

Planning and Regulatory Committee
Tuesday, 12 June 2007, County Hall, Worcester (10.00am)

Minutes

Present:

Mr N Knowles (Chairman), Mr R C Adams, Mrs S Askin, Mr T J Bean, Mrs G E Blackmoor, Mr M H Broomfield, Mr S J M Clee, Mr E Harwood, Mr P A Mould, Mr R J Farmer, Mr W G Stewart, Mr G C Yarranton.

Messrs A E Davies, C T Smith, J H Smith, Dr G H Lord and Mrs E B Tucker were also in attendance.

Available papers:

The members had before them:

- A. The Agenda papers and appendices referred to therein (previously circulated);
- B. A copy of the summary representations (previously circulated);
- C. The Minutes of the meeting held on 15 May 2007 (previously circulated).

A copy of documents A and B will be attached to the signed Minutes.

**537. Named
Substitutes
(Agenda item 1)**

Mr S J M Clee for Mr R A A Bullock.

**538. Apologies/
Declaration of
Interests
(Agenda item 2)**

Apologies were received from Mr R A A Bullock and Mr W E Moore.

There were no declarations of interest.

**539. Public
Participation
(Agenda item 3)**

Those presentations made are recorded at the Minute to which they relate.

**540. Confirmation of
Minutes
(Agenda item 4)**

RESOLVED that the Minutes of the meeting held on 15 May 2007 be confirmed as a correct record and signed by the Chairman.

541. Proposed construction and operation of a Co-mingled Material and Reclamation Facility at Area 7, Industrial Park, Norton, Near Worcester (Agenda item 5)

The Committee considered an application for the construction and operation of a co-mingled materials reclamation facility (CMRF) at Area 7, Industrial Park, Norton, near Worcester. Kerbside collected materials collected from households consisting of paper, cardboard, plastics, cans and glass would be brought to the CMRF for separation, sorting and packing and sent to recycling facilities elsewhere. No other wastes would be managed at this facility.

The report of the Director of Planning, Economy and Performance contained in the agenda papers set out the background to the application; details of the proposal; a summary of the issues; relevant planning policy; the Waste Strategy for England 2007; Worcestershire County Council Municipal Waste Management Strategy Policy; details of the site; a summary of the comments from statutory consultees; and a summary of the representations including those of the J7 Waste Action Group.

The report also included the Director of Planning, Economy and Performance's comments in relation to the screening and environmental statement; health issues; policy and procedure issues; traffic and highway safety issues; impact on amenity, landscape and ecology; hours of working; and alternative sites.

The Director of Planning, Economy and Performance gave a full presentation on the report to the Committee.

The Director of Planning, Economy and Performance reported that members of the Committee had visited the site. They had observed the access to the site, the approach roads, the location of the adjacent properties and the site of the proposed Norton Parkway Interchange.

He added that since the report had been written the following additional correspondence had been received:

- a letter from Michael Spicer MP enclosing a letter from his constituent Mr M Reeves. The letter from Mr Reeves suggested Hill and Moor Landfill site was a better location for this proposal and that existing waste handling sites should be considered first. Attached to his letter were copies of correspondence from West Mercia Constabulary and a transport consultant, both of which had been previously submitted to the County Council
- an email from Mrs. Arrow with concerns regarding highway safety and noise
- a letter forwarded by Mr R A A Bullock from J7 Waste

Action Group which raised a number of issues but in particular reiterated the point that the application was premature pending the adoption of the Waste Core Strategy and offering to join any waste forum to discuss the matter

- confirmation from Wychavon District Council that they had written to Morganite Construction to withdraw the previously granted hazardous substances consent in respect of the storage of propane gas
- a 94 page document from the J7 Waste Action Group with an analysis of the agenda report reiterating their previously expressed concerns and that the County Council had not considered the application properly
- a letter from Mr. David Hallmark (received at 5.00 pm on 11 June) requesting that the matter be not considered at this meeting and stating that he intended to apply to the High Court to commission an Environmental Impact Assessment/Traffic Impact Assessment
- a letter from Mr Paul Middlebrough, the District Council representative for the Drakes Broughton Ward (which the Director of Planning, Economy and Performance read out in full), expressing concern that some of the objections had detracted from the safety issues arising from the anticipated scale of traffic movements to and from the proposed plant along the B4084 and Woodbury Lane. Accommodating the level of heavy vehicle movements at the junction of Woodbury Lane and the B4084 required major engineering works including:
 - Splays to the junction needed to be built to provide better visibility and safer filtering for traffic joining and leaving the B4084
 - The hump back on the railway bridge on the B4084 over the Birmingham to Bristol railway line needed to be levelled out to provide visibility
 - The hedge line for 200 metres on the B4084 coming from Worcester needed realigning to improve visibility.

He added that if all of these engineering works were not done then traffic movements into and out of Woodbury Lane on the scale envisaged would be chaotic and unsafe. Without conditions incorporating these three engineering prerequisites, permission should be refused.

The Principal Solicitor representing the Head of Legal and Democratic Services advised that the Section 106 Agreement, entered into by the County Council and the owners of the site for the routeing of all vehicles associated with the development, had now been completed. In response to the letter from Mr. David Hallmark received on 11 June, he commented that the issues raised had been addressed either in the report or in correspondence with Mr. Hallmark. He reiterated that the screening opinion adopted by the Council was to the effect that the development was not EIA development and therefore that an environmental statement was not required. He therefore advised that it would be inappropriate to defer consideration of the application on this basis.

Mr Morgan, an objector to the application on behalf of the J7 Waste Action Group, addressed the Committee. He argued that the application should be refused and was especially concerned that a Traffic Impact Assessment (TIA) had not been completed. The J7 Waste Action Group had undertaken their own traffic count which had concluded that the Council had underestimated vehicle usage and lorry movements. There was no excuse for putting people's lives at risk. The noise assessment had been based on assumption not fact. The noise of breaking glass and the beepers of reversing lorries would be heard by nearby residents. There were no other developments of a similar nature without an EIA. Not only would there be a risk of air pollution to those employees working on the site but also to nearby residents. Vehicles would be making unnecessary journeys to and from the site at great financial and environmental cost. The Council appeared to be ignoring its own policies.

He concluded that the application should be refused on the basis that it was a danger to public health, put lives at risk, the traffic implications, the environmental issues and that the proposal was in the wrong location.

In response to questions raised by members of the Committee, Mr. Morgan argued that there were properties affected by the application within 40-50 metres of the site. The narrowness of the footpath and the proximity to lorries travelling along the Woodbury Lane had safety implications for anyone using the footpath.

Mr. Reeves, the Chairman of Norton Parish Council, an objector to the application addressed the Committee on behalf of a local resident, Mr Wilson. He commented that the Council was the deciding body, yet also had a strong vested interest in the establishment of this plant. This appeared to be a complete contradiction and set a scene of

double standards.

This application was very far removed from the existing consent for B1 and B2 units. The existing consent would have much less visual impact on the rural scene. With a CMRF Plant, vehicle movements posed a greater threat to road safety, noise and access, than a number of small vehicles which might arise from the existing planning permission. Concerns regarding the environment, homes and families had not been addressed. The denial of an independent TIA or EIA only served to portray, at best, a cavalier attitude by the Council, which was not acceptable.

The development would have a detrimental impact on the infrastructure and rural scene when Worcester Parkway Station was erected, being immediately adjacent to this site.

Odour attenuators were being installed at the plant of a similar nature in Cardiff. This was in addition to other measures which had been reported to the representatives of the objectors on their visit to that facility.

It was inconceivable that such a development should be allowed to proceed in such close proximity, and elevated position, to residential homes and a palliative care home for the elderly. The application should be rejected and the Council reconsider its options including the use of the existing landfill site at Hill and Moor. It was essential to have open discussion with local communities and councils before the application was made so that all concerns and interests were seen to be dealt with openly and fairly.

In response to questions raised by members of the Committee, Mr. Reeves made the following additional points. He stated that at present, traffic built up at peak periods and the local road network was generally used as a rat-run by motorists. Approval of this application would mean that traffic and noise would be a problem for 16 hours a day rather than at peak periods as at present. Problems had been experienced with smells and dust emanating from the existing development (Morganite). The problems had reduced over time but still existed. He confirmed his view that Norton Parish Council had not been formally consulted on the application. He was disappointed that the Council had not responded more positively to the findings of the independent traffic assessment.

Mr. Reeves handed in a petition from local residents containing 1531 signatories to the Chairman objecting not only to the size and siting of the proposed plant but equally to the way the application was contrary to many of the Council's policies, the lack of full and proper consultation, or an EIA or TIA and a resistance to discuss and debate the issues openly and honestly.

Mr Barber on behalf of Severn Waste Management, the applicant, addressed the Committee. He stated that the case had been made for the need for the facility and the strategic importance of its location. It was located in the right place at the right time. The proposal fully conformed with local and national planning policies, regarding the proven need, recycling objectives and location. In comparison with the existing planning permission for industrial/office units at the site, the CMRF would have less impact.

In terms of traffic routing and mitigation, there would be a substantial improvement on what was currently permitted. It had been anticipated that there would be no significant adverse effects on the amenity of local residents and this was borne out by the response of technical consultees. No HGV movements would be allowed through local villages and the vehicles could be fitted with Geographical Positioning System (GPS) technology to ensure that this was adhered to.

In response to questions raised by members of the Committee, Mr Barber made the following points. He had no objection to fitting GPS technology into the HGVs using the site, should the Committee deem it necessary. Economies of scale dictated that the development needed to be of a sufficient size to be economically viable. The findings of the report commissioned by the Waste and Recovery Action Group had supported this argument. The provision of an additional plant in Herefordshire would not improve the traffic situation in the locality because it was anticipated that vehicles from Herefordshire would still need to access the M5 corridor. Should the application be approved, he would be happy to meet a group of local residents on a regular basis to keep them informed about the site.

Mr. Roberts, the agent acting on behalf of the applicant, explained that the traffic comparison statistical information used to determine vehicle movements, had been taken from a nationally approved database. Indeed the independent traffic consultant, commissioned by the objectors had accepted the validity of these findings.

In the ensuing debate, the following principal points were raised:

- the local councillor welcomed the site visit which had given members the opportunity to take a comprehensive look at the site and the surrounding road network. He encouraged members to take into account all the relevant material planning considerations associated

with the proposal. It was important that consideration focussed on recycling/sorting issues and that a differentiation was made between fear and fact. Members should also bear in mind the views of all those who had made representations, the proximity of neighbouring properties including the nursing home, the traffic implications and whether the proposal was in the correct location

- the surrounding road network, apart from the B4084 was totally unsuitable for use by HGVs. It was important that HGVs were monitored to ensure that they did not travel anywhere other than the stipulated routes. This could perhaps be achieved with the use of GPS technology. It was asked whether it might be appropriate to add a condition to the planning permission to enforce the routing agreement through the use of GPS technology. In addition, the applicant should be requested to incorporate a clause in their employees' contracts and any agreements with sub-contractors to ensure that the appropriate routes were used
- the representative of Environmental Services explained that the Section 106 Agreement prohibited vehicles from travelling along any other routes than those stipulated. He acknowledged that GPS technology could be used as a means of assessing the movements of vehicles.
- the Principal Solicitor representing the Head of Legal and Democratic Services advised that because the routeing of vehicles did not relate to the site itself, it was not appropriate to use a condition on the planning permission to control this matter, hence the decision to enter into a Section 106 agreement with the owners of the site. Whilst members could decide to impose a "Grampian" condition to ensure that before any development was commenced, a particular course of action would need to be carried out (which was the case with the proposed condition regarding highway and traffic measures), he proposed in this case that the grant of permission should be subject to the completion with the applicant of a formal agreement for the enforcement of the routeing arrangements in the Section 106 Agreement dated 11 June 2007 made between Worcestershire County Council and Alfred McAlpine Hortons Developments (Norton) Ltd., using Geographical Positioning System technology
- concern was expressed about the use of the surrounding road network as a rat run by vehicles other than HGVs. The representative of Environmental Services commented that no restrictions were in place on Woodbury Lane for motorists other than the existing

weight restrictions and the proposed Section 106 Agreement with respect to HGVs. Should the level of general traffic increase, measures could be considered as per any other road in the County. The Principal Solicitor representing the Head of Legal and Democratic Services added that technically any vehicle using the site, whether an HGV or not, was required to follow the routeing arrangements in the Section 106 Agreement

- the local councillor commented that he had severe reservations about the ability of the junction of Woodbury Lane and the B4084 to cope with the additional traffic were the application to be granted. He also expressed concern about the health of people working at the site and requested that they have regular health checks. The representative of Planning, Economy and Performance advised that this was a health and safety matter and not a material planning consideration
- the local councillor requested that, should permission be granted, a small group of local residents be kept informed on a regular basis on what was happening at the site. The representative of Planning, Economy and Performance suggested that the local councillor might wish to be included in this group
- in response to an enquiry, the representative of Environmental Services stated that he was not aware of any specific complaints about incidents at the junction or the existing level of traffic. The local councillor commented that there had been regular minor accidents at this junction. It was the worst junction in terms of accidents in his division
- the recommendation in the report of the Director of Planning, Economy and Performance should be supported with the addition of the formal agreement suggested by the Principal Solicitor representing the Head of Legal and Democratic Services with regard to the enforcement of the routing agreement in the Section 106 agreement using GPS technology being entered into by the owners of the site

RESOLVED that, subject to the completion with the applicant of a formal agreement for the enforcement of the routeing arrangements in the Section 106 Agreement dated 11/06/07 made between Worcestershire County Council and Alfred McAlpine Hortons' Developments (Norton) Ltd, using Geographical Positioning System technology, permission be granted for the operation of a commingled materials reclamation facility for the separation of dry recyclables at Area 7 Industrial Park,

Norton, near Worcester subject to the following conditions:-

- (a) The development must be begun not later than the expiration of three years;**
- (b) Unless otherwise agreed in writing by the County Planning Authority the development hereby approved shall only be carried out in accordance with the following documents: Planning application and supporting statement dated 14 August 2006, the following drawings:**

**Drawing CMRF-A7-PA.MWM-001 Statutory Plan
Drawing K628-L101 (C) General Arrangement Plan
Drawing K628-L103 (A) Building Elevations
Drawing K628-L102 (B) Office Facility Floor Plan
Drawing K628-L105 (A) Weighbridge Office
Drawing CMRF-SFDA7-MWM001 Typical Process Arrangement
Drawing K628-L104 (A) Typical Cross Section
Drawing 425-01-01 Proposed Landscape and Ecological Enhancement Scheme
Drawing C/ST/96/200 Schematic Drainage Layout
Drawing C/ST/90/001 Section 278 Works
Drawing K628-L108 Proposed CMRF Facility 3D Images
Drawing K628-L107 Site Sections
Drawing K628-L109 Security Fencing and Gate**

- (c) No development hereby permitted shall be commenced until the operators have entered into an agreement with the local highway authority pursuant to section 278 of the Highways Act 1980 providing for the following:**
 - i) The promotion of a traffic regulation order to amend the existing weight restriction on Woodbury Lane to end to the West of Area 7 Business Park;**
 - ii) The installation of two vehicle activated signs on the B4084 to warn drivers from both the Worcester and Pershore directions of vehicles waiting on the B4084 carriageway to make a right turn into Woodbury Lane;**
 - iii) The installation of two direction signs on the B4084 to advise drivers from both the north east and south west directions that Area 7 Business Park is accessed from Woodbury Lane;**
 - iv) The promotion of a traffic regulation order to extend the existing 40 mph speed limit on**

- the B4084 towards Pershore to cover the railway bridge to the east of Woodbury Lane;
- v) The improvement to Woodbury Lane as shown in principle on drawing number 36336/C/ST/90/001;
 - vi) The provision and laying out of visibility splays from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway, (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the carriageway.
- (d) Prior to the occupation of the development hereby approved, the driveway, parking and vehicular turning areas shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the County Planning Authority at a gradient not steeper than 1 in 8;
- (e) The development hereby permitted shall not commence until an area has been properly laid out, consolidated, surfaced, drained and the spaces demarked on the ground within the application site in accordance with the approved plan for cars and commercial vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times;
- (f) Means of vehicular access to the development hereby approved shall be from the B4084 and Woodbury Lane to the east of the application site only. Suitable signs to enforce this requirement instructing all traffic to turn right only, of a design approved by the County Planning Authority, shall be erected on the applicant's own land adjacent to the point of access onto Woodbury Lane. The approved signs must be in place prior to the commencement of the development and maintained for the duration of the development;
- (g) Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the County Planning Authority and such provision shall be retained and kept available during construction of the development;
- (h) No waste other than those waste materials defined

- in the application shall enter the site;
- (i) The operators shall ensure that the amount of waste sorted at the facility does not exceed 105,000 tonnes per year;
 - (j) Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification):
 - (i) no fixed or mobile plant or machinery, building structures and erections, or private ways shall be erected, extended, installed or replaced within the site; and
 - (ii) no additional lights or fences shall be installed or erected at the site
 - (k) No mud, dust or debris shall be deposited on the public highway;
 - (l) All loads of waste materials carried on heavy goods vehicles into and out of the building hereby permitted, shall be enclosed or covered so as to prevent spillage or loss of such material at the site or on the public highway;
 - (m) There shall be no general public use of the site;
 - (n) The co-mingled materials reclamation facility shall not be brought into use until a green Travel Plan has been submitted to and agreed in writing by the County Planning Authority. The agreed scheme shall be implemented for the duration of the co-mingled materials reclamation facility operations on this site;
 - (o) Construction or demolition works including the use of plant and machinery, necessary for implementation of this consent shall only be carried out between the hours of 8.00 and 18.00 Monday to Friday and 8.00 and 13.00 hours on a Saturday. There shall be no work carried out on a Sunday or Bank and Public Holiday;
 - (p) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers;
 - (q) Before the CMRF is brought into use, a scheme of

noise attenuating measures shall be submitted to and agreed in writing by the County Planning Authority, the scheme shall specify the provisions to be made for the control of noise emanating from any plant, equipment, vehicles, generators, reversing systems or compressors used as part of any process or activities on the site. The scheme shall include measures to control both continuous and intermittent noise sources and include assessment of levels of both continuous and intermittent noise levels at the boundary of the site. The approved scheme shall be implemented for the duration of the development;

- (r) A scheme for the mitigation of dust generated by all of the operations associated with the development hereby approved shall be submitted to the County Planning Authority and the scheme agreed in writing prior to the commencement of the co-mingled reclamation facility. The agreed scheme shall be implemented and maintained for the duration of all the operations associated with the co-mingled materials reclamation facility;
- (s) Prior to the commencement of the development details of the type of vehicle alarms to be used at the site shall be submitted to the County Planning Authority for approval in writing;
- (t) Before the CMRF is brought into use a scheme for controlling fly levels shall be submitted to and agreed in writing by the County Planning Authority. The scheme shall include measures for monitoring and recording fly levels at the site including details of measures to be undertaken if fly levels are recorded as excessive. The approved scheme shall be implemented for the duration of the development;
- (u) Before the CMRF is brought into use a scheme for controlling odour levels shall be submitted to and agreed in writing by the County Planning Authority. The approved scheme shall be implemented for the duration of the development;
- (v) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways;
- (w) No additional or increased flows of surface water should be discharged onto Network Rail land or

into Network Rail's culvert or drains. No soakaways shall be constructed within 10 metres of Network Rail's boundary;

- (x) Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund;
- (y) Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor;
- (z) Water pipes used to serve the development must not be susceptible to residual contamination on the site and buried services must be laid within a 0.5m surround of clean sand in areas of ash and graphite fill;
- (aa) In the event of contamination being encountered during development works that is different to that previously identified, a revised risk assessment shall be provided to the County Planning Authority. In the event that remediation is required or any proposed remediation requires an amendment as a consequence, a new or revised Remediation Proposal shall be provided prior to development work continuing;
- (bb) A validation report shall be produced and a copy provided to the County Planning Authority upon completion of the redevelopment to detail all work undertaken to ensure all potential contamination risks have been addressed appropriately. The site must not be used until the validation report is provided;

- (cc) Before the development permitted is commenced, details of all external lighting and other illumination proposed at the site shall be submitted to and agreed in writing by the County Planning Authority in consultation with Network Rail. These details shall include the height of all lights, the intensity of the lights (specified in Lux levels), spread of light, including approximate light spillage levels (in metres) and any measures proposed to mitigate impact of the lighting or disturbance through glare (such as shrouding) and the times when such lights will be illuminated;**
- (dd) Prior to the commencement of this development an additional survey of Great Crested Newts (GCN) shall be undertaken in accordance with the GCN mitigation guidelines during the period mid-March to mid-June 2007. In the event that GCN are found the proposals to mitigate for the impacts of the development made within the original ecological report shall be revisited and amended where required. The survey must be submitted to the County Planning Authority by mid-July 2007;**
- (ee) Prior to commencement of this development a landscaping scheme shall be submitted to and approved in writing by the County Planning Authority, in consultation with Network Rail. The scheme should include details of planting in the remainder of the site not covered by drawing no. 425-01-01. The approved scheme shall be implemented as stated in condition (hh);**
- (ff) All areas of soft landscaping must have a covering of clean imported topsoil to a depth of 300mm. Details of the soil material to be imported onto the site should be approved in advance by the County Planning Authority;**
- (gg) Prior to the commencement of the development a revised native landscaping scheme for the frontage of the site shall be submitted to the County Planning Authority for approval in writing, to ensure that the roadside boundary is in keeping with local vegetation. The approved scheme shall be implemented as stated in condition (hh);**
- (hh) The approved landscaping scheme shown on drawing no. 425-01-01 and any other approved schemes shall be carried out in the planting season according with or immediately following the commencement of the development, whichever**

is the sooner and shall be maintained thereafter. Within 5 years of planting, any trees, shrubs or plants that die, become diseased or are removed or damaged, shall be replaced in the first available planting season with others of a similar size and species and in accordance with the approved scheme, unless the County Planning Authority gives written approval to any variation;

(ii) The permitted hours of operation in connection with the CMRF shall be 06.00 to 22.00 hours Mondays to Friday and 07.00 to 13.00 hours on Saturdays with no operations on Saturday afternoons, Sundays, Christmas Day, Boxing Day or New Year's Day;

(jj) Plant maintenance (within the building only) shall only be carried out between 06.00 hours and 22.00 hours Mondays to Saturdays;

(kk) No HGVs shall enter and leave the site between 22.00 hours and 06.00 hours on any day;

(ll) No handling, deposit, storage or transfer of waste shall take place outside the confines of the building hereby permitted;

(mm) No materials shall be burnt on the site;

(nn) Details of the external materials and colours of the new building hereby approved shall be submitted to and approved in writing by the County Planning Authority before work on site commences;

(oo) All doors to the building shall be kept closed except to allow entry and exit; and

(pp) Before the development hereby permitted is commenced, details of the design and height of the security fencing and gates along the site's boundaries, shall be submitted to and approved in writing by the County Planning Authority in consultation with Network Rail.

The meeting ended at 12.20 pm

Chairman