

APPROPRIATE LOCATION FOR FUTURE EXPANSION OF ACTIVITIES AND POLICY GUIDANCE.

At the time of determination of the recent application for the provision of the new building the Committee report considered under the "Appropriateness of the Development in this Location" appraisal section the setting of the business. It reported that:

"The current CSH facility, approved on appeal, has since developed into a successful business with an established market serving both business contracts through the "dust cart" collections as well as skip hire.

Throughout the history of this site, there has been concern expressed from the local community as to the suitability of siting such a business in this particular location. The implications of the siting aspect were issues considered at the earlier planning appeal and ultimately considered acceptable to the Planning Inspectorate when it granted approval for this permanent waste management facility. The subsequent growth of the business has taken place against that original scheme.

Subsequent decisions taken by the Waste Planning Authority concerning use of various parts of the site such as storage bays or wood processing has been set against the fact that such proposals have not in themselves sought to increase either site throughput or HGV movements.

A backdrop to some of the various development requests in the history of this site, post appeal, has been third party expressions that the facility has not abided by its original conditions and that the operators has sought to ignore the conditions and do what they please.....

..... there is no intention through this planning application to seek additional tonnage throughput, extend the normal site operating hours nor seek additional increases in HGV movements.

The planning system exists to support development opportunities where that development is acceptable in land use planning terms and where considerations of the potential impacts do not override.

A number of representees consider the facility to be inappropriate and set within a rural setting. Whilst this may be so, there is the permanent planning status attached to this development site as noted earlier. The facility does exist in a rural setting, however it is also acknowledged that nothing is permanent and the rural area is not immune from change and development. Two small established industrial estate footprints lie immediately to the west of the existing facility and these have been established prior to the current CSH facilities being developed. A former chicken factory is located to the north west whilst a large crisp manufacturing complex and associated anaerobic digester unit lie immediately west of Fordham Road at Fairfields Farm. Beyond the crisp plant lies a former airfield which is used for leisure flying.

Such other industrial/agricultural business initiatives in the locality sit alongside the agricultural landscape and tempers the "rural" feel that the local community feel for this area.

As with any development aspirations these have to be balanced, as in this particular case, the environmental aspects including the consequences of the “rural dilution feel”; that the facility has a permanent waste management facility status but also the policy implications that stand to guide development.

National planning policy guidance has at its heart the delivery of sustainable development and resource efficiency. For waste management, and to secure the nations waste ambitions, the driving of waste management up the waste hierarchy is a key aspect of contributing to the sustainability goals.

.....The Waste Management Plan for England sets out the principal commitment “towards moving beyond our current throwaway society to a ‘zero waste economy’ in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort. It means reducing the amount of waste we produce and ensuring that all material resources are fully valued – financially and environmentally – both during their productive life and at ‘end of life’ as waste. The benefits will be realised in a healthier natural environment and reduced impacts on climate change as well as in the competitiveness of our businesses through better resource efficiency and innovation – a truly sustainable economy”.

The national planning policy for waste sees positive planning as contributing to the nations waste ambitions through:

“delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy.....;

ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;

.....helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and - ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste”.

Seeking to achieve higher sustainability should not however come at the expense to the local environment through say a marked increase in tonnage throughput and/or additional HGV generation. Such implications could, in the case of this particular location, be considered detrimental to the local amenity and hence conflict with policy guidance.

The present application is seeking neither of the above aspects; more that of provision of a new building and rearranged car parking facilities. As such the proposal is not regarded as introducing additional “intensification” of development by way of tonnage increase/additional waste streams/operating hours or HGV increases”.

A number of those observations are pertinent to this present application. In policy terms the NPPF and NPPW set the basis for the planning system to support sustainable development opportunities where that development is acceptable in land use planning terms and where considerations of the potential impacts do not override. It is clear from the above comments and the policy guidance that this proposal introduces a conflicting social objective prejudicing the health/social wellbeing aspect of those communities adjacent to and within the locality of, this facility.

The NPPF in paragraph 180 requires that new development needs to be appropriate to its location and takes account of *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*

Likewise, the NPPW whilst seeking to support the waste management programme balances this “without endangering human health and without harming the environment”. For waste planning authorities in determining waste related applications that consideration is given to the “impact on the local environment and on amenity against the criteria set out in Appendix B [within this criteria list is that of noise, light and vibration arisings including that of HGV movements] as well as ensuring that waste management proposals are “well-designed, so that they contribute positively to the character and quality of the area in which they are located.”

This present proposal is considered to be a significant change from the previous applications by introducing an element of expansion, in terms of the extended time period now being sought, of waste management activities within a rural setting. Such introduction would not protect nor enhance the amenity of the locality nor safeguard the quality of life of sensitive receptors.

Whilst the applicant may not be seeking a physical “switching on” of the main recycling activities before the official site operating times; the arrival and preparation activities of site personnel associated with the HGV transport would introduce consequential noise, lighting and traffic implications. These aspects are set out further below.

Extending the time period of the “operational day” would further contribute to the feeling of creeping development and “rural dilution” by the community. The Inspector at the earlier public inquiry set the scene for this waste management facilities presence in its current form by considered the location as being suitable for waste management purposes.

Both the Inspector and the more recent committee report for the new building noted that the locality was predominantly rural. The committee report for the new building in its support for that proposal noted that previous determinations of planning applications in respect of this

facility, i.e. the wood processing etc where themselves not introducing either throughput increases nor additional HGV movements.

This present application does prejudice that earlier support. This early morning additional activity would represent an unacceptable and noticeable dilution to a rural location at the expense of the community. This waste management facility now with the new building approved could be considered to have reached its natural growth state and further expansion, whether physical build or intensity, through increasing operation periods and movement numbers is not appropriate to this location.

In consequence of this assessment the proposals are not considered to be appropriate; represent an intensity of use and to conflict with Policy 10; DP1; the emerging Policy SP1 and not to be an appropriate setting nor contributing to sustainable development in the light of the NPPF and NPPW.

ENVIRONMENTAL ASPECTS –NOISE

This site has been subject to noise restriction conditions and periodic noise monitoring. The County Noise Consultants has recently considered noise related aspects at this site as part of the consideration of the recent planning application report for the new building (ESS/09/18/COL). The CNC at that time expressed concerns over the suitability of the extant noise limits imposed through appeal on the site. And whilst, in the context of the new building accepting the limits, the CNC expressed concern over their robustness for safeguarding amenities and that in a standalone application would be seeking consideration of proposals through more relevant noise assessment criteria.

The CNC in considering this present application has commented that *“The applicant has not submitted any baseline noise monitoring data in support of the application. It shall be noted that our consultation response of 16/09/19 regarding compliance monitoring submitted under ESS/13/11/COL/9/3 highlighted that compliance with noise limits set for the early morning 0600-0730hrs period has yet to be demonstrated and requested that the next monitoring visit includes this period.*

We are unaware of any baseline monitoring data characterising the noise levels experienced by nearby receptors covering the 0530-0730 hrs period. It is noted that the planning conditions imposed by the appeal (and replicated by subsequent permissions), for part of this time period, refer to exceedance of background and ambient noise levels, rather than set absolute noise limits.

The site is located in a predominantly rural area, and night-time noise levels (23:00 to 07:00 hours) are therefore expected to be low when compared with more urban areas. Local roads are not expected to be heavily trafficked. No information has been submitted regarding existing traffic flows on local roads during the early morning period.

A noise monitoring exercise conducted jointly between Jacobs and AAD in December 2017 included an afternoon period of approximately 45 mins when operations at the site ceased. At a location representative of Rees Farm, the background noise levels measured during this period ranged from 25-36dB $L_{A90\ 1min}$, and the ambient noise levels ranged from 29-50 dB $L_{Aeq\ 1\ min}$. It is acknowledged that early morning noise levels are likely to differ from these values; however, they do demonstrate that early morning noise levels in this area are

expected to be comparatively low.

Noise Assessment

The proposals have the potential to extend noise generating activities further into the night-time period by commencing prior to 0530hrs, and intensify activities during the consented 0600-0730 hours period.

With respect to the proposed increase from 6 movements to 10 movements during both the 0600-0700 and 0700-0730 hrs periods, it can be concluded that if all other factors remain unchanged an increase in site related HGV noise of over 2dB(A) would occur. However, compliance with the existing planning conditions, and an assessment of the full extent of any potential effect on ambient noise levels cannot be established without baseline noise measurement data for these time periods.

In the absence of any noise assessment information submitted by the applicant, we have undertaken our own indicative calculations to predict possible noise levels at Rees Farm and a residential bungalow situated approximately 800m east of the site on the B1508. This bungalow is located approximately 6m from the nearside carriageway edge.

Our calculations used a methodology based upon guidance presented by BS5228-1:2009+A1:2014, and consider noise emissions from HGV movements and engine running only. Two scenarios have been considered – a ‘worst case’ and ‘best case’. The assumptions used in each case are presented below:

- *Worst case:*
 - *Highest HGV noise emission level from BS5228-1:2009+A1:2014;*
 - *6 movements in 5 minutes (0530-0600hrs if all 6 movements occurred in 5 mins, all of which exit by turning right);*
 - *HGVs parked in north western area of the site;*
 - *Screening to Rees Farm provided by on-site structures assumed to be 10dB(A);*
 - *On-site HGV speed of 10kmph; and*
 - *Public highway HGV speed of 48kmph.*
- *Best case:*
 - *Lowest HGV noise emission level from BS5228-1:2009+A1:2014;*
 - *1 movement in 5 minutes (assumes 6 movements 0530-0600hrs spread evenly and all exit by turning right);*
 - *HGVs parked in area north east of weighbridge on the site;*
 - *Screening to Rees Farm provided by on-site structures assumed to be 15dB(A);*
 - *On-site HGV speed of 15kmph; and*
 - *Public highway HGV speed of 64kmph.*

Predicted noise levels from HGV movements only occurring within the site for Rees Farm range from 27 dB $L_{Aeq\ 5mins}$ for the best case to 59dB $L_{Aeq\ 5mins}$ for the worst case. Noise from a single HGV engine running could range from 36dB(A) under the best case to 62dB(A) under the worst case. It is considered likely that there will be periods when more than one HGV engine is running at a time. Noise levels would increase by 10dB(A) if 10 HGV engines ran simultaneously.

In the absence of early morning baseline data, reference has been made to the afternoon baseline data to generate indicative noise limits for Rees Farm in accordance with the existing planning conditions. These limits could perhaps range from 30-51dB(A). Whilst the best case predictions may comply with these possible noise limits, it is clear that the worst case predictions would exceed them.

Reference has also been made to absolute noise level guidelines taken from published guidance documents. It is acknowledged that the best case predicted noise levels are below relevant sleep disturbance thresholds from BS8233:2014 and the 1999 WHO Guidelines for Community Noise; however, the worst case predictions substantially exceed these criteria. Furthermore, additional noise would be generated by the other activities identified above.

Predicted noise levels at the bungalow from the proposed HGVs using the B1508 could range from 52 to 74 dB $L_{Aeq\ 1hr}$. Noise from a single HGV engine running at the closest point to the bungalow could range from 79 to 89 dB(A). These noise levels are above relevant sleep disturbance criteria; however the full extent of any potential effect cannot be established in the absence of baseline traffic flow or noise measurement data.

Conclusion

It cannot be confirmed that the proposals can comply with the existing planning noise limits detailed by Condition 12 of ESS/09/18/COL for the early morning period. Furthermore, it has not been demonstrated that relevant sleep disturbance criteria would be met, nor that the proposals would not alter the existing baseline conditions.

We are therefore unable to support this application at the present time and recommend its refusal unless the applicant submits a noise assessment which demonstrates, in accordance with the National Planning Policy Framework and Noise Policy Statement for England that the proposals will have no significant adverse impacts on health and quality of life for local residents and that any adverse impacts on health and quality of life are mitigated and minimised. Furthermore, compliance with the existing planning conditions should also be demonstrated”.

A number of the aspects expressed the CNC are reflected in the received objections expressed by the third parties. The locality is in a rural setting, and whilst there are industrial style infrastructure in the locality as reported in the last report on ESS/09/18/COL these activities are not the ones beginning their transport activities at such early operating times as the applicants and furthermore not seeking even earlier operating movements as now being proposed.

The ambient noise levels at these early morning periods are low a reflection of the localities rural setting. Such disturbance being created and experienced by third parties is demonstratable of the impacts even earlier working times would introduce through both weekday and weekend periods. Third party concerns over the associated activities of site personnel arriving and preparing vehicles together with the engine warming up in the yard is a concerning issue. The experience of vehicles exiting, and accessing, the site as has been witnessed during the early morning monitoring visits.

It is considered that the ambient levels are low for this night time/early morning period and sensitivity of local residents has already picked up on the disturbance aspects arising from HGV activity both within and outside the site.

The Planning Inspector at the time of the earlier referred to public inquiry reported that “All of the area is very rural in character, and many parts have an evident sense of tranquillity”. Further saying “The appeal site is by no means an ideal site for waste management”. In balancing his considerations the Inspector concluded that “the benefits of the development would significantly and demonstrably outweigh the harm, and that planning permission should therefore be granted”. Such permission was granted with conditions related to noise generation; the sites operational times and HGV movements; the HGV implications are addressed further below.

In respect of noise; the reasoning behind the Inspectors noise condition was “The conditions that I have imposed requiring waste operations to be carried out inside the building, and relating to the hours of work, noise, sound insulation, and audible warning devices, are all necessary to prevent unacceptable impacts on neighbours”.

The CNC has expressed their objection earlier in this report and the low ambient noise levels pertaining to the locality representative of its rural locality.

No supporting noise assessment addressing either onsite or off site noise generation issues has been made. Notwithstanding the production of a noise assessment survey for the extended night time/early morning period it is unlikely that suitable mitigation could be forthcoming to ensure that noise levels are within acceptable limits. Physical mitigation measures themselves would likely need to also be considered and these in themselves could prejudice planning issues of landscape/visual impact in their own right.

Notwithstanding these aspects it is considered, from observations and representee reports that conveying does take place, that suitable noise mitigation measures could not be introduced to mitigate the intrusion to acceptable levels or that suitable control could be imposed and adhered to limiting HGV start ups to one at a time without further consequential aspects of extending further the site start up times to accommodate individual HGV preparations.

On balance with consideration into: the noise implications for both the site personnel activities arriving for the preparation of the HGV's; warming up process and the impacts HGV's trafficking the public highway during these late night/early morning periods it is at the expense of prejudicing local residential amenity.

Such proposals are therefore considered contrary to Policies WLP 10; 12; DP1; emerging policy SP1; the NPPF and NPPW.

LIGHTING

A recognition of the applications sites rural setting and its tranquillity has been outlined earlier. This location being in the countryside also exhibits very little lighting pollution. The existing site has in place a lighting scheme comprising outside security lighting fixed to the waste management buildings. This lighting has generated in the past concerns expressed from adjoining residents concerning the glare/lighting times impacting their amenities. Whilst

such concerns appear now to have stopped, the Waste Planning Authority are aware that local residents have in the past not always notified the relevant Regulatory body when issues have occurred; and so necessitated a review of such factors as the installed lighting coverage/operating times. The provision of the lighting at the facility, whilst it may not be appearing to spill outside of the site boundary, it is noticeable in the low light environment to local residents and from the public highway/footpaths.

To neighbours this lighting is on their boundary and visible. Introducing even earlier timings for activities within the facility would necessitate lighting to aid safe access and movement around the site. This introduces, along with the general noise and associated movements of personnel, the lighting up of the facility at the expense of the peace and tranquillity and further light disturbance to local resident amenity.

Furthermore, as recognised by the County Ecologist and supported by the County Lighting Consultant, there is the unquantified impact on wildlife interests such as bats and other nocturnal animals.

Introducing further lighting intrusion into this intrinsically dark countryside location with potential disturbance to local residents amenity and wildlife interests would be contrary to contrary to Policies 10; 12; DP1; emerging Policy SP1; the NPPF and NPPW

TRAFFIC

The applicant has sought the application for extended hours and increasing the early morning HGV movement on the basis of seeking flexibility. The extant operating times and HGV movement restrictions were set by the Inspector at the inquiry. These were imposed to prevent unacceptable impact on neighbours and in respect of the movement frequency for highway safety.

Whilst it has in the past been acknowledged that the applicants business has been successful it has also been recognised that the location for the business is not ideal especially for future expansion aspirations.

Under this present application the applicant has sought to increase the movement of HGV's during the previously restricted early morning operating times from the present 6 movements to 10 whilst keeping the overall daily movement totals unchanged.

That this application has arisen in the first place, as a consequence of monitoring demonstrates the "creeping expansion" of this facility. Whilst the Highway Officer may not be objecting on this application, road capacity at the times being proposed is not surprisingly very tight. However, that this is so is illustrative of the fact this is a rural location where at those late night/early morning periods, local residents either adjoining the facility or along the routes taken by the applicants traffic should be able to experience quietness and not the disturbing effects site personnel arriving; preparing and then convoying along the roads that has been both witnessed and reported by local residents as having to endure.

It is important to note that this convoying effect demonstrates the unlikely ability of the applicant if they were to try and control HGV preparation to the individual levels highlighted by the CNC to even be able to attempt minimising noise disturbance. Furthermore, the disturbance caused through the convoying with vibrations and body slap of chains etc

further deprives local residents and the wider community an acceptable environment.

A further aspect which has come out of this monitoring and subsequent planning application has been the early morning visiting to the site of third party HGV's. The Planning Inspector at the time of the appeal conditioned that site generated HGV movements were to be restricted to outbound vehicles only before the 07:30 period. It appears from the Inspectors decision notice that the provision for third party vehicles was not considered. That there are movements into the facility at such early morning periods exacerbates the disturbance experienced by the community and raises the question of the adequacy of the applicants control of HGV movements associated with the site and such early morning sensitive periods.

In considering the traffic element of this proposal it can be considered that seeking to both extend the movement activity period of HGVs into the night time/early morning period whilst also increasing the movement numbers before the 07:30 would prejudice the amenity of local adjoining residents. Further, that the conveying of HGV's from the facility would, and are, causing disturbance to both adjoining residents and communities taken by the applicants HGV traffic. Such reported, and monitored conveying are a breaching of the limits set by the extant conditions seeking to restrict movement numbers.

No consideration has been proposed in addressing visiting third party HGV traffic before the 07:30 site operating times and this omission reflects the applicants further disregard to the planning permission conditions already in place. It is not considered that the applicant can suitably control such visiting traffic which further exacerbates the disturbance the local community are having to face from having a waste management facility open at such later night/early morning periods.

Traffic implications are therefore considered contrary to Policies 10; 12; DP1; emerging policy SP1; the NPPF and NPPW.

CONCLUSION

This application has resulted from site monitoring of the situation by the Waste Planning Authority and the only support in the subsequent application for the extended period being that the applicant wishes flexibility in their HGV movement times.

The report has shown that the waste management facility is located within a rural setting where further expansion of the development is now considered to be outgrowing its locational setting. That local residents and the community have had concerns about the noise and lighting emanating from this facility in the past. Also that such activities as noise and traffic were recognised by the Inspector at the time of the earlier Public Inquiry, into what is now the present waste facility, and where specific subsequent controls were imposed to control noise; operating hours, lighting and HGV movement times. These controls were imposed by the Inspector who recognised the need to safeguard the amenity of neighbours and highway safety.

The report has considered the policy guidance of the NPPF and NPPW where the specific thread of sustainable development is supported but not at the expense of detriment to the community and quality of life. The environment of the location at the times against which the application proposals would be taking place is considered very tranquil and there has been

a history of local resident concerns expressed over noise; lighting and traffic aspects previously.

The report considers that seeking now to extend those operational periods into what is considered to be a low ambient environment is being proposed without any supporting assessments nor clarification justifying the need for the flexibility.

The report considers that this introduction of site personnel and their activities in preparing the HGV's at earlier periods would impact unacceptably and prejudice the quality of life of local residents.

The report considers that the consequence of the earlier site start up introduces the lighting element and this further diminishes the enjoyment expected by local residents when they could reasonably expect a non operational facility impacting their quality of life. Furthermore, the introduction of such earlier lighting is likely to have impacts on nocturnal wildlife and the environment which has likewise not be assessed.

The report has found that both monitoring and representees have noted convoying of HGV's around the 0600 hour period and that such trafficking has introduced both vibration and noise disturbance to residents along the routes taken by these vehicles. The report has found that this convoying during the times identified reflect a breaching of the extant conditions related to HGV movements from the facility The report has not found any confidence that the applicant could or would control HGV movements even to the revised frequency now being proposed. Movement of third party HGV's into the facility before the 07:30 site operational period has also been raised and is likely to be contributing to local disturbance and control over these is also questioned.

The report finds that the application introduces activities which are not considered appropriate nor sustainable such as to overcome the impact on the quality of life of local residents and those communities the passage of HGV's in their trafficking activities inflict. That the introduction of earlier site activities would introduce the need for use of site lighting the impact of which on nocturnal species being potentially prejudiced and the application not providing any assessment nor mitigation of these interests. Taken together the report finds that the proposals are contrary to adopted policy and the NPPF and NPPW.