

**County Matter: Waste**

**Torridge District: The permanent use of a building for the operation of a Waste Recovery Yard and Waste Transfer Station, an extension to the Recovery Yard and provision of landscape screening bunds at Deep Moor Landfill Site, Road from Belle View Cross to High Bullen, High Bullen**

**Applicant: DWML Holdings Limited**

**Application No: 1/0592/2017/CPZ**

**Date application received by Devon County Council: 15 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 the 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 permanent permission for the existing Materials Recovery and Waste Transfer Building at Deep Moor together with associated engineering and landscaping operations.
- 1.2 It is considered that the main material considerations in the determination of the proposed development are the impacts of the building on the landscape; impacts on residential amenity as a result of the continued use of the building; traffic and transportation issues; and consideration against planning policy.
- 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/3995/2017>

**2. The Background/Proposal**

- 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.
- 2.2 The main element of the Deep Moor waste management facility is the non-hazardous and hazardous waste landfill which has been in operation for over 40 years. However, there are a number of ancillary and complimentary waste management operations including a civic amenities site and a green waste recycling facility and integral to the operations is the Materials Recovery and Waste Transfer Building. In terms of quantities of waste it is understood that the Deep Moor facility presently deals with around 80,000 tonnes per annum (tpa) which consists of around 60,000 tonnes of household arising from the North Devon and Torridge areas and 20,000 tonnes of industrial and commercial waste.

- 2.3 At the meeting on 25 January 2017 Development Management Committee Members considered Report PTE/17/8 for the construction and operation of a Resource Recovery Centre (comprising of a permanent new waste transfer station building; provision of a solar farm and extension of the life of the landfill, green waste composting facility and recycling facility until December 2030). Members resolved to grant planning permission for the solar farm element of this proposal whilst resolving to refuse planning permission for all of the other elements (minute \*39 refers). The refusal is subject of an appeal to the Planning Inspectorate and a public inquiry is scheduled to begin in October 2017.
- 2.4 Following the refusal of planning permission a further application was submitted by the applicant company for an extension to the life of the landfill (February 2017). At the meeting on 5 April 2017 Development Management Committee Members, following a site visit, considered Report PTE/17/21 and resolved to grant planning permission for the extension to the life of the landfill and its associated facilities until December 2025 (minute \*51 refers). Condition 8 of this planning permission requires the removal of access roads, buildings and other site facilities following the cessation of the landfill activities. This includes the Materials Recovery Yard and Waste Transfer Building the subject of the current planning application.
- 2.5 The planning application subject of this Report is to retain the existing Materials Recovery Yard and Waste Transfer Building on a permanent basis and includes an extension to the existing Recovery Yard and the provision of raised and new screening bunds.
- 2.6 The building and yard are located to the south of the landfill area. The building is a large steel framed and steel clad building with dimensions of 55 metres in length, 12 metres in width and 7.5 metres to eaves and has a very shallow pitched roof. The building is open on its southern side (onto the Recovery Yard) and divided into bays into which delivery vehicles tip their loads for sorting and transfer. The configuration of the bays varies according to the types of waste being received. A trommel and sorting cabin are located in the eastern bay and extend south over Materials Recovery Yard. The Materials Recovery Yard is 32m by 45m and the application proposes to extend the length of the Yard by 10m.
- 2.7 Immediately to the south of the Recovery Yard is another existing area of hardstanding which is used for green waste composting. The area to the north of the Waste Transfer Building is used for the stockpiling of soils (mainly used in ongoing restoration of the landfill) and recycled aggregates and this area is within the application site. The application proposes a screening bund to the west of the building and to the west of the aggregate/soil storage area. This bund would be up to 7m high and its western face planted with trees. The bund on the eastern side is already in place and its northern part would be raised and planted with trees.

### **3. Consultation Responses**

- 3.1 Torridge District Council: No objection.
- 3.2 St Giles in the Wood Parish Council: Object on the grounds of continued impact on residents of the Parish of traffic going to and from the site.
- 3.3 Great Torrington Town Council: Object on the ground of ongoing impact of traffic and consider that the programmed closure of the site in 2025 should be adhered to.
- 3.4 Environment Agency: No objection.

- 3.5 Natural England: No objection. In terms of biodiversity Natural England recommends discussions with the applicant to ensure no long term overall net loss of biodiversity of the wider site and welcomes the proposal to plant the landscape bund and suggests there are opportunities to use native wildflower seed mixes.

#### **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, 18 on line representations/emails/letters of objection (24 signatories) have been received together with 13 in support.

- 4.2 The letters of support come predominantly from local businesses that use the site and wish to retain the facility in the local area. The supporters consider that:

- There is a need for a facility in northern Devon to deal with commercial waste.
- There are no feasible alternative sites.
- The site is well located to cater for the needs of northern Devon.
- Without the site businesses would suffer.
- Costs of shipping material out of the county would be prohibitive.
- The site is well run.

- 4.3 The issues raised by the objectors relate to:

- The decision on the application is premature pending the outcome of the planning appeal;
- Continued operations at the site will result on ongoing impacts on the amenity of the area, particularly in terms of odour, noise, air quality, dust, litter and vermin;
- The proposal will result in the continued use of the B3232 which is narrow and will lead to conditions of danger and traffic congestion;
- The operations will result in further damage to the highway network;
- The continued use of the site by HGVs will result in a deterioration of air quality along the traffic route;
- The location of the site is such that that there is no safe and convenient access to the major road network;
- An alternative facility has been recently granted planning permission at Brynsworthy so there is no need for this development;
- There are and have been multiple applications at this site which demonstrates that the operator has no intention of stopping landfill operations in 2025 and this will result in ongoing impacts on the quality of people's lives.

#### **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 material considerations in the determination of this application are considered below.

### Waste Policy issues

- 6.2 The Council has recognised that the use of the existing waste verification/recovery facility includes a significant element of transfer and does not preclude local authority collected waste [LACW] being managed instead of or alongside commercial and industrial waste [CIW]. On that basis, the key policy issue for consideration is the implication of permanent retention of the recovery and transfer facility beyond the life of the landfill site.
- 6.3 The facility that is the subject of this application differs from the waste transfer station for which permission was refused in February 2017 in two key aspects:
- (a) the new waste transfer building would have been solely for the reception and bulking up of residual LACW for onward transportation for energy recovery elsewhere, while the existing facility enables sorting of residual waste for recovery of recyclable materials as well as waste transfer; and
  - (b) the new transfer facility would have had a maximum annual throughput of 60,000 tonnes (diverted from the adjacent landfill site) in addition to the permitted capacity for the existing recovery facility of 75,000 tonnes, but the current proposal seeks to maintain this facility's existing capacity, with the implication that any increase in LACW would displace CIW currently managed at the facility.
- 6.4 The residual LACW that is currently landfilled is expected to be diverted to energy recovery outside the northern Devon area in the near future through a new contract to be let by the County Council in its role as waste disposal authority. It is understood that the contract is currently out to tender and has a requirement that the transfer station is to be provided at Brynsworthy. In the event that Deep Moor is not used as a transfer site for the residual LACW, then it is assumed that the facility will continue to manage CIW from the large catchment identified in the application.
- 6.5 Northern Devon has around ten other waste management facilities that provide varying degrees of waste transfer, sorting and materials recovery, but these generally do not provide the capacity or manage the range of wastes that Deep Moor does. Some sites only manage specific waste streams such as construction and demolition waste or LACW, while others are of a much smaller scale of less than 5,000 tonnes annually.
- 6.6 The Devon Waste Plan includes Objective 6 which seeks to locate waste management facilities close to the major sources of waste or opportunities for its beneficial use, and this objective is implemented through a number of policies including the following:

*Policy W3: Spatial Strategy primarily applies to new waste management facilities, but does require that, for all facilities, "regard will be had to the merits of...co-location with other waste management facilities and the potential cumulative effects of doing so".*

*Policy W5: Reuse, Recycling and Materials Recovery seeks to "maintain sufficient capacity", and provides criteria for considering proposals for additional facilities.*

*Policy W17: Transportation and Access seeks "to minimise the distance that waste is transported".*

- 6.7 Given that the application is seeking the retention of an existing facility beyond the life of its current temporary permission, it is consistent with Policies W3 and W5 that seek to apply criteria to new facilities. As the applicant points out in its planning statement, the facility is co-located with a household waste recycling centre that benefits from a permanent consent, while a separate application is seeking a permanent permission for the green waste composting operation. Policy W3 does include reference to the cumulative effects of co-locating waste management facilities, but it is considered that the closure of the landfill facility and in-vessel composting operation provided for by their current planning permissions in 2025 will significantly reduce the potential for cumulative adverse effects on the local community and environment.
- 6.8 It is unlikely that the Deep Moor will continue to deal with LACW following the construction of the planned Brynsworthy transfer station. However, Deep Moor would continue to deal with CIW from a wide catchment area (currently extending to Tiverton, Okehampton and Launceston) and in this context is considered to be in accordance with Policy W17.
- 6.9 While the recovery/transfer facility was originally provided to enable pre-treatment of the CIW being landfilled, it will maintain an important role after closure of the landfill site in 2025 in the sorting and transfer of waste from northern Devon for management by recycling, energy recovery and landfill outside the sub-region.
- 6.10 Given the above considerations, it is concluded that retention of the recovery/transfer facility on a permanent basis beyond the life of the landfill site is consistent with the relevant policies of the Devon Waste Plan in terms of the location of such facilities.

#### Scale and Massing of Buildings in the Landscape

- 6.11 The planning permission for the current landfill facility requires that it closes and is restored by the end of 2025 with the removal of all buildings on the site including the building the subject of this application.
- 6.12 Permanent retention of the recovery/transfer building and associated plant and hardstanding has the potential to reduce the landscape benefits of the landfill restoration, but the applicant is proposing the provision of planted screening bunds to reduce the visibility of the facility. Policy W12 requires that the design of the facility should be "sympathetic to the qualities, distinctive character and setting of the landscape".
- 6.13 The proposal includes the raising of the existing landscaping bunds to better integrate the existing building into the landscape. These have been erected in advance of consideration of the proposal and have the effect of reducing the visual impact of the existing building. This will be further enhanced when these are seeded and planted as proposed in the Landscape plan.

#### The submission of the application prior to the public inquiry into the previous refusal by this authority

- 6.14 Representations have been made by local residents over the timing of this application and that for the permanent retention of the composting operations on the site given the forthcoming public inquiry (October 2017) into the previous partial refusal at this site for a new WTS and extension of time for completion of the site until 2035.
- 6.15 They consider that any decision on this application would be premature given that the planning inspector has yet to consider the evidence submitted by them and on behalf of the Waste Planning Authority.

- 6.16 The committee has the option to defer consideration of this proposal until such time as the decision of the Public Inquiry has been heard so as not to prejudice the result of the Inquiry. However, the primary focus of the Inquiry will be on the new waste transfer station proposed in the north east of the site, which was the only element of the proposals referred to in the reasons for refusal, rather than the retention of the building that is the subject of this report. The Council is obliged to determine this current application on its merits, and it is considered that to do so will not prejudice consideration of the appeal proposals by the Inspector.

On-going environmental impact of the proposal.

- 6.17 Concerns have been received in relation to the perceived ongoing impact of the development in particular on the residents of the hamlet at Peagham Barton. Although the site is not in direct line of sight of the hamlet, residents are concerned at the impact of the proposed development in relation to noise and lighting from the operation of the plant. These aspects can be controlled in part by the imposition of conditions relating to the hours of work at the building, control of lighting and noise from machinery and plant.
- 6.18 The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to National planning policy for waste.
- 6.19 There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.
- 6.20 The day to day operation of the site is controlled by the environmental permit issued by the Environment Agency; this covers issues such as odour, noise and general site operations. It is noted that the Environment Agency has no objection to the application.
- 6.21 The role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.

Traffic and Transportation Issues

- 6.22 Deep Moor is located close to Great Torrington accessed from the B3232 via a minor road leading directly to the site. The planning application is accompanied by a Transport Statement and it is considered that this accurately reflects the situation with regard to traffic numbers.

- 6.23 Planning permission for the landfill lasts until 2025 and up to that period HGV traffic will remain at existing levels, but following the opening of Brynsworthy (programmed for April 2019) will no longer deal with LACW so there will be a 60,000 tonne reduction in waste going to the site. Following the closure of the landfill the site would be used only for commercial waste transfer (subject to this permission being granted) and this would lead to a significant reduction in HGV traffic going to 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 The application is considered to be in accordance with the policies of the Devon Waste Plan and the proposal will not result in additional or new impacts on the area. The objectors' concerns regarding the negative impacts of the operations are noted as are the concerns that if planning permission are granted such impacts may continue longer than currently allowed for. However, the Waste Transfer Building is subject of an Environmental Permit which controls pollution emissions such as odour and noise and the necessary regulatory powers are available to the Environment Agency. National guidance advises that in determining planning applications waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 7.3 Taking all material considerations into account it is considered appropriate that planning permission is granted in accordance with the recommendation to 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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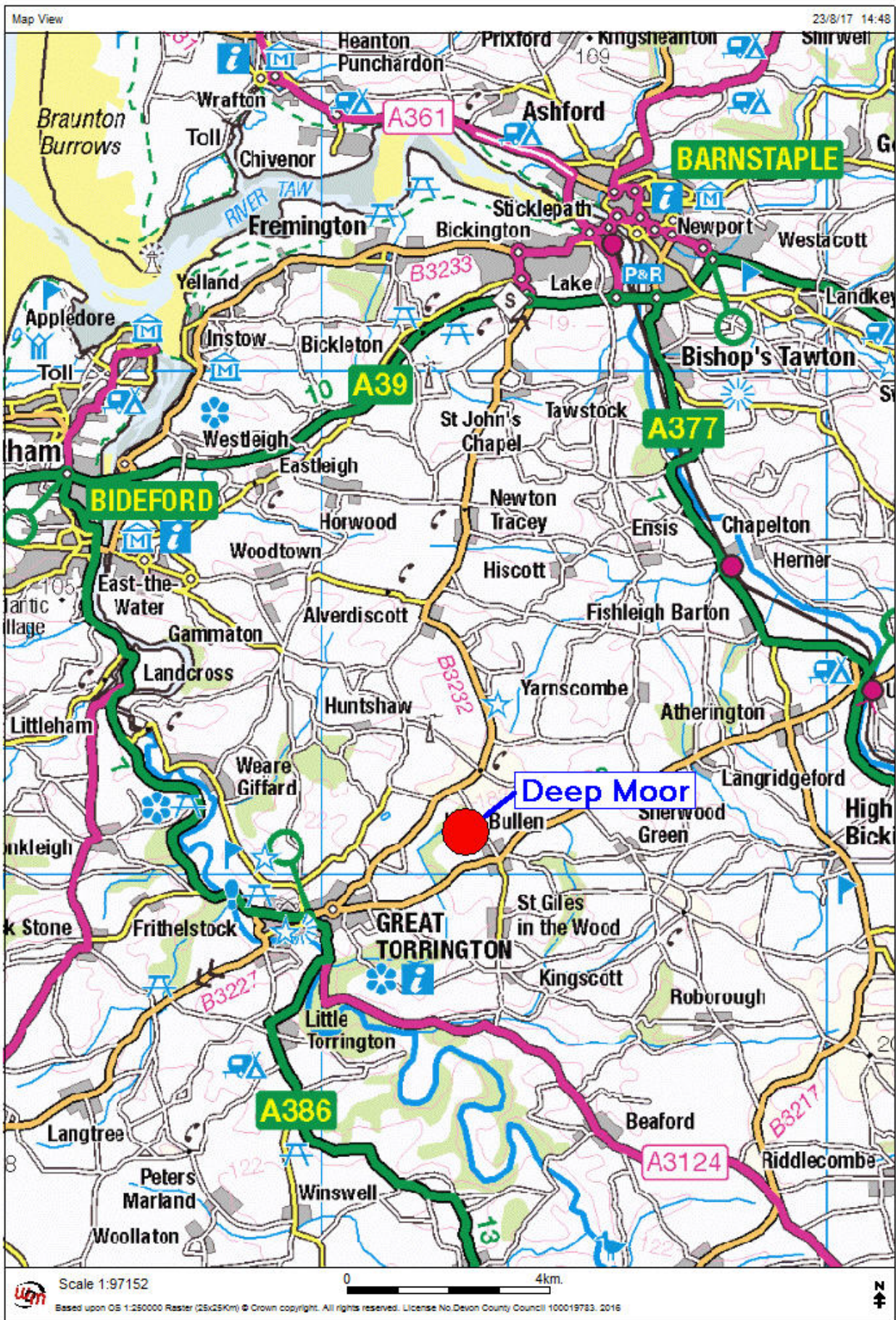
Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework file	Current	1/0592/2017/CPZ

ab150817dma  
sc/cr/waste recovery yard WTS Deep Moor Landfill Belle View Cross to High Bullen  
04 250817

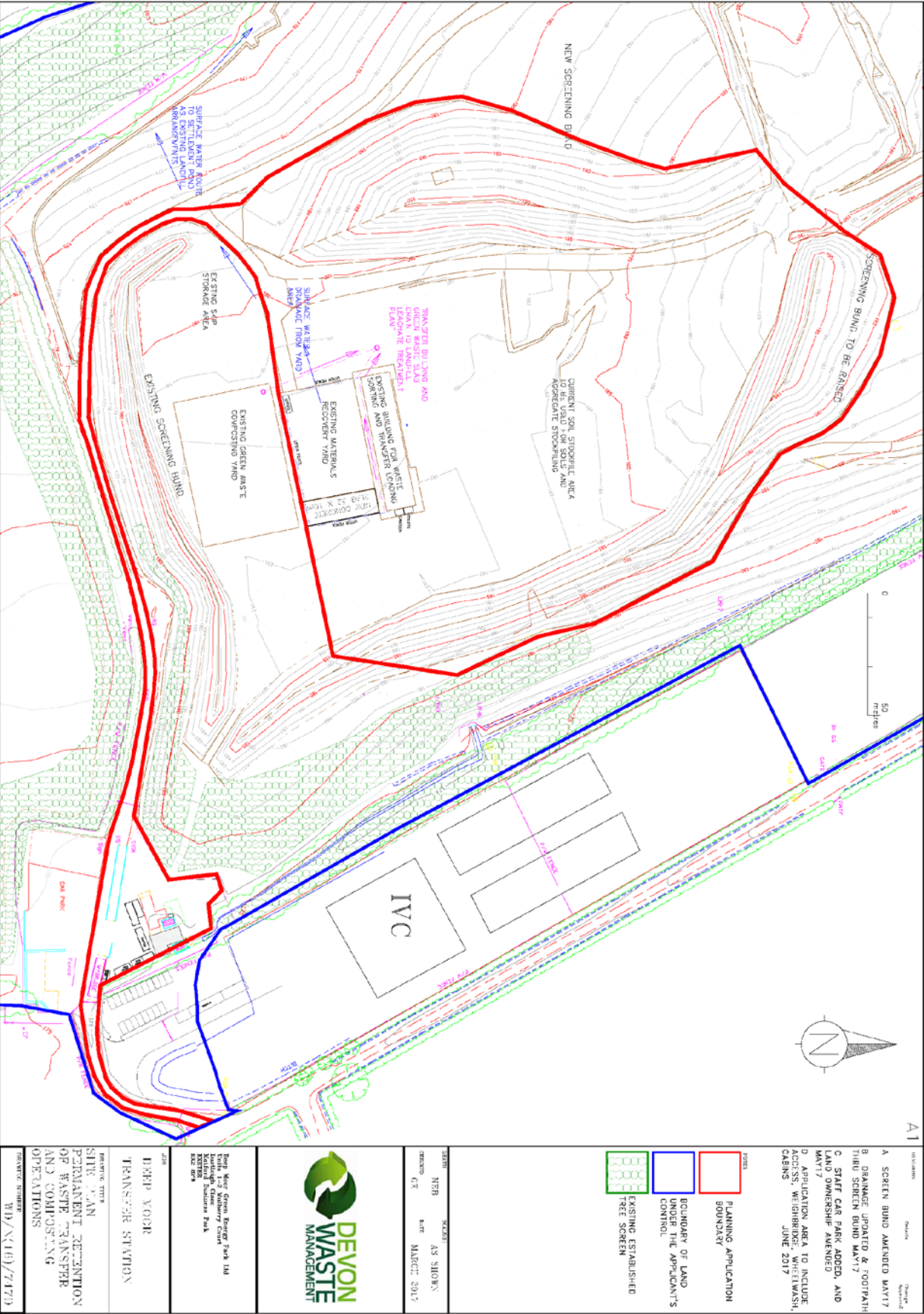


Location Plan





Site Plan



**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

**National Planning Policy Framework**

**Schedule of Conditions**

**Torridge District Council Application No. 1/0592/2017/CPZ  
Devon County Council Ref. DCC/3995/2017**

**STRICT ACCORDANCE WITH PLANS**

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered WD/N(16)/753A, WD/N(16)/747D, WD/N(16)/543, GEL Figure 1, WD/N(16)/744A(3), WD/N(16)/744A(1), WD/N(16)/744A(2) and Landscape Appraisal CE-DM1178-DW01 except as varied by the conditions below.

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

2. Within three months of the date of this permission a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority. The LEMP shall include:
  - a) Method statements for planting methods, maintenance and management where required, along with a timetable/schedule;
  - b) An annotated map(s) illustrating the measures to mitigate/enhance ecology and landscape on the site.

The development shall be implemented in accordance with the approved LEMP. All planting and landscaping shall be implemented in the first planting and seeding season following the grant of this permission. All Planting and landscaping shall be maintained for a minimum of 5 years following implementation of the LEMP.

REASON: To ensure that protected species/habitats and the local landscape are conserved and enhanced in accordance with policy W11 of the Devon Waste Plan.

**DRAINAGE**

3. Within three months of the date of this permission a sustainable drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with policy W19 of the Devon Waste Plan.

4. The landscaping scheme shown on the Landscape Appraisal CE-DM1178-DW01 shall be carried out in the first planting and seeding seasons following the date of this permission. The approved scheme shall be maintained for a period of five years. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted,

destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

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

#### FLOODLIGHTING

5. The floodlighting at the site including that already existing shall be designed, located, installed and operated in such a way that the lateral and upwards light overspill is minimised. No light fitting shall be located or installed so that its light source is in the direct line of sight from any window of any residential property within 500 metres of the base of a lighting column.

REASON: To protect the amenity of local residents in accordance with policy W18 of the Devon Waste Local Plan.

6. Any exterior lighting shall only be used between 07.00 and 18.00 on Mondays to Fridays, between 07.00 and 18.00 on Saturdays and between 07.00 and 13.00 on Sundays and Public Holidays.

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.

#### HOURS OF USE

7. The site shall only be used between 0630 and 18.30 on Mondays to Saturdays, between 0900 and 15.30 on Sundays and Public Holidays solely for the receipt of waste arising from the operation of civic amenity and recycling centres.

REASON: To protect the living conditions of nearby residents in accordance with policy W 18 of the Devon Waste Plan

8. No loading, unloading, deposit, storage, treatment, processing, sorting or other handling of waste shall take place at the site outside of the designated waste transfer building and Materials Recovery yard as shown on plan reference 2017-A1.

- a. The current stockpile area indicated on plan reference 2017-A1 Ga to the north of the Waste Transfer building shall only be used for the stockpiling of soils and aggregate. No processing of this material for recovery purposes may take place unless separately authorised by the Waste Planning Authority.
- b. Any baled or other waste placed on the Materials recovery yard shall not exceed 4m.

REASON: To minimise the visual impact of the development in accordance with policy W18 and W12 of the Devon Waste Plan.

#### DUST SUPPRESSION

9. Within three months of the date of this permission a scheme to suppress/minimise and monitor dust arising for the operation of the site shall be submitted to and approved in writing by the Waste Planning Authority.

The scheme shall include details of:

- a) The suppression of dust caused by moving/processing and storage of soil/overburden/stone or other materials.
- b) Dust suppression measures on haul roads, including speed limits.
- c) The provision of dust collection and storage facilities.
- d) Location of dust monitoring points, monitoring procedures and frequency.
- e) Maximum airborne dust levels and procedures if actual levels exceed them.
- f) Monitoring and review of the scheme.

The development shall be carried out in accordance with the approved scheme.

REASON: To minimise pollution arising from the development in accordance with policy W18 of the Devon Waste Plan.

10. Dust from the development shall be managed in accordance with the approved Dust Management Scheme at all times.

REASON: To minimise pollution arising from the development in accordance with policy W18 of the Devon Waste Plan.

11. No topsoil, subsoil or soil making material shall be exported from the site until such time that the required soils have either:

- a) been placed in the restoration of the adjoining landfill site or
- b) stockpiles which have been surveyed for quantities, location and it has been demonstrated to the WPA that they are adequate to complete the restoration scheme approved for planning permission DCC3956/2017.

REASON: To ensure adequate and suitable material is available to reinstate the adjoining landfill site.

12. 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.

13. 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 given the sites location in open countryside.