

County Matter: Waste

Torrige District: Variation of condition 1 of planning permission reference DCC/3910/2016 to allow the permanent retention of the green waste composting operation at Deep Moor Landfill Site, Road from Belle View Cross to High Bullen, High Bullen

Applicant: DWML Holdings Limited

Application No: 1/0584/2017/CPZ

Date application received by Devon County Council: 6 June 2017

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 subject to conditions set out in Appendix II to this Report (with any subsequent changes to the conditions being agreed in consultation with the chair and Local Member).

1. Summary

- 1.1 This Report relates to a planning application for the permanent retention of a green waste composting facility at the Deep Moor Waste facility.
- 1.2 The main material considerations in the determination of this application are the impacts of allowing the facility to remain on site following the cessation of landfill activities and to this extent the application is considered against planning policy; visual impacts; impacts on residential amenity (air quality and noise); and traffic and transportation impacts.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/3995/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3998/2017>

2. The Proposal/Background

- 2.1 The Deep Moor waste management facility is situated close to High Bullen near Great Torrington and is accessed from the B3233 Barnstaple to Great Torrington Road. The Deep Moor site co-locates a number of waste facilities including a civic amenity site, non-hazardous and hazardous landfill, and a materials recovery and waste transfer building.
- 2.2 This application site is located within the Deep Moor facility immediately to the south of the existing Material Recycling Facility (MRF) building and to the west of the existing In-Vessel Composting building.
- 2.3 Planning permission for the provision of the green waste composting facility was granted using officer delegated powers in March 2017 (ref DCC/3910/2016). This permission allowed for the relocation of an existing green waste composting facility at

Deep Moor and involved the construction of a concrete pad to be used for the shredding and composting of garden waste and a separate pad for the composting of leaf sweepings and other green waste materials. Each of the pads measures 2,400m² and the application documentation provided for an annual operational throughput 12,000 tonnes. The majority of the green waste (10,000 tonnes) comes from Household Waste and Recycling Centres [HWRCs] in North Devon and Torridge (one of which is at Deep Moor and has the benefit of a permanent consent) with a smaller amount (2,000 tonnes) arising from commercial operations.

- 2.4 Condition 1 of the planning permission granted planning permission for a temporary period until December 2025 with the reason for this being for the authority to review the suitability of the composting operation as a permanent facility following the completion of the landfill operations at the site. This application seeks to vary condition 1 to allow for the permanent use of the site.

3. Consultation Responses

- 3.1 Torridge District Council: No objections.
- 3.2 St Giles in the Wood Parish Council: Object on the grounds of the long term impact of traffic on residents who live next to the highway and traffic generated on unsuitable rural roads.
- 3.3 Great Torrington Town Council: Object on the grounds that the removal of the condition would hamper control in the future and it considers that the traffic generated cannot be accommodated on rural road.
- 3.4 Environment Agency: No objection.
- 3.5 DCC Flood Risk: No objection.
- 3.6 Natural England: No objection.
- 3.7 Historic England: No comments to make on the application.

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 five objections were received: The objections are on the grounds of:

- No rationale is given for the assertion that traffic levels are likely to decrease.
- Continued impact of traffic.
- Current management practices at the site are not fit for purpose.
- Deep Moor is not well located to centres of population and an alternative site such as Brynsworthy would be better located to deal with northern Devon's green waste.
- Consideration of the application is premature pending the consideration of the planning appeal into the refusal by DCC for the provision of a waste transfer station and extension to the life of the landfill.
- There is likely to be an increase in the numbers of deliveries from individuals following the introduction of green waste collection charges.

- It is important that the Council maintain the ability to control waste operations in terms of the life of such facilities.

5. Planning Policy Considerations

5.1 In considering this application the County Council, as County 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 below.

6. Comments/Issues

6.1 The material considerations in the determination of this application are considered below.

Waste Local Plan

6.2 While the planning permission of the composting operation is currently tied to the life of the adjacent landfill facility, it is recognised that the need for the composting operation is likely to extend beyond the 2025 expiry date of the landfill permission, and that a permanent permission is warranted. It is also highlighted that local authority contracts for the management of the green waste do not closely relate to the 2025 limitation for the current composting planning permission. The main policy issue for consideration is whether Deep Moor is a suitable location for a permanent facility, or whether better alternatives exist.

6.3 The planning application for the Deep Moor composting operation indicates that its annual throughput is up to 12,000 tonnes and this is substantially less than the 40,000 tonnes threshold for strategic waste management facilities defined in the Devon Waste Plan. As a non-strategic facility, Policy W3 of the Waste Plan requires that it be located at Exeter, Barnstaple, Newton Abbot “or within or close to Devon’s other towns”. In addition, Policy W3 has regard to the merits of “co-location with other waste management facilities and the potential cumulative effects of doing so”.

6.4 Policy W5 provides for composting and other recycling facilities including where they are “located at or close to the source of the waste or opportunities for its beneficial use” and/or “co-located with a complementary waste management operation”.

6.5 Taking account of the above considerations, it is considered that the proposed permanent facility is acceptable and consistent with Policies W3 and W5.

6.6 While a site at or close to Barnstaple or Bideford could be regarded as being more accessible to the majority of households in northern Devon, the HWRCs at these locations do not have the necessary space to accommodate a composting operation. It is therefore considered that there are presently no alternatives to Deep Moor for this facility. It has been suggested by objectors that this operation would be better located at the proposed Waste Transfer facility at Brynsworthy but no provision for this exists in the approved plans for that site.

Noise

- 6.7 Noise from the composting operation may arise from the associated activities which include the shredding and screening of green waste, turning of the windrows and deliveries of green waste and export of compost. The nearest residential property from the site is over 500m away and the site is physically screened by buildings and there are bunds close to site. Taking this into account (and that there is currently no noise impact from the operation on local properties) the granting of a permanent consent would not result in additional noise issues.

Visual Impact/Landscape

- 6.8 The green waste composting operation is located to the south of the landfill close to two existing buildings which for most part will screen the site from nearby views. Following the completion of the landfilling operations (by 2025) it is required that the landfill is restored and in terms of visual impact this is the baseline to judge whether it is acceptable for the green waste composting operations to continue on a permanent basis. In this case the green waste composting operations are currently not visible in the wider landscape and the restoration plans for the restored landfill will enhance screening and therefore in landscape terms there is no objection to the permanent use of the site.

Traffic and Transportation Issues

- 6.9 The green waste composting operations have taken place at Deep Moor for a number of years and the level of traffic generated by this operation does not have a severe impact on the highway network. In the longer term Local Authority Collected Waste will not be disposed of at Deep Moor and consequently the overall level of traffic will fall. There is therefore considered to be no highways objection to the proposal to make the use of the site permanent.

Other Matters

- 6.10 Planning conditions attached to the previous consent included hours of operation; vehicles being fitted with effective silencers; limit of 4 metre height for the windrows and stockpiles; no selling of compost to the public or delivery of green waste by the public; drainage arrangements and vehicles fitted with 'white noise' alarms. In the event that this application is approved the planning conditions would form part of the new consent.
- 6.11 Members will note that the composting operations are subject of an environmental permit issued and administered by the Environment Agency. The permit contains requirements with regard to control of emissions and monitoring including odour, noise and vibration. In coming to a decision on this application members should assume that the pollution control regime will work effectively.
- 6.12 The objection relating to the prematurity of making a decision in advance of the forthcoming planning appeal is noted, but the appeal mostly relates to the provision of a waste transfer station elsewhere on the site and the decision on this will not impact on the operation of the green waste composting at Deep Moor.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 Whilst the concerns of the Parish Council, Town Council and members of the public are noted it is considered that there is no policy or other planning reasons that indicate that a permanent consent should not be granted in this case. It is therefore considered that it is appropriate to grant planning permission in accordance with the recommendation of this Report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Torrington Rural

Local Government Act 1972: List of Background Papers

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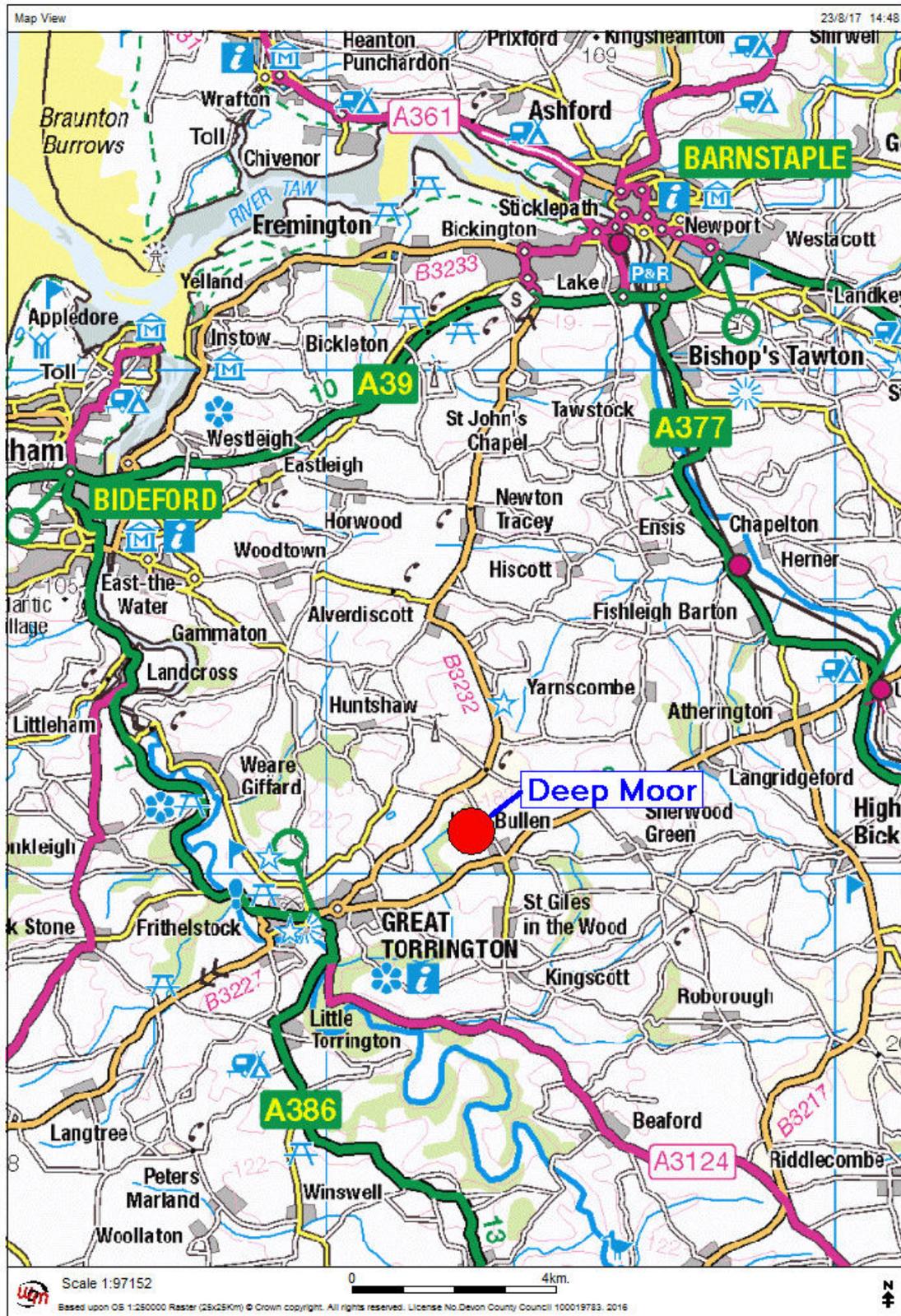
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Tel No: 01392 383000

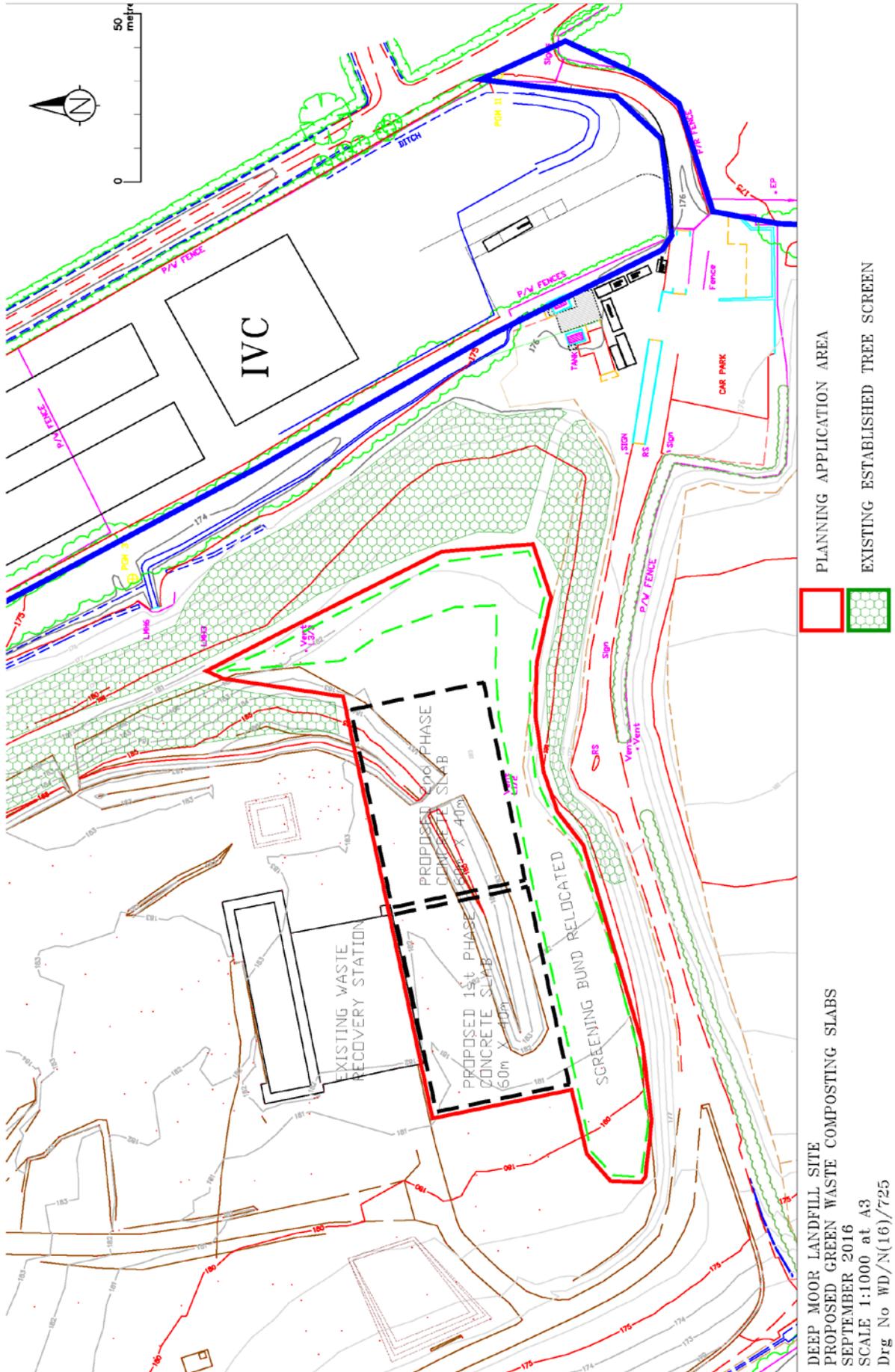
| Background Paper | Date | File Ref. |
|-------------------------|-------------|------------------|
| Casework File | Current | DCC/3998/2017 |

ab160817dma
sc/cr/variation condition permanent retention green waste deep moor landfill site high bullen
04 240817

Location Plan



Site Plan



DEEP MOOR LANDFILL SITE
 PROPOSED GREEN WASTE COMPOSTING SLABS
 SEPTEMBER 2016
 SCALE 1:1000 at A3
 Drg No WD/N(16)/725

PLANNING APPLICATION AREA



EXISTING ESTABLISHED TREE SCREEN

Planning Policy Considerations

Devon Waste Plan 2011-2031 (Adopted 2014)

W2: Sustainable Waste Management
W3: Spatial Strategy
W5: Reuse, Recycling and Materials Recovery
W11: Biodiversity and Geodiversity
W12: Landscape and Visual Impact
W14: Sustainable and Quality Design
W17: Transportation and Access
W18: Quality of Life

North Devon and Torridge Local Plan (Publication Draft March 2015)

DM02: Environmental Protection

Schedule of Conditions

**Torrige District Council Application No. 1/0584/2017/CPZ
Devon County Council Ref. DCC/3998/2017**

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered WD/N(16)/725(1)c, WD/ND(16)725d.CE-DM1178-dw01a except as varied by the conditions below.

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

2. No operation of machinery or deliveries in connection with the composting operation shall take place other than between 06.30 and 18.00 on Mondays to Saturdays.

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

3. The site shall be operated in accordance with an approved Noise Mitigation and Management Scheme which shall be submitted to the Waste Planning Authority within three months of the date of this permission. The scheme shall be reviewed on a biannually basis or when additional plant is installed or any change in process occurs. A copy of any revised scheme produced shall be submitted to the Waste Planning Authority for approval within 14 days of being completed.

REASON: To minimise the effect on the living conditions of local residents in accordance with policy W18 of the Devon Waste Plan.

4. Windrows and stockpiles of green waste shall not exceed 4 metres in height.

REASON: To protect the character and appearance of the local landscape in accordance with policy W12 of the Devon Waste Local Plan.

5. There shall be no selling of composted materials to the public from the site and no delivery by the public of green waste to the site.

REASON: To prevent additional vehicle movements to the site.

6. All contaminated surface water and/or other liquids leaching from the composting area shall be collected by a contained drainage and storage system, constructed in accordance with the approved scheme ref WD/N(16)725((1) A. No collected liquid shall be discharged to the groundwater, surface water, ditch or drain.

REASON: To minimise the risk of polluting water sources and aquifers.

7. No vehicle or mobile plant used (other than visiting road lorries) shall be operated within the permission area unless they have been fitted with and use "white noise" alarms.

REASON: In the interest of protecting the local environment and community from adverse impact of noise generated at the site.

8. No lighting shall be used on the site without the express permission of the Waste Planning Authority.

REASON: To protect the living conditions of nearby residents in accordance with policy W18 of the Devon Waste Plan and to reduce the impact of the operations on the local landscape.

9. In the event that the development hereby granted ceases for a period in excess of twelve months, all buildings and structures including concrete pads shall be removed from the site and the site restored to agriculture.

REASON: To ensure that in the event of cessation of use all structures, building and concrete pads be removed.