

County Matter: Waste

East Devon District: Retrospective application for storage and processing of plasterboard as a waste stream additional to waste wood and UPVC at Unit 50, Road to Greendale Business Park, Greendale Business Park, Woodbury Salterton

Applicant: Wood Yew Waste (Exeter) Ltd

Application No: 16/0626/CM

Date application received by Devon County Council: 27 February 2016

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission is granted in accordance with the planning conditions set out in Appendix II to this report (with any subsequent changes being agreed in consultation with the Chairman and Local Member).

1. Summary

- 1.1 This report relates to a retrospective planning application to store and process plasterboard as an additional waste stream to waste wood and UPVC at Greendale Barton, an industrial estate to the east of Exeter.
- 1.2 The main material considerations in the determination of the application are: the examination against relevant Development Plan policy; noise impact; impact on air quality; visual impact and issues arising from existing operations at the site.

2. The Proposal/Background

- 2.1 Greendale Barton Business Park is located approximately 6 kilometres to the east of Exeter, accessed directly off the A3052 Exeter to Sidmouth Road via a private road. The application site is located on a plot on the Western part of the Business Park about 500 metres from the boundary of the village of Woodbury Salterton.
- 2.2 The application site consists of a large concreted open yard area of about 8,000 square metres and a large shed of around 2,000 square metres. Access to the yard is from an internal haul road from the Business Park. The building consists of a large rectangular steel portal building, located in the north east corner of the site. It is enclosed with large opening doors on the southern and eastern elevations.
- 2.3 The southern and south-western boundary of the site consists of a 6 metre high acoustic fence made up of a 3 metre high timber fence on top of a 3 metre high concrete wall.
- 2.4 Planning permission for the use of the site as a waste wood processing facility was originally granted in December 2009, with a retrospective permission granted in December 2012 relating to the building and yard area that was constructed, which differed to the design approved in 2009.

- 2.5 A further planning permission was granted in April 2014 for a change of use of the facility to allow for the processing of waste UPVC as an additional waste stream.
- 2.6 In September 2014 the Waste Planning Authority served an enforcement notice on the operator relating to a breach of planning control involving a change of use from waste wood and UPVC processing to one including the processing and storage of plasterboard.
- 2.7 A planning application to remove condition 3 of the April 2014 permission to allow for waste processing outside of the building using a low speed shredder was refused in November 2014.
- 2.8 The operator lodged appeals against both the enforcement notice and the refusal of planning permission. The Planning Inspectorate linked the two appeals and both were to be subject of a single Informal Hearing. Due to a technical error the enforcement notice was withdrawn by the Council prior to the Hearing and the Hearing dealt only with the refusal of planning permission. The appeal was allowed and now the site operates on the basis of the April 2014 permission with the Planning Inspector's change to condition 3 to allow for the use of a single low speed shredder in the yard area and an additional condition requiring the Council's approval of the specification and location of the low speed shredder.
- 2.9 Conditions attached to the 2014 permission include limits on the storage of wood (including a height limit of 6m), time limit on the storage of processed wood, annual processing limit of 25,000 tonnes, hours of operation, provision of acoustic boundary fence, implementation of agreed Noise Management Plan, use of 'white noise' reversing alarms, implementation of Dust Management Plan, operation in accordance with the approved Travel Plan and details of external lighting.
- 2.10 The application subject of this Report seeks to regularise the use of the site for the storage and processing of plasterboard as an additional waste stream, which had been subject of the enforcement notice.
- 2.11 It is proposed to process all plasterboard inside the building. The proposed management of the material is as follows. Deliveries are checked for containments and if contaminants are found the load is rejected and reloaded. The imported broken plasterboard is to be stored outside under a tarpaulin weighted down by tyres, similar to a silage clamp, for no longer than 4 weeks. The material is periodically moved inside the building for processing. Should there be any dust arising, the mobile dust boss machine will be used and if wind speeds are greater than specified amounts operations are stopped. A front loader will be used to deliver material to the building. The material is sent through a number of screens and conveyors, once material has passed through the conveying system, it is stored in a clearly signed bay inside the re-processing building. Samples are to be taken from this bay in accordance with the specification for reprocessed gypsum PAS109 (2013).
- 2.12 The material is listed under schedule 2 of the environmental permit. Operations are subject to requirements of this permit and the permit issued and regulated on behalf of the Environment Agency.

3. Consultation Responses

- 3.1 East Devon District Council (Planning): No objection. Comment that planning conditions should ensure that unprocessed plasterboard is stored in concrete wall bays to a maximum height equivalent to that already consented; processed material to be stored in bags or other means inside the building; and hours of work restrictions on the existing consent to be included on any new approval.
- 3.2 East Devon District Council (Environmental Health): No objection. Comment that if this application is approved a condition is included requiring the unprocessed plasterboard to be stored in concrete wall bays to a maximum height equivalent to that already consented. In this way good management and monitoring of the piles is likely to be easier to achieve. Processed material must be stored in bags or other means inside the building before being loaded onto vehicles for removal.
- 3.3 Woodbury Parish Council: object to the application on the grounds that:
- The proposals for the storage and processing of 3 streams of product will prevent the safe storage and working conditions required at the site given the boundary and the height restrictions recommended by the Environment Agency and HSE regulations.
 - The positioning of storage of unprocessed and processed inflammable products close to a stack from a woodchip boiler is considered hazardous.
- 3.4 Environment Agency: No objection. Comment that that the site already has an Environmental Permit from the Environment Agency for the storage and treatment of waste, including plasterboard. The applicant should ensure that they continue to operate in accordance with the conditions of the Permit.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures 4 representations were from local residents.
- 4.2 Two representations were received which raised objection to the retrospective application. Objection was raised on the grounds of:
- Dust from the site had dramatically increased and had caused a direct impact on the residents' home. They commented that approving the application would increase air and noise pollution further.
 - There is a lack of capacity at the site to accommodate an additional waste stream.
 - Approving the application would increase noise impact to an unacceptable degree, of relevance given the Planning Inspectorates recent appeal decision.
 - History of increased fire risk from spontaneous combustion.
- 4.3 Two representations that did not raise objection to the proposal, however made comment that; the supporting documentation provided factual inaccuracies in that it incorrectly states that processing occurs inside the building, where it occurs outside the building; that gypsum breaks down to a fine powder and that represents a health concern to nearby local residents; concern relating to the recent termination of the liaison group.

- 4.4 Copies of representations are available to view on the Council website under reference DCC/3835/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3835/2016>

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as Waste Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

6. Comments/Issues

- 6.1 The main material considerations in the determination of the application are: the examination against relevant Development Plan policy; noise impact; impact on air quality; visual impact and issues arising from existing operations at the site.
- 6.2 In terms of the principle of the development, Members will note that planning permission for a waste wood facility at Greendale Barton was granted in 2009 with further consent for processing of UPVC given in 2014. It is noted that Greendale Barton is identified in the Devon Waste Plan and policy W05 supports this.

Increased Noise Impact

- 6.3 It is acknowledged that there is a substantiated history of complaints relating to noise from the site evidenced by the Environment Agency prosecution. Noise was also the main material consideration in the recent planning appeal which related to outside processing.
- 6.4 The Planning Inspectorate upheld the appeal and granted planning permission to allow outside processing of material and deemed that noise impact could be suitably mitigated through the imposition of a condition which requires that the shredding machinery be specified to a "low speed shredder" subject to the existing conditions remaining on site.
- 6.5 It is considered that the additional noise impact generated by approving this proposal would not create an unacceptable additional noise emission to warrant a reason for refusal given the imposition of these conditions on site. This includes resubmission of a Noise Management Plan which is to be updated on an annual basis and in the event planning permission is granted.
- 6.6 The updated Noise Management Plan would mitigate noise impact at the site by; ensuring that high speed processing activities take place within the building; ensuring the use of white noise alarms on vehicles; ensuring regular maintenance of machinery; requiring regular noise monitoring; imposing a noise complaints procedure; and, requiring an annual review of the plan.

Impact on Air Quality

- 6.7 Dust arising from processing activities at the site has been raised as a concern in the past. As part of the 2012 and the 2014 permission the operator was required to implement a Dust Management Plan which includes the requirement to carry out the shredding within the building and use of water sprays to damp down sawdust.
- 6.8 The current planning application seeks an additional use to process waste plasterboard using the same equipment that is used to process the waste wood and UPVC. It has been commented that the processing of plasterboard could give rise to additional dust emissions. Sufficient mitigation can however be achieved with the imposition of condition requiring that processed gypsum be stored in bags or other means inside the building and for the operator to update the Dust Management Plan in order to address the change in operations. Impact on air quality could not justify a reason for refusal. It is noted that Environment Agency has not provided an objection to this application.

Visual Impact

- 6.9 Views into the site are available from sensitive receptors in the village of Woodbury Salterton, located approximately 500 metres to the south west of the application site.
- 6.10 As part of the previous planning permission at the site a 6 metre high acoustic fence was provided at the western and southern boundaries of the site. A condition attached to the permission also requires that heights of stockpiles of waste wood and processed wood shall not exceed 6 metres in height (which is the height of the boundary fence and the height of the eaves of the building, both of which provide a good visual reference). Whilst waste plasterboard would differ in appearance to waste and UPVC wood it is considered that the site is sufficiently well screened to minimise impact.
- 6.11 In order that the effectiveness of the screening is maintained it is considered appropriate to impose planning conditions to limit the height of stockpiles/processed waste to 6m and to ensure the maintenance of the 6m high boundary wall. The maintenance of the boundary planting at the business park is a requirement of a separate planning permission.

Operational Concerns

- 6.12 Many of the concerns raised in respect of this planning application relate the operations already taking place at the site and how any change in the nature of the operations can be adequately controlled.
- 6.13 The production capacity at the site is restricted, by planning condition, to 25,000 tonnes per annum. The application does not seek to increase levels of processing and may result in a reduction in the quantity of waste wood or waste UPVC processed at the site to accommodate plasterboard.
- 6.14 The Fire Authority previously reported that there have been three large fires in the processed wood piles at the premises and this has led to concerns that any future fires could spread to any processed or unprocessed plasterboard at the site. These concerns are recognised and it is considered important that adequate separation for the different waste streams needs to be provided.

- 6.15 The waste operations at the site are controlled by the Environmental Permit issued by the Environment Agency. The National Planning Policy Framework (NPPF) advises:

“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively” (paragraph 122).

- 6.16 The Government’s policy on the use of planning conditions in planning permissions is set out in the published Planning Practice Guidance and one of the key principles in the use of planning conditions is to enable development to proceed where it would otherwise have been necessary to refuse planning permission.
- 6.17 The evidenced operational issues on site are considered to be properly controlled through the Environmental Permit. Notwithstanding this there are potential impacts that are required to be controlled by planning conditions. It is considered that appropriate planning conditions were imposed on the previous consents and that these conditions shall remain, in addition to a condition requiring shredded waste plasterboard to be stored only within the processing building, stored separately from the processed wood and UPVC.

Sustainability Considerations

- 6.18 The application meets local and national policy aims in relation to reuse, recycling and materials recovery.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It was the view of the Authority that at the time of issuing the Enforcement Notice that the site was not capable of offering the scale required for the necessary environmental controls in the storage and processing of gypsum. This was evidenced by the breaches of planning control observed at the time. The site is now considered to be in compliance and separate action pursued by the Environment Agency has been resolved. The application site is an existing waste processing facility and the application seeks to add an additional waste stream without increasing the quantity of material processed at the site. The principle for waste processing is established and the processing of waste plasterboard would be carried out by existing machinery with a requirement that high speed shredding takes place within the building. This approach is considered consistent with a recent decision made by the Planning Inspectorate and other regulators of the site.
- 7.3 The proposed conditions, as set out in Appendix II to this Report, are largely a reiteration of those attached to the original consent, but tailored to take into account the proposed additional use. The planning conditions together with the Environmental Permit conditions will give the appropriate level of control at the site.
- 7.4 Taking all material considerations into account, it is considered that planning permission is granted in accordance with the recommendation of this report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Budleigh

Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

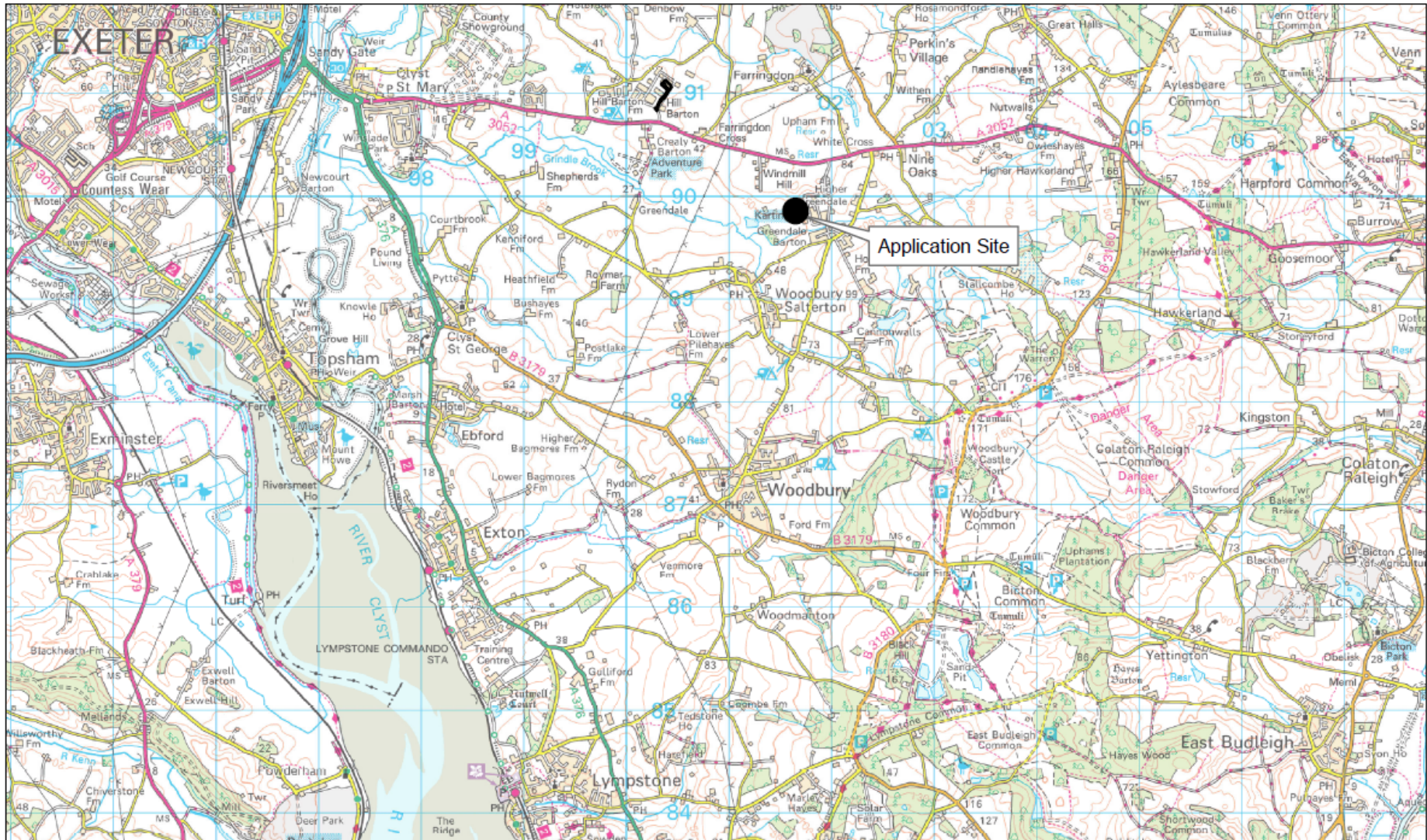
Room No: AB2, Lucombe House, County Hall


Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	DCC/3835/2016

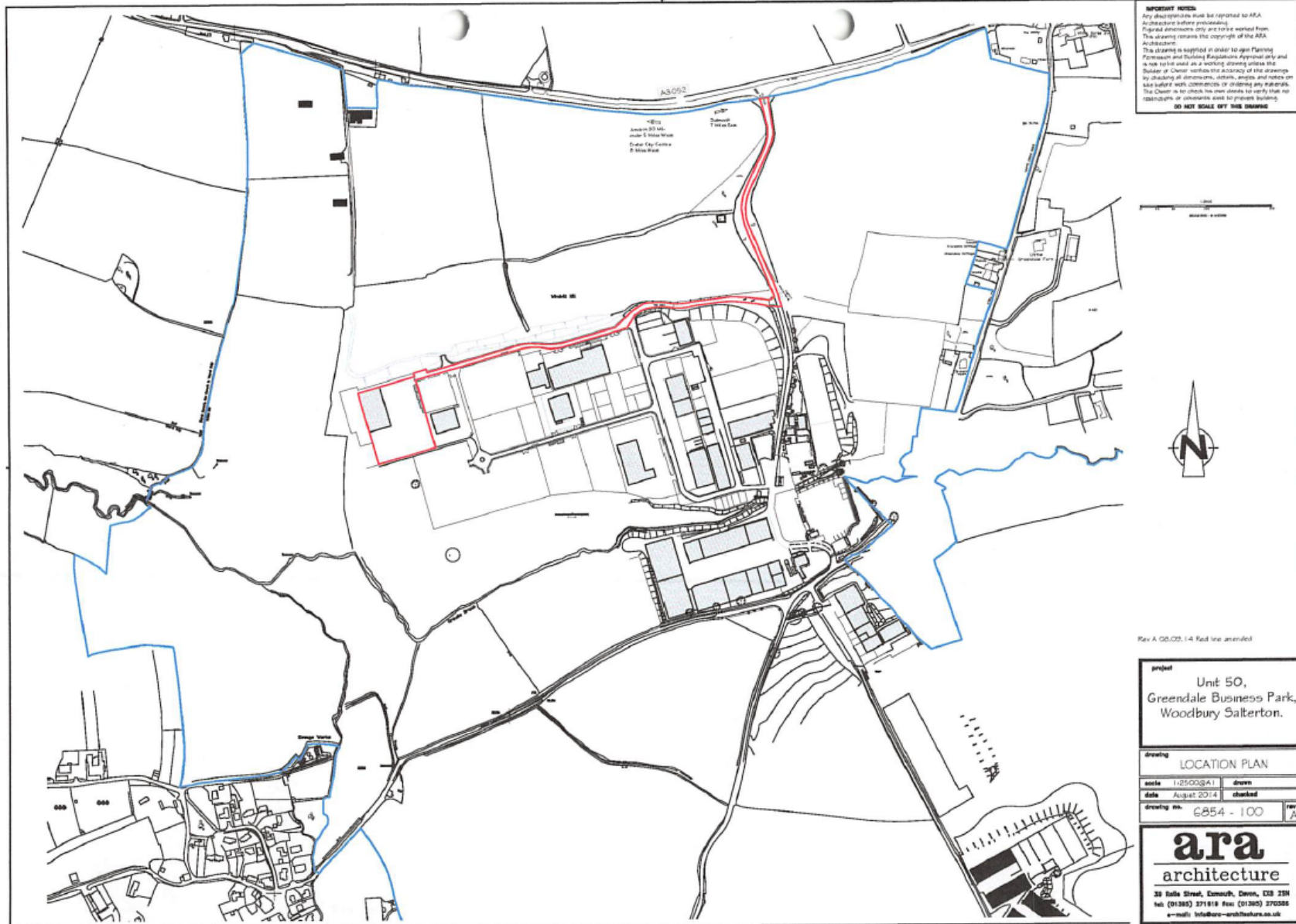
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sc/cr/processing plasterboard Greendale business park
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Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee County Matter: Waste Development: East Devon District Council: Retrospective application for storage and processing of plasterboard as a waste stream additional to waste wood and UPVC at Unit 50, road to Greendale Business Park, Greendale Business Park, Woodbury Salterton, EX5 1EW	date June 2016	scale 1:47,992
			Application No: 16/0626/CM	

Site Plan



Planning Policy Considerations

Government Guidance:

NPPF National Planning Policy Framework (March 2012).
NPPG National Planning Practice Guidance.

Devon Waste Plan (Adopted 11 December 2014): Policies W01 (Presumption in Favour of Sustainable Development); W03 (Spatial Strategy); W17 (Transportation and Access); and W18 (Quality of Life).

East Devon Local Plan - 2013-2031 (Adopted January 2016): Policy EN14 (Control of Pollution).

**Appendix II
To PTE/16/31**

Planning Conditions

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered Planning Statement January 2016; location plan 6854-100 rev A; Site Plan 001 except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

2. Stockpiles of waste materials and processed materials shall only be stored within either the building or the yard area. Where stored outside of the building the stockpiles shall not exceed a height of 6 metres (measured from the finished level of the yard area) and shall be stored in such a way as not to interfere with the movement of traffic within the site.

REASON: To ensure the protection of visual amenity of the site and in accordance with the Development Plan specifically policy W12 of the adopted Devon Waste Plan.

3. All shredding, size reduction treatment and mechanical sorting, other than that done by a single Low Speed Shredder, shall take place within the building.

REASON: To protect the living conditions of nearby residents from noise and dust and in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

4. In the outside storage areas individual stockpiles of waste wood, processed wood, unprocessed waste UPVC and unprocessed gypsum shall be kept in discrete areas within the site, with sufficient distance between stockpiles to prevent cross contamination and reduce the risk of fire spreading.

REASON: To protect the living conditions of nearby residents in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

5. No processed wood shall be stored at the site for longer than 4 weeks and no pre-crushed feedstock material or unprocessed wood (which has not been subjected to any mechanical processing to reduce its size) shall be stored at the site for longer than 3 months.

REASON: To minimise the risk of spontaneous combustion in the interests of protecting the air quality and amenity of local residents and nearby occupiers of the site in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

6. Processed UPVC and processed gypsum shall be stored only within the processing building within discrete areas in order to avoid cross contamination. The processed UPVC and gypsum shall be removed within 7 days of processing.

REASON: To ensure satisfactory operation at the site in the interests of the amenity of the area and in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

7. Combined waste imports and processing at the site shall not exceed 25,000 tonnes per annum.

REASON: To ensure satisfactory operation at the site in the interests of the amenity of the area in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

8. The operator shall keep detailed records demonstrating the weekly importation of waste materials, the quantity of waste processed and the weekly exportation of processed material. The records shall identify specific waste streams and shall be made available to the Waste Planning Authority within 14 days of any such request being made.

REASON: To enable the Waste Planning Authority to adequately monitor operations at the site in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

9. Unless otherwise agreed in writing by the Waste Planning Authority no waste processing operations shall take place on a Sunday, bank holiday, other public holiday or outside of the following hours:

0800 and 1730 hours Monday to Friday; and
0800 to 1300 on Saturdays.

REASON: To protect the amenity of the area in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

10. The acoustic fence erected in accordance with details required by planning permission reference 12/0844/CM shall be retained and maintained to a level appropriate to providing noise attenuation for the life of operations at the site.

REASON: To protect the amenity of the area in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

11. The approved Noise Management Plan shall be updated to reflect the additional use for waste gypsum within one month of the date of this permission and any additional measures required to control noise shall be implemented as soon as is practically possible. Following this review of the Noise Management Plan, the Plan shall be reviewed on an annual basis, or following any significant confirmed noise incident (whichever is the sooner), and any new measures required to control noise identified in the update to the Plan shall be implemented as soon as is practically possible to do so.

REASON: To protect the living conditions of nearby residents in regard to noise in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

12. All plant and machinery at the site shall be silenced in accordance with manufacturers' specifications and all plant and machinery shall be maintained in accordance with the manufacturers' specifications.

REASON: To protect the living conditions of nearby residents in regard to noise in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

13. All site vehicles shall be fitted with the 'white noise' reversing alarms and these alarms shall be operated for the duration of waste operations at the site unless an alternative system is approved in writing by the Waste Planning Authority.

REASON: To protect the living conditions of nearby residents in regard to noise in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

14. The approved Dust Management Plan shall be updated to reflect the additional use for waste gypsum within one month of the date of this permission and any additional measures required to control dust shall be implemented as soon as is practically possible. Following this review of the Dust Management Plan, the Plan shall be reviewed on an annual basis, or following any significant confirmed dust incident (whichever is the sooner), and any new measures required to control dust identified in the update to the Plan shall be implemented as soon as is practically possible to do so.

REASON: To protect the living conditions of nearby residents in regard to dust in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.

15. The development shall be operated in accordance with the approved Travel Plan prepared by Atkins dated June 2009 which has been as required by condition 2 of planning permission 08/0893/CM.

REASON: To maintain the transport arrangements during the operation of the facility in accordance with the Development Plan specifically policy W17 of the adopted Devon Waste Plan.

16. Unless prior written agreement to an alternative arrangement has been obtained from the Waste Planning Authority, access to and egress from the site shall be via the private road leading from the A3052 for all vehicles.

REASON: To maintain the transport arrangements during the operation of the facility in accordance with the Development Plan specifically policy W17 of the adopted Devon Waste Plan.

17. Details of any external lighting to be used in the development hereby permitted shall be submitted to and approved in writing by the waste planning authority before the building is occupied. Development shall be carried out in accordance with the approved details.

REASON: To protect the amenity of the area in terms of light pollution in accordance with the Development Plan specifically policy W18 of the adopted Devon Waste Plan.