate to reiterate comments made in the report to the Committee in July 2016 concerning background aspects to this site in particular that post the Public Inquiry, local residents have been distrustful over how the operator undertakes activities and adherence to planning control. Despite the Inspector's decision and reasoning behind it, the local residents regularly refer, in their correspondence to the WPA and at the liaison meetings, to what was discussed/commitments made at the 2012 appeal.

In seeking to address both parties concerns, the WPA has sought to establish rapport between the parties such as through establishing the liaison meetings. Furthermore the WPA has engaged with the operator to identify and programme the submission of the outstanding schemes to regularise the various matters. It has been a frustrating process and distrustfulness by local residents over apparent disregard by the operator and the alleged slowness of the WPA to planning contravention matters has not helped relationships of all concerned..

Whilst there are matters to regularise, the WPA's approach, in line with guidance and its own enforcement protocol, has been to withhold formal enforcement action whilst encouragement is given to seeking appropriate regularising of activities where such activities are considered in principal acceptable in planning terms.

The operator has discussed, as outlined earlier in the report, at the liaison meetings that subsequent applications are to be expected. Whilst residents have been critical of delays in submissions, this has to an extent been a result of ongoing discussion between the operator and WPA over the specific content details of applications and request for technical surveys, i.e. the noise surveys.

## **7. CONCLUSION**

The storage and processing of timber in a dedicated screened outside location is considered an appropriate activity that does not give rise to unacceptable environmental impacts. The activities are an important and complimentary aspect to the overall waste handling facility activities and are considered a valuable and sustainable recycling asset.

Noise, dust and visual aspects are considered to be appropriate and could be controllable through condition.

The opportunity has been afforded by such a variation of condition application for the WPA to review the extant conditions and these have been set out in the recommendation below.

On balance, the proposal is considered to comply with the relevant policies of the Development Plan taken as a whole and represents sustainable development in the context of the NPPF and accordingly planning permission should be granted.

## **RECOMMENDED**

That planning permission be **granted** subject to:

### 1. Approved Details

(A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/13/11/COL Appeal ref no: APP/Z1585/A/11/2165340) dated 4<sup>th</sup> July 2012 comprising:

#### (a) Drawing Numbers:

- (i) No 220 entitled "Site Layout Plan" dated January 2011
- (ii) No. 221 entitled "Floor Plan" dated December 2010
- (iii) No.222 entitled "Elevations" dated December 2010.
- (iv) No.223 entitled "Administration Offices" dated January 2011
- (v) No. 224 entitled "Maintenance Workshop" dated January 2011.
- (vi) No. 225 entitled "Weighbridge Office" dated January 2011.
- (vii) Landscape 100 entitled "Landscaping Plan" dated January 2011.
- (viii) Landscape 101 entitled "Landscaping Planting Schedule" dated November 2010.
- (ix) Landscape 108 entitled "Cross Sections" dated January 2011.

As amended by those details reserved by condition of planning permission ref no: ESS/13/11/COL:

#### (a) For Material Samples those details set out in:

- (i) Planning application form from Peter Johnson dated 10/07/15 and accompanying:
- (ii) "Span/load table for C19 Wall Profile from Tata Steel dated 2012
- (iii) Colourcoat HPS200 Ultra Tata Steel sample colour: Van Dyke Brown.

#### (b) For Travel Plan those details set out in:

- (i) Letters of the 14th December 2012
- (ii) application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013
- (iii) Letters of 7th January 2013 and 21st January 2013.

#### (c) For External Lighting those details set out in:

- (i) Letters of: the 7th November 2012.

- (ii) Application form dated 7 November 2012
  - (iii) Letter of 12th December 2012
  - (iv) Email of the 20th March 2013 and document entitled External Lighting dated October 2012 and drawing numbers P9306-334-R1 1 of 1 dated 31/10/12 and 137 dated October 2012.
- (d) For Noise Monitoring those details as set out in:
- (i) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 06/10/14.
  - (ii) AAD "Acoustic Report" dated 21/12/12.
- (e) For Sound Insulation those details set out in:
- (i) Letters of 23rd January 2013
  - (ii) Planning application form application form dated 23rd January 2013, and accompanying documents entitled Sound Insulation (Condition 10) dated January 2013 and revision dated February 2014
  - (iii) Letters of 18th February 2014; 12th April 2013; 23rd September 13; 9th December 2013 and
  - (iv) Emails from The Johnson Dennehy Planning Partnership dated 20th May 2013 and 23rd July 2014.
- (f) For Scheme for suppressing or limiting audible noise from warning devices on vehicle those details set out in:
- (i) Letter of the 14th January 2013
  - (ii) Application form dated 14th January 2013
  - (iii) Email of the 4th February 2013 and document entitled "Suppression of Audible Noise" dated January 2013.
- (g) For foul and surface drainage those details as set out in:
- (i) Letters of the 7th November 2012
  - (ii) Application form dated 7th November 2012 and accompanying document entitled Foul and Surface Water Drainage dated October 2012; document entitled Colchester Recycling and Recovery Facility Surface Water Drainage Strategy prepared by Richard Jackson Intelligent Engineering Job No. 44218 dated November 2012;
  - (iii) Letter of 21st November 2012.
- (h) For Habitat protection scheme those details as set out:
- (i) Letters of the 22nd February 2013
  - (ii) Application form dated 22nd February 2013 and accompanying document entitled Habitat Protection

Scheme dated February 2013, drawing numbers Landscape 101/A dated August 2012 and 144 dated January 2013.

- (iii) Letter of 12th April 2013
- (iv) Email of the 3rd May 2013 and 19th March 2013.

(i) For Habitat Management Scheme those details as set out in:

- (j) Letter of the 22nd February 2013
- (ii) Application form dated 22nd February 2013, document entitled Habitat Management Scheme dated February 2013, drawing numbers 136 dated October 2012, 144 dated January 2013, Landscape 100 dated August 2012 and Landscape 101/A dated August 2012
- (iii) Letter of and 12th April 2013
- (iv) Emails of the 15th March 2013 and 19th March 2013.

(k) For Tree and hedgerow Protection Scheme those details as set out in:

- (i) Letter of the 28th January 2013
- (ii) Application form dated 28th January 2013, document entitled Tree and Hedgerow Protection dated January 2013 and drawing numbers 143 dated January 2013 and Landscape 100 dated August 2012

(l) For Landscaping Timetable and Management Plan those details as set out in:

- (i) Letter of the 13th September 2012
- (ii) Application form dated 13th September 2012
- (iii) Email of the 9th November 2012, document entitled Management Plan and Landscape Timetable dated August 2012 and drawing number Landscape 100 dated August 2012.

(m) For Archaeology those details set out in:

- (i) The 'Archaeological Investigation' (reference: PRJ/SS/1104), dated August 2012 subject to the field work, publication and archiving being completed. And the following note attached to the determination letter that "in accordance with the advice from Essex Council's archaeological officer (email dated 26/10/12) and the requirements of the condition, the condition shall not be fully discharged until. In previous communications with yourself it was indicated that this work is scheduled to commence week beginning 5 November 2012 and it is expected that Essex County Council (planning and archaeology) would be kept fully informed throughout".

(n) For the Storage of Empty Skips and Waste Containers and Parking of HGVs when not in use those details as set out in:

- (i) Letters of the 14th January 2013
- (ii) Application form dated 14th January 2013, document entitled Storage and Parking dated January 2013 and drawing numbers 128/B dated November 2012 and 130/B dated January 2013
- (iii) Letter of 22nd April 2013
- (iv) Emails of the 4th February 2013, 20th May 2013.

(o) For Materials to be used for all hard surfaces those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Surfacing Materials dated October 2012 and drawing number 138 dated October 2012.
- (iii) Email of the 18th December 2012,

(p) For Proposed Bunding or Mounding those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Earth Bunding Details dated October 2012 and drawing number 139 dated October 2012.
- (iii) Email of the 18th December 2012.

(q) For Ancillary Works Timetable those details as set out in:

- (i) Letter of the 14th December 2012,
- (ii) Application form dated 14th December 2012, document entitled Ancillary Works Timetable dated December 2012 and drawing numbers 139 dated October 2012, 140 dated December 2012, 141 dated December 2012 and Landscape 101 dated August 2012.
- (iii) Email of the 21st January 2013

(B) As amended by the Non Material Amendment for the Welfare Building as set out in:

- (i) Planning application form from Peter Johnson dated 11/05/16 and accompanying
- (ii) Drwg No: 157 entitled "Staff Welfare Accommodation" dated Feb 2016
- (iii) Drwg No: 163 entitled "Recycling and recovery Facility Non Material Amendment Staff Welfare Facilities" dated May 2016.

(C) As amended by the planning application  
ESS/21/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 16/05/16 and accompanying Supporting Document entitled "Variation of Conditions 04 & 23 "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 158 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iii) Drwg No: 159 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iv) Drwg No: 165 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/ Dry Storage and Containment Walls to Northern Boundary" dated May 2016.
- (v) Drwg No: 166 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/ Dry Storage and Containment Walls to Northern Boundary" dated May 2016.

As amended by the e-mail from Johnson Dennehy Partnership (Peter Johnson) dated 20/06/16 and 3 page planning justification ref no: PRJ/SM/1104.

(D) As amended by the planning application  
ESS/29/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 08/07/16 and accompanying Supporting Document entitled "Variation of Condition 06 (Waste Handling) "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 155 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" dated Feb 2016
- (iii) Drwg No: 156 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" (Isometric View of Storage Bays) dated Feb 2016
- (iv) Drwg No: 162/A entitled "Recycling and Recovery Facility Variation of Condition 06 Timber Recycling Compound" dated May 2016.
- (iv) Letter from AAD Applied Acoustic Design dated 3<sup>rd</sup> October 2016 entitled "Acoustic Survey Note".
- (v) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 18<sup>th</sup> October 2016.

Availability of Plans



For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

### Noise

5. Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level(LAeq, 5 min):
  - (A) (i) the pre-existing background level (LA90) plus 5dB; and  
(ii) the average residual level (LAeq 5 min) plus 1dB.
  - (B) During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (L.Aeq,1hr).
  - (C) The frequency of monitoring shall not be less than once every three months.
  - (D) The monitoring scheme shall be implemented as approved.
  - (E) All noise measurements carried out in connection with this condition shall be undertaken In accordance with the guidance contained in BS4142:2014.

### Waste Handling

6. All waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building; and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.

### Waste Types

7. All waste materials brought to the site shall be either from commercial and Industrial sources or from construction and demolition sources. No waste materials of any other kinds shall be brought to, or accepted or handled at, the site. Records shall be kept of the source and nature of each load of waste material and those records shall be made available to the Waste Planning Authority on request.

### Waste Throughput

8. The maximum quantity of waste materials handled at the site within any 12-month period shall be no more than 50,000 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

### Boundary Maintenance

9. The site perimeter fence/demarcation shall be maintained, in accordance with those details in Condition 1 of this permission that provides for their design and installation, during the life of the waste transfer activities.

### Dust Suppression

10. Within one month of the date of this permission, a water bowser and connected oscillating blower shall be positioned at the timber processing bays and shall be used in dry weather periods to suppress dust when the wood shredder is operational. Without prejudice to the foregoing, the water bowser and connected oscillating blower shall be used continually when the wood shredder is operational when, without water suppression, the prevailing wind speed and direction would cause dust to escape the site.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to/within distance to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

## **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE**

## **APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

COLCHESTER – CONSTABLE