

**County Matter: Waste**

**East Devon District: Change of use from In-Vessel Composting Facility to Incinerator Bottom Ash (IBA) Recycling Facility to import and process up to 90,000 tonnes of IBA per annum, Former TEG In Vessel Composting Site, Stuart Way, Hill Barton Business Park, Exeter**

**Applicant: Rock Solid Processing Limited**

**Application No: 19/1367/CM**

**Date application received by Devon County Council: 12 June 2019**

Report of the Chief Planner

***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 I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Members).**

**1. Summary**

- 1.1. This report relates to an application to process and store up to 90,000 tonnes of incinerator bottom ash (IBA) per annum at Hill Barton Business Park.
- 1.2. It is considered the main material planning considerations in the determination of this application are planning policy considerations; highways; residential amenity; drainage; landscape and visual impact; and other environmental concerns, including climate change.
- 1.3. The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4135/2019 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4135/2019>.

**2. The Proposal/Background**

- 2.1. Hill Barton Business Park is located approximately 4km to the east of Junction 30 of the M5 and the edge of Exeter, with vehicular access provided directly from the A3052 Exeter to Sidmouth road. It is a large business complex which includes a number of waste operations, including skip hire, waste transfer, green waste composting, inert landfill, the site of a proposed gasification unit and a Material Recycling Facility.
- 2.2. The application site is located in the north eastern corner of the business park, utilising the former in vessel composting building and storage area. It should be noted that green waste composting is currently taking place to the south of the proposal site and will continue. The inert landfill facility at Hill Barton borders the site to the south east, with an energy generation plant to the north and a vegetated area to the north west.
- 2.3. The application looks to process up to 90,000 tonnes of incinerator bottom ash per annum, of which 15,000 tonnes would be sourced from the proposed Hill Barton energy from waste (EFW) facility, should it be built. The remaining material, 75,000 tonnes, would be imported to the site via public roads, with the main source of the IBA being the Plymouth energy from waste facility (approximately 60,000 tonnes per annum), which has permission to process 265,000 tonnes of waste per annum, and a facility at Bridgwater (approximately 15,000 tonnes per annum) which has permission to process up to 110,000 tonnes of waste per annum. All IBA material would be imported to the site from the M5 using the A3052.

- 2.4. IBA is the non-combustible residue remaining after incineration, mainly ash together with other materials including metals, grit and rubble.
- 2.5. The IBA would be imported to the site daily, by an estimated 11 covered HGVs (22 trips, which does not include the IBA imported from any Hill Barton facility), and would then be stockpiled and stored on site until the necessary capacity is reached to carry out processing on a campaign basis. IBA will be stored to the east of the building, within the existing hardstanding yard, with stockpiles reaching a maximum height of 10m. The applicant estimates that the storage yard is able to hold a maximum of 35,000 tonnes at any one time. Once this capacity is reached, processing within the existing building would commence, and it is anticipated that there would be three campaign processing events per year, lasting 6-8 weeks.
- 2.6. The processing operations constitute separating and sorting ferrous and non-ferrous metals through magnets and handpicking. These metals will be stored within the building until reaching a suitable tonnage and will be removed for recycling, and it is anticipated that approximately 7,450 tonnes of metals will be recovered per annum. Any unburned material would also be separated, stored within the building and returned to the incineration facility at which it originated. The IBA would then be screened into various different grades, and, once processed, incinerator bottom ash aggregate (IBAA) is produced which is a secondary aggregate. This will be stored on site or within suitable nearby facilities that have the correct permission, until sold for use as an aggregate. It is estimated that 67,500 tonnes of IBAA will be exported from the site, averaging 10 HGVs (20 trips) each day (excluding the movements associated with the IBAA leaving the site that would be generated from the Hill Barton facility).

### 3. Consultation Responses

- 3.1. East Devon District Council (Planning): no objections but endorse the comments made by Environmental Health.
- 3.2. East Devon District Council (Environmental Health): no outstanding concerns in relation to the proposal based on the information and commitments provided by the applicant, subject to the inclusion of the noise condition below. The Environment Agency will address the ongoing management requirements for dust and contaminated water throughout the life of the site.

Detailed comments have been made on the following issues:

- Noise – does not agree that the specific noise from the site will diminish to somewhere near negligible at the nearest sensitive receptor. Existing noises occurring on Hill Barton are audible offsite. During the sorting campaign, the machinery is extremely loud (115dB is quoted) and outside the noise level is predicted to be 80dB. Does not agree that this does not matter because it is an industrial estate. The noise is similar to other operations (wood chipping facility; skip company; proposed EFW) and, taken in combination, these noises are highly likely to contribute to a deterioration in the noise climate in this area. In order to ensure that issues will be addressed, a noise condition in line with that proposed for the EFW site is appropriate. Noise levels currently prevailing within the Hill Barton industrial estate have recently been measured and the appropriate wording of a condition could be:

*Prior to first commissioning operation of the development, a Noise Management Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify:*

- (a) all potential noise sources, including low frequency noise;*
- (b) details of the ways in which noise audible off-site will be mitigated;*
- (c) the frequency of noise monitoring;*
- (d) the mechanism for reporting noise monitoring; and*
- (e) the methods of noise complaint investigation.*

*The scheme shall be designed to ensure that the following standards are met:*

- (a) The noise generated at the boundary of the nearest residential property at any time shall not exceed Noise Rating Curve 30, as defined in BS8233:2014 Sound Insulation*

*and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Service Engineers Environmental Design Guide.*

- (b) The noise level measured at 5m beyond the boundary of the application site shall not exceed the current ambient and background noise levels within the Hill Barton industrial estate which can be taken as Laeq 60dBa, (1 hour, daytime), L90 52dBa (1 hour, daytime) and L90 43dBa (1 hour, night time).*

*Upon written approval of the noise scheme operations at the site shall be carried out, and thereafter maintained, in accordance with the approved scheme.*

*Reason: To protect the amenity of local residents, to prevent a deterioration in the prevailing noise climate and to ensure compliance with East Devon's Local Plan policy EN14 (Control of Pollution) and Policy W18 of the Devon Waste Plan.*

- Concerned that there may not be a market for the final IBAA product. If there is no market, there should be a commitment that the suppliers of the IBA might need to make other temporary arrangements rather than continuing to stockpile material all over Hill Barton. Perhaps the applicant could commit to a measure such that if the stockpiled amount in total exceeds 50,000 tonnes in emergency situations then the importation of IBA would be temporarily suspended;
- Agrees that no measurable negative impact on air quality locally, given the number of existing haulage uses on Hill Barton, although considers at some point a cap needs to be put on the site as a whole;
- No objection to the working hours;
- The applicant has confirmed that there is no potential for off-site odour;
- The applicant has also confirmed that there is no need for site lighting beyond closing time and this is welcomed;
- Pleased to see that the applicant has committed to ensuring that all vehicles based on site and other vehicles regularly delivering will be fitted with white noise reversing alarms, which of course will have beneficial effects wherever those vehicles operate;
- The applicant has confirmed that the IBA will be tested at source to ensure that it can be classed as non-hazardous. The presence of metals at low levels is still a potential risk to groundwater and the applicant has described the proposed arrangements for collecting all surface and run-off waters for pre-treatment and settlement using a "Siltbuster" system. They have also confirmed that treated liquid will be discharged to the foul sewer and that discharge agreements are in place with South West Water. This therefore addresses concerns about the potential for ground water to become contaminated. The Environment Agency are likely to require for tests to be carried out in due course in order to confirm that all water requiring treatment is being collected.

3.3. Farringdon Parish Council: cannot support the application without the following issues controlled with conditions, particularly the noise condition outlined by the EDDC EHO:

- consider there should be a cap on the site as a whole in regard to the impact of air quality, which is essential to protect amenity and health;
- would wish to see a commitment that the suppliers of the IBA would make other arrangements rather than continuing to stockpile material all over Hill Barton;
- dust is a current and ongoing concern for residents, and the high stockpiles are of concern;
- question the need for additional working hours;

- the stockpiles must not have a negative visual impact on our rural environment. Under the East Devon Local Plan Farringdon is deemed as open countryside and a rural environment;
  - Farringdon has several properties with private water systems so it is critical for health that the drainage system proposed is effective;
  - question why the doors to the building could not be kept closed and this is made a condition;
  - the Parish Council note that the expansion of waste operations has resulted in a significant increase in cumulative noise. There is no overall site policy for the cumulative effect of noise. Residents cannot distinguish between unacceptable loud noises from the different operations. Noise is an ongoing and major concern for residents. Consider that applications lack any accurate noise assessment information and, as a consequence, residents are continually reporting noise that affects their amenity. Consider that in reality noise is much louder than applications estimate. Noise should be considered from the outset rather than retrospectively;
  - increase in traffic is huge concern to Farringdon and Clyst St Mary residents;
  - concerned that the operation will be producing hazardous waste; and
  - regular odour problems occur in relation to the current composting facility and it is unacceptable that no information has been provided on odour.
- 3.4. Bishops Clyst Parish Council: objection. There are anomalies relating to noise, dust and odour, and the council do not expect that the proposal would increase traffic by 0.4%. The A3052 is operating at capacity, and increases in lorries would add unacceptable burdens on existing traffic problems and add significantly to pollution levels within Clyst St Mary. Dispute DCC Highways response that the traffic would be unnoticeable. Support and agree with other concerns and objections made.
- 3.5. Farringdon Residents Association: objection. Concerned at the cumulative effective of this and other applications. There are concerns over:
- noise – increase in lorry movements and vehicles on site;
  - transport – significant movements on the nearby road systems;
  - visual impact – 10m stockpiles will dwarf the 3m retaining walls, creating an eyesore;
  - dust – strict conditions needed to control dust emissions and hazardous dust. Prevailing wind is towards the village. The use of water on stockpiles is also of concern and the probability of contaminated water runoff;
  - hazardous waste – strict controls will be needed to protect the atmosphere and water environment; and
  - hours of operations – should be limited to 8am – 5pm Monday to Friday.
- 3.6. Plymouth City Council: comment that the North Yard Energy from Waste facility in Plymouth has approval to process 265,000 tonnes of waste per year, generating approximately 60,000 tonnes of IBA per annum. Previous locations to manage the IBA have not been forthcoming and the material is currently sent to the Netherlands for processing. There is a requirement, by condition, for 95% of the IBA produced to be recycled and not sent to landfill, and that procedures are followed to try to secure the use of treated bottom ash as an aggregate for local infrastructure and engineering projects. A method doing this was approved by Plymouth City Council and should be followed at any IBA re-processing facility.
- 3.7. Environment Agency: the development requires a permit and the EA has received application for this. If the permit is issued, the EA would have considered amenity issues, such as noise, odour and dust.

- 3.8. Highways England: no objection. Satisfied that the predicted level of trips is unlikely to adversely impact on the operation of the strategic road network, specifically M5 Junction 30.
- 3.9. Natural England: No objection. Consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 3.10. Devon County Council Ecology: given the size and nature of the proposals, with no vegetation removal or artificial lighting being proposed, there are no ecological comments to make.
- 3.11. Devon County Council Flood Risk Management: although most of the surface water drainage is remaining unaltered, the external areas are proposed to be drained to the Leachate Treatment Plant which will restrict flow. It is understood that the external areas of the existing site drain to the foul sewer unrestricted. A restriction to the flow will cause the surface water drainage system to 'back up'. The applicant has proposed a tank of 30m<sup>3</sup> to manage this, but there are concerns that the storage needs to be more than this. The applicant has proposed a 6-inch wall at the front of the development, but calculations should be submitted to demonstrate that this wall will provide enough storage. Surface water from the external areas could be contaminated and should not drain to a watercourse (either directly or via a surface water sewer or highway drain).

The following details are required prior to commencement to confirm the surface water drainage strategy:

- confirm the outfall of the existing filter drain;
  - calculations demonstrating the volume of surface water for a 1 in 100 years (+40% allowance for climate change) rainfall event;
  - calculations of the available storage within the external areas;
  - a scaled plan confirming the levels and gradients of the proposed pipework associated with the drainage of the external areas, as well as the levels of the Leachate Treatment Plant;
  - a statement confirming how surface water from the external areas shall reach the Leachate Treatment Plant; and
  - a scaled plan confirming the designs of the existing surface water drainage system serving the roof.
- 3.12. Devon County Council Waste Policy: in principle, the application is supported as it will achieve sustainable waste management by driving waste up the waste hierarchy. The proposed site is within the area of land identified under Policy W6 of the Devon Waste Plan for energy recovery; however, there is no objection to this as the allocation represents a larger area of search.
- 3.13. Devon County Council Highways: no objection. The increase is unlikely to have any significant impact on the existing highway network as it will most likely be unperceivable to other road users.
- 3.14. Devon County Council Public Health: the findings of the assessment reports for dust, noise, transport and air quality appear to meet national standards and the conclusions state that the impacts are negligible. Recommend that the dampening systems use rainwater to minimise the use of water and that carbon emissions from the transport are off-set.

- 3.15. Local Member (Cllr Ray Bloxham): regards the application acceptable and unlikely to have any amenity impact. Vehicles movements should be considered. On balance and given the previous HGV activity linked to the former use, the increase in movements generated is insufficient to justify an objection.

#### **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, six objections have been received, as well as three objections from Clyst St Mary Residents Association. These object on the following grounds:
- Associated traffic – ever increasing industrialisation of Hill Barton and Greendale is having a detrimental impact on local communities, especially in Clyst St Mary and the A3052. Clyst St Mary roundabout is at capacity and it is considered the highway network should be improved before any further large-scale industrial development is approved. Slow-moving HGVs will also cause noise and air pollution. There are inadequate crossings on the A3052. The increase in traffic should be considered cumulatively. Highlight that the composting operations will still be operating alongside the proposal, so both facilities will be using the A3052. Do not agree with DCC Highways response.
  - The application does not include adequate measures to control noise; dust; light pollution; odour and increase in traffic, which are already a problem in an area which is open countryside;
  - The cumulative impacts have not been assessed;
  - The residents' actual experience of noise should be considered alongside the noise report. At night the EMS waste operation can be heard;
  - The planting/screening around the site is not adequate to support the development;
  - No proposals to control hazardous waste effectively;
  - The development of Hill Barton has reduced the wildlife of the area and the landfill has blocked far reaching views.

#### **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 below and the most relevant are referred to in more detail in Section 6.

##### **5.2 Devon Waste Plan 2011 – 2031 (adopted December 2014)**

Policies W1 (Presumption in favour of Sustainable Development); 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); W15 (Infrastructure and Community Services); W16 (Natural Resources); W17 (Transportation and Access); W18 (Quality of Life); and W19 (Flooding).

##### **5.3 East Devon Local Plan 2013-2031 (adopted January 2016)**

Strategies 7 (Development in the Countryside); 38 (Sustainable Design and Construction); Policies EN14 (Control of Pollution); EN18 (Maintenance of Water Quality and Quantity); EN22 (Surface Run-Off Implications of New Development); and TC7 (Adequacy of Road Network and Site Access).

- 5.4 Other material considerations include:

**National Planning Policy Framework  
National Planning Policy for Waste  
Planning Practice Guidance**

**6. Comments/Issues**

- 6.1. The main material planning considerations in the determination of the proposed development are planning policy considerations; highways; residential amenity; drainage; landscape and visual impact; and other environmental concerns, including climate change.

Planning Policy Considerations

- 6.2. Policy W3: Spatial Strategy of the Devon Waste Plan looks for new strategic recycling facilities - those that could manage a minimum of 40,000 tonnes of waste per annum - to be located within or close to Exeter, Barnstaple or Newton Abbot. This site is approximately 4km east of Exeter and is, therefore, considered to be an acceptable location, in principle, for a strategic waste facility. The site is also utilising an existing building and hardstanding area on a business park which has other waste management facilities.
- 6.3. More specifically, Policy W5: Reuse, Recycling and Materials Recovery states that planning permission will be granted for facilities for storing and recycling of waste, unless material considerations indicate otherwise, where they:
- (a) are co-located at or close to the source of the waste or opportunities for its beneficial after use; and/or
  - (b) achieve the segregation of reusable, recyclable or compostable materials prior to energy recovery or disposal of the residual waste; and/or
  - (c) are co-located with a complementary waste management operation; and/or
  - (d) achieve the recycling of incinerator bottom ash and/or other non-hazardous thermal treatment residues arising within Greater Devon.
- 6.4. It is considered the proposal meets points (c) and (d), and potentially meets (a) in that the proposal is for the recycling of IBA, primarily intended to serve the Plymouth facility, which is within Greater Devon. An energy from waste facility is also approved at Hill Barton Business Park which could utilise the proposed facility. It is noted the application makes reference to the Bridgwater energy from waste facility, which is outside of Devon; however, this accounts for small proportion of the IBA to be processed at the site (approximately 17%), and it is considered the primary purpose of the application is to serve facilities in Greater Devon and, therefore, is in general accordance with Policy W5.
- 6.5. The application proposes processing up to 90,000 tonne of material per annum, with this figure derived through the current contracts of the applicant and potential future operations:
- 60,000 tonnes from the Plymouth energy from waste facility – this is currently operational with IBA being transported to the Netherlands;

- 15,000 tonnes from a Bridgwater energy from waste facility –this facility is consented, and construction has commenced; and
  - 15,000 tonnes from Hill Barton energy from waste facility – this facility is consented.
- 6.6. It is understood that the IBA generated by the Exeter energy from waste facility is currently contracted to be managed in Avonmouth.
- 6.7. It is noted that the proposal is within an area designated for energy recovery by Policy W6: Energy Recovery; however, this allocation covers a larger area and there is still scope for an energy recovery proposal to come forward if required.
- 6.8. Responses have noted that Farringdon is within the open countryside. While the application site and the surrounding rural area are outside of any built-up area boundary, the application site is considered an appropriate location given its position within the existing industrial estate and the use of existing infrastructure.

#### Highways

- 6.9. The application assumes that 75,000 tonnes of IBA being imported into the site will utilise the A3052 heading to/from the Exeter direction. The remaining 15,000 tonnes, should the facility be forthcoming, will be generated from Hill Barton and these trips would be utilising private access roads.
- 6.10. A number of responses that have been received raise concerns with the level of vehicle movements the application is generating, particularly with regards to the impacts upon Clyst St Mary, including the roundabout and the poorly maintained pedestrian footbridge.
- 6.11. In total, it is anticipated the operations would result in 56 trips per day on the public highway, 50 HGV trips and 6 multi-modal staff trips. The HGV movements can be divided into imported IBA; exported IBAA; exported metals; and sludge. Taken across an 11-hour day, this results in two or three HGVs delivering or collecting material per hour (approximately 4 to 6 trips). These figures would represent a 3.6% HGV increase on public roads, and an overall increase of 0.3% in overall traffic.
- 6.12. Residents have stated that the Clyst St Mary Roundabout is at capacity. It is understood the roundabout does experience queuing in the AM and PM peak; however, it is not considered the movements anticipated with the application (two or three HGVs per hour), or cumulatively with other development, would have an adverse impact of the capacity and functionality of the transportation network, as set out in Policy W17 (Transportation and Access) of the Devon Waste Plan.
- 6.13. Whilst the concerns of the residents are appreciated, the increase in movements is unlikely to have a significant impact on the existing highway network. The applicant has, however, offered to provide a Delivery & Servicing Plan which will set out best practice for the delivery and collection of material to and from the site, including route management, hours of delivery and on-site practices and behaviour in order to minimise any impacts as far as possible. This is recommended to be secured by condition.

#### Privacy/Noise/Proximity to Residential Properties

- 6.14. The key concerns raised by nearby residents, Farringdon Parish Council and the Farringdon Residents Association are the cumulative impacts of noise, dust and



traffic with the other operations taking place at Hill Barton Business Park. Policy W18 (Quality of Life) of the Devon Waste Plan protects peoples' quality of life and amenity from adverse effects of waste management, including any cumulative effects. Development should demonstrate that the light pollution, noise and vibration, dust and other reduction in air quality shall be strictly controlled to avoid any significant nuisance.

#### Dust and air quality

- 6.15. Concerns have been raised regard the level of dust that could be generated from the operations and the potential from 'wind-whipping' due to the height of the stockpiles.
- 6.16. The applicant has provided a Dust Management Plan, which highlights a number of processes taking place at the site that have the potential to generate dust including the delivery, exporting and stockpiling of IBA; the movement of IBA around the site; the mechanical processing of the IBA; and windblown dust from area storage and external areas. In order to mitigate any potential for fugitive dust emissions, the applicant proposes a number of measures including covered vehicles being used for delivery and collection; stockpiles dampened using a water spray cannon; internal roadways to be kept clear and dampened when required; processing to take place within the building, with the rear doors remaining closed; and the processing plant to incorporate a sprinkler system. The landfill bund and existing buildings also offer screening to sensitive receptors to the east and west, and the applicant has also stated that the materials are naturally coherent, will be compacted and regularly dampened, and when exposed to the air the material tends to form a crust. The Environmental Health Officer has considered these measures and has no outstanding concerns regarding dust emissions. It is, however, recommended that these measures are conditioned should planning permission be granted.
- 6.17. It should be noted that the Environmental Permit, should it be issued by the Environment Agency, would have conditions related to dust management of the stockpiles and the operations.
- 6.18. The applicant has provided an Air Quality Assessment which concludes there is a negligible impact on local NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. The Environmental Health Officer agrees with this assessment.

#### Noise

- 6.19. Concerns have been raised at the potential noise to be generated from the operations, with residents suggesting that noise pollution is already too high coming from the site.
- 6.20. The applicant has submitted a Noise Impact Assessment as part of the application, indicating noise is likely to be generated from the campaign processing event and with machinery stockpiling material. This Assessment concludes that the effect of operational noise at sensitive receptors is likely to be negligible. However, the Environmental Health Officer does not agree with this conclusion, in that the noise levels are anticipated to be loud (115db inside and 80dB outside) and comparable to nearby uses. Taken in combination, it is anticipated that these noises are likely to contribute to a deterioration in the noise climate in the area. A condition is proposed to require a Noise Management Scheme prior to operations commencing, to include complaint investigation and ensuring noise limits do not exceed the existing background noise levels in Hill Barton Business Park. Discussions with the Environmental Health Officer have confirmed that noise levels can be measured at

30m from the site boundary, as opposed to 5m, for consistency across the Business Park. This condition is recommended should planning permission be granted.

- 6.21. The applicant has suggested operating hours, including hours for collection and delivery, between 07:00 and 18:00, Monday to Friday. However, operations may need to take place on Saturdays to recover from bank holidays or should there be an operational emergency at one of the source facilities requiring an additional day of offtake. These hours are considered acceptable and it is recommended that these are conditioned, with notification of, and agreement for, any Saturday working to be obtained from the Waste Planning Authority.

#### Cumulative impacts

- 6.22. A number of responses have referenced the potential cumulative impacts of this development in combination with the existing businesses and operations at Hill Barton, with a particular concern with noise. The reports submitted with the application have considered the current situation at the Business Park and the surrounding environment. The noise condition proposed would require the operations to be below the current background noise levels at the business park and the provision of a noise management scheme to achieve this.

#### Other

- 6.23. Responses have referred to the impact of the highway movements on the local community. It is considered that the levels of traffic anticipated to be generated by the development, as detailed above, will not have a material impact upon residential amenity.
- 6.24. The proposal does propose any additional lighting and the use of existing lighting will only be during operational hours. This is considered acceptable, but it is recommended this is secured by condition.
- 6.25. Responses have referred to the generation of odour by the operation. The applicant has clarified that the site will be handling materials that have been subject to a high temperature process before arriving, meaning that there will be no biodegradable materials present that have the potential to create odour. This is considered a reasonable conclusion.

#### Overall

- 6.26. It is considered, with the recommended conditions, the proposal is in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan and Policy EN14 (Control of Pollution) of the East Devon Local Plan.

#### Drainage

- 6.27. The proposal looks to separate out the management of clean surface water from the roof of the building and surface water collected from external areas and the internal building area. Clean surface water will be directed to the existing surface water drainage system and all other surface water, including from the storage and processing area, is proposed to be directed through a Leachate Treatment Plant. Once treated, the water would be discharged into the foul sewer. South West Water have issued a Trade Waste Consent for this, and the Environment Agency will also consider the drainage as part of the permitting process. Whilst the principle of water management is acceptable in principle, it is considered that final design of the

drainage system should be required by a condition. The sludge from the Leachate Treatment Plant will be removed from site for treatment; given this, and the requirement of a condition for information to be submitted demonstrating the above waste management systems, it is considered the proposal will not have a significant adverse effect on the quality of water resources and is in accordance with Policy W16 (Natural Resources) of the Devon Waste Plan.

#### Landscape and Visual Impact

- 6.28. A response has made reference to the existing planting and screening along Spain Lane not being adequate to support the development. It is considered visibility to the site is limited, as the site is screened by existing buildings within the business park and the landfill bund. Although the stockpiles are proposed to be 10m in height, this is no higher than that the adjacent landfill bund and existing building and, therefore, with a condition controlling stockpile heights, the proposal is considered acceptable and in accordance with Policy W12 (Landscape and Visual Impact) of the Devon Waste Plan in that the scale and design of the development is sympathetic to the landscape setting.

#### Other Environmental Considerations (Including Climate Change)

- 6.29. Paragraph 148 of the National Planning Policy Framework requires that “the planning system should support the transition to a low carbon future in a changing climate”, while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon’s carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.30. The primary benefit of the application would be the management of a waste material and production of a secondary aggregate within Devon that would reduce the need for land-won aggregates and the use of natural resources, an approach supported by the Aggregates Hierarchy in the Devon Minerals Plan. Plymouth City Council require 95% of the IBA produced at the Plymouth energy recovery facility should be recycled to optimise the use of the IBA in the most sustainable way. Details to secure the use of the treated bottom ash as an aggregate for local infrastructure and engineering projects has also been approved by Plymouth City Council, which includes a marketing strategy.
- 6.31. Given these requirements, the application would also allow the IBA to be managed and utilised closer to the source of the waste. It is understood that alternative locations closer to the Plymouth energy from waste facility have been considered but have proved undeliverable. Whilst HGVs will still be required to transport material between the facilities, this is a much shorter distance than the current arrangements which see the IBA from Plymouth shipped to the Netherlands. The applicant has provided a comparison of the estimated CO<sub>2</sub> emissions generated from the transportation to the Netherlands and Hill Barton and this shows that shipping the material to the Netherlands generates approximately 3.5 times as much CO<sub>2</sub> as the road transportation to Hill Barton. This assessment is considered reasonable and would lead to reduction in CO<sub>2</sub> emissions.
- 6.32. The proposal is also making use of existing infrastructure, minimising any development on greenfield/undisturbed land and, whilst there is limited opportunity on site for any biodiversity improvements, the applicant is providing four swift boxes on the south western elevation of the building. One response has suggested the use

of rainwater for dust mitigation; the applicant has considered this but, in practice, the misting system requires a pressurised mains connection to be effective, without the potential of suspended solids that could be found in the roof run-off.

#### Other

- 6.33. Responses have referred to the IBA as being hazardous. The applicant has clarified that the no hazardous materials will be accepted at the site and notes that the contract with the Plymouth energy from waste facility requires that all materials meet non-hazardous specifications.
- 6.34. Concerns have also been raised regarding the storage of IBA/IBAA should there not be a market for the aggregate. The applicant believes there is a market following discussions and experience, and the requirement by Plymouth City Council should also assist in creating need. However, in the event that the market is not strong, the applicant has confirmed it will be their responsibility to find alternative solutions for the IBAA being produced. One option for the applicant is to use the storage facilities within the neighbouring landfill site, or at another suitable site within Hill Barton. Ultimately, should space not be available the applicant will have to resume arrangements to export the material to the Netherlands. The applicant will have to ensure any alternative site has the correct planning permission and Environmental Permit in place, and it is understood that alternative locations would have a sealed surface and dedicated drainage. In order to ensure the application site is limited in the amount of material that is stored on the site, it is recommended a tonnage limit and stockpile heights are conditioned.

### **7. Reasons for Recommendation/Alternative Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered this proposal delivers sustainable waste management for Devon, and it allows the recycling of a waste that may otherwise be disposed of or processed further afield. The production of a secondary aggregate minimises reliance on natural resources, and there is a commitment to utilise the material within greater Devon infrastructure and engineering projects. The concerns of the local residents are noted, and the recommended conditions are considered to provide adequate control with regards to dust and noise, along with the requirements of any Environmental Permit. Whilst there are concerns regarding the additional traffic, the anticipated movements are not considered to have a significant effect on the highway network. Taking the material considerations into account, it is considered appropriate to grant planning permission in accordance with the recommendation of this report.

Mike Deaton  
Chief Planner

### **Electoral Division: Broadclyst**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Emily Harper

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

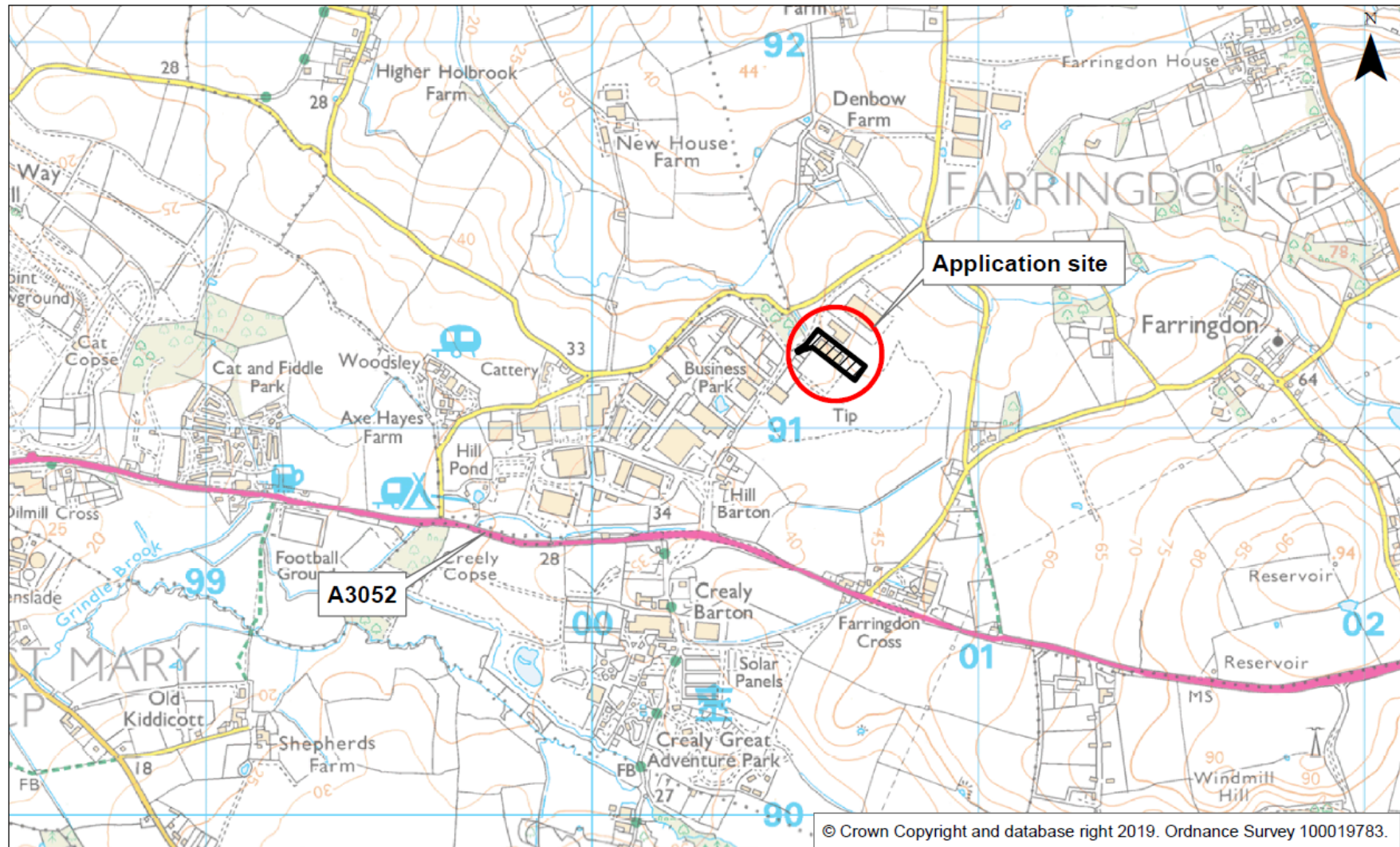
**Background Paper**  
Casework File

**Date**  
Current

**File Ref.**  
DCC/4135/2019

eh041119dma  
sc/cr/Change of use from In-Vessel Composting Facility to Recycling Facility Stuart Way Hill Barton Business  
Park Exeter  
02 181119

## Location Plan



Head of Planning,  
Transportation  
and Environment

Development Management Committee

County Matter: Waste  
East Devon District Council: Change of use from In-Vessel Composting Facility to Incinerator Bottom  
Ash (IBA) Recycling Facility to import and process up to 90,000 tonnes of IBA per annum at Former  
TEG In Vessel Composting Site, Stuart Way, Hill Barton Business Park, Exeter, EX5 2HU

date

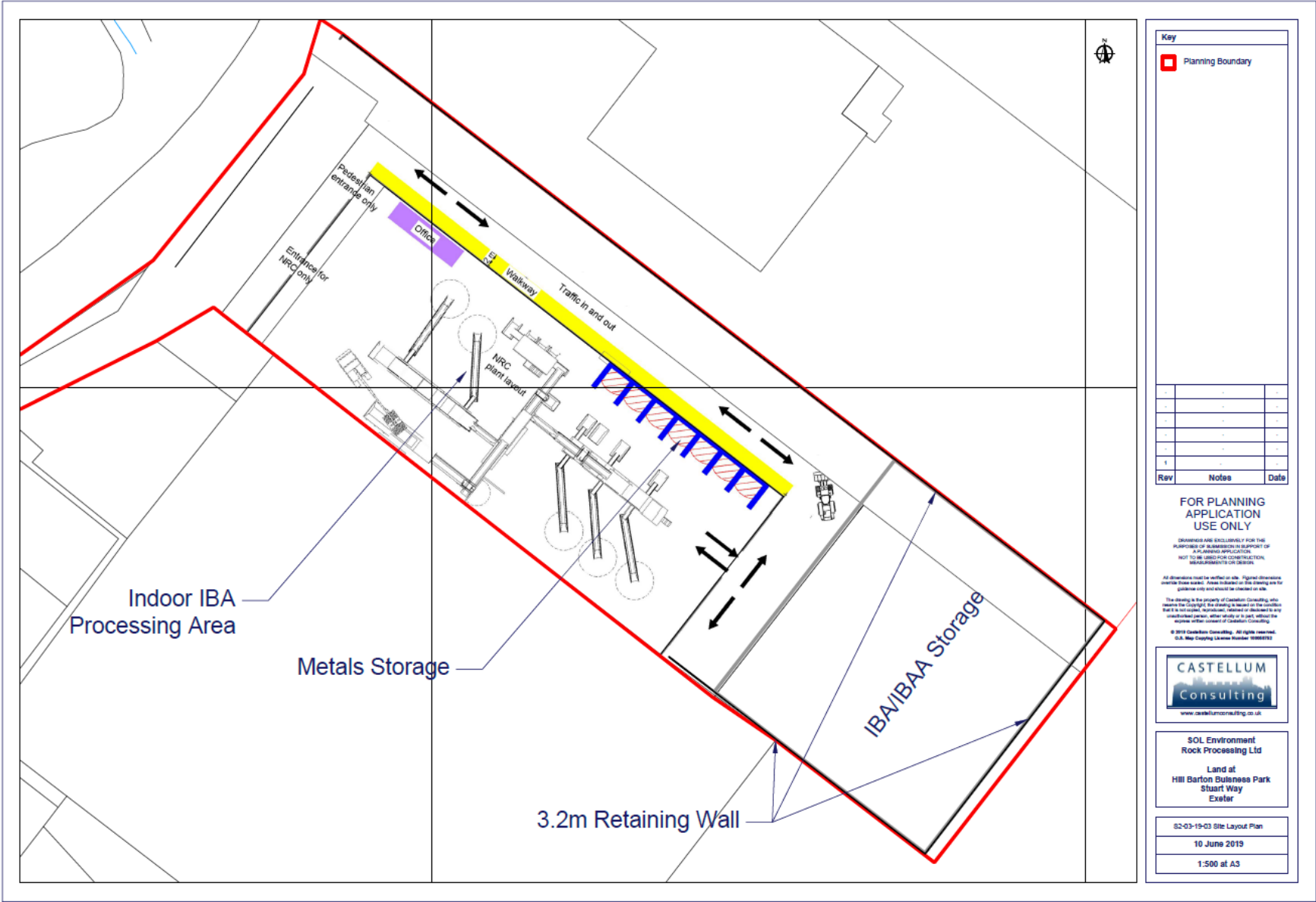
November 2019

scale

1:12,500

Application No:  
16/01969/DCC

Site Plan



**Planning Conditions**

**COMMENCEMENT**

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

**STRICT ACCORDANCE WITH PLANS/DOCUMENTS**

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:

- S2-03-19-01 Site Location Plan;
- S2-03-19-03 Site Layout Plan;
- 1901-02-C Boundary Detail;
- S2-03-19-05 Site Bird Box Plan;
- S2-03-19-04 Site Lighting Plan;
- Section 3 Controls and management procedures of the Dust and Emission Management Plan (dated 25/10/2019)

unless as varied by the conditions below.

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

**NOTIFICATION**

3. Written notification of the date of the commencement of importing Incinerator Bottom Ash shall be sent to the Waste Planning Authority no later than 21 days prior to importation commencing.

REASON: To enable the Waste Planning Authority to monitor the proposed operations.

**PRE-COMMENCEMENT CONDITION**

**DRAINAGE**

4. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Waste Planning Authority. This detailed permanent surface water drainage management plan shall include, but not be limited to:

- confirmation of the location of the outfall of the existing filter drain, shown on a scaled plan;
- calculations demonstrating the likely volume of rainfall which will fall on the site for a 1 in 100 years (+40% allowance for climate change) rainfall event;
- calculations of the available surface water storage within the external areas. In the event that surface water (for a 1 in 100 years (+40% allowance for climate change) rainfall event) cannot be contained within the external areas, a revised drainage plan shall be submitted to ensure the surface water can



be contained within the external areas. This may require alterations to external features;

- a scaled plan confirming the levels and gradients of the proposed pipework associated with the drainage of the external areas, as well as the levels of the Leachate Treatment Plant;
- a statement confirming how surface water from the external areas shall reach the Leachate Treatment Plant;
- a scaled plan confirming the designs of the existing surface water drainage system serving the roof; and
- details of the proposed pumping to the Leachate Treatment Plant (including a statement confirming how it will be pumped and a plan depicting the location of any machinery for pumping).

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

Reason: To ensure that surface water from the development is managed to reduce the risk of flooding and contamination of water resources in accordance with Policies W18 (Flooding) and W16 (Natural Resources) of the Devon Waste Plan.

## **PRIOR TO THE COMMENCEMENT OF IMPORTING INCINERATOR BOTTOM ASH**

### **NOISE**

5. Prior to the importation of Incinerator Bottom Ash, a Noise Management Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify:
  - a. all potential noise sources, including low frequency noise;
  - b. details of the ways in which noise audible off-site will be mitigated;
  - c. the frequency of noise monitoring;
  - d. the mechanism for reporting noise monitoring; and
  - e. the methods of noise complaint investigation.

The scheme shall be designed to ensure that the following standards are met:

- a. The noise generated at the boundary of the nearest residential property at any time shall not exceed Noise Rating Curve 30, as defined in BS8233:2014 Sound Insulation and Noise Reduction for Buildings Code of Practice and the Chartered Institute of Building Services Engineers Environmental Design Guide.
- b. The noise level measured at 30m beyond the boundary of the application site shall not exceed the current ambient and background noise levels within the Hill Barton industrial estate which can be taken as LAeq 60dB, (1 hour, daytime), L90 52dBa (1 hour, daytime) and L90 43dBa (1 hour, night time).

Upon written approval of the noise scheme, operations at the site shall be carried out, and thereafter maintained, in accordance with the approved scheme.

REASON: To protect the amenity of local residents, to prevent a deterioration in the prevailing noise climate and to ensure compliance with Policy EN14 (Control of Pollution) of the East Devon Local Plan and Policy W18 (Quality of Life) of the Devon Waste Plan.

## **DELIVERIES AND COLLECTIONS**

6. Prior to the importation of Incinerator Bottom Ash, a Delivery & Servicing Plan shall be submitted to and approved in writing by the Waste Planning Authority. This shall set out best practice for the delivery and collection of material from the site, including route management, hours of delivery and on-site practices and behaviour. Operations shall be carried out in accordance with the approved Delivery & Servicing Plan.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## **SITE PREPARATION**

7. The boundary wall shown on drawings 1901-02-C Boundary Detail and S2-03-19-03 Site Layout Plan; the surface water drainage management plan approved under condition 4; and the Swift Bird Boxes shown on S2-03-19-05 Site Bird Box Plan shall be fully installed and completed prior to the importation of Incinerator Bottom Ash, and shall subsequently be retained for the duration of the operations hereby permitted.

REASON: To prevent any contamination of water resources and to provide biodiversity improvements in accordance with Policies W14 (Sustainable and Quality Design) and W16 (Natural Resources) of the Devon Waste Plan and Policy EN14 (Control of Pollution) of the East Devon Local Plan.

## **OPERATIONAL**

### **TONNAGE RESTRICTIONS**

8. No more than 90,000 tonnes of Incinerator Bottom Ash shall be imported onto the site in any calendar year, with no more than 75,000 tonnes of this imported using the public highway. The operator shall maintain records of all waste entering the site and make them available to the Waste Planning Authority at any time upon request. The records shall contain details of all deliveries including the date, tonnage of waste and source of waste.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

### **STORAGE RESTRICTIONS**

9. Incinerator Bottom Ash and Incinerator Bottom Ash Aggregate shall only be stored within the area marked 'IBA – IBA-A Storage' on drawing 1901-02-C Boundary Detail. No more than 35,000 tonnes of Incinerator Bottom Ash and/or Incinerator Bottom Ash Aggregate shall be stored within the area marked 'IBA – IBA-A Storage' at any one time. Stockpiles of Incinerator Bottom Ash and Incinerator Bottom Ash Aggregate shall not exceed a height of 10m.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## **MATERIAL RESTRICTIONS**

10. No waste or processed materials other than Incinerator Bottom Ash; Incinerator Bottom Ash Aggregate; and metals and sludge arising from the processing operations shall enter, be treated or be stored at the site. Wastes and processed materials shall only be stored in their respective designated areas shown on drawing 1901-02-C Boundary Detail and the drainage details approved under condition 4.

REASON: To enable the Waste Planning Authority to monitor the proposed operations and that the purpose of the development remains to achieve the recycling of Incinerator Bottom Ash in accordance with Policy W5 (Reuse, Recycling and Materials Recovery) of the Devon Waste Plan.

## **HOURS OF OPERATIONS**

11. The site shall only operate (including deliveries, processing, stockpiling and collections) between the following hours:
- 07.00 to 18.00 Mondays to Fridays
  - The site shall not operate on Saturdays unless agreement has been obtained from the Waste Planning Authority. The operator shall submit a request and justification to the Waste Planning Authority at least 5 days prior to the proposed Saturday working. Any operation carried out on a Saturday shall be between the hours of 08.00 and 17.00.
  - No operations shall take place on Sundays or Public Holidays.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## **PROCESSING RESTRICTIONS**

12. All processing activities shall take place within the building shown on drawing S2-03-19-03 Site Layout Plan. Doors on the north eastern and south eastern elevations shall remain closed during processing except when transporting material to and from the stockpiles. Processing shall only take place:
- during three events in any calendar year; each event shall be up to a maximum of 8 weeks;
  - in accordance with the operating hours set out in Condition 11.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## **PLANT AND MACHINERY**

13. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer where appropriate to meet the standards set out in Condition 5. All vehicles, plant, equipment and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## **PLANT AND MACHINERY**

14. No permanent vehicles or mobile plant used shall be operated within the permission area unless they have been fitted with and use “white noise” alarms. Where possible, delivery and collection vehicles shall be fitted with and use “white noise” alarms.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## **DELIVERIES AND COLLECTIONS**

15. All vehicles delivering or collecting unprocessed or processed Incinerator Bottom Ash shall be sheeted at all times other than during loading or unloading.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

## **LIGHTING**

16. All lighting shall be operated in accordance with the details shown on S2-03-19-04 Site Lighting Plan. No additional lighting shall be installed or operated at the site.

REASON: To minimise the impact of the development on the local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.