

County Matter: Waste: East Devon District: Retrospective planning application to vary Condition 15 of planning permission 07/00955/2006 to permit fixed wash plant or machinery for inert recycling operations, Hill Barton Business Park, Clyst St Mary, Exeter
Applicant: Stuart Partners Ltd
Application No: 21/2709/CM
Date application received by Devon County Council: 12 October 2021

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 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This Report relates to the variation of condition 15 of planning permission 07/00955/2006 to facilitate the installation of additional plant to enable improved recovery/segregation of sand and stone.
- 1.2 In the determination of this application it is considered that the main material planning considerations are waste policy; impacts on the local highway network; visual and landscape impacts including the impacts on the wider landscape from materials stockpiles; and the impacts on residential amenity in terms of noise and dust.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4255/2021 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4255/2021>.

2. The Proposal/Background

- 2.1 The application site is within Hill Barton Business Park which is located approximately 4km to the east of Junction 30 of the M5 on the east side of Exeter. Access to the Business Park is directly from the A3052 Sidmouth Road, with the application site itself reached by internal surfaced site roads.
- 2.2 Hill Barton is a large business complex, with a number of waste management uses, including an inert landfill site, inert waste recycling, contaminated soil treatment and a skip hire/waste transfer and materials recycling building.

- 2.3 The control of fixed plant or machinery to which this permission relates was originally covered under permission 07/0955/2006 (for the continuation of existing inert landfill for a further fifteen years period and permanent waste processing activities together with permanent provision of green waste facility (open windrows) and permanent building to house in vessel composting facility), which was issued in September 2006. The recycling building associated with the plant was covered under planning permission 07/0069/CM which was issued in March 2007.
- 2.4 The current application proposes to vary condition 15 of planning permission 07/00955/2006 to permit fixed wash plant or machinery for the inert recycling operations. This condition currently states: "Unless otherwise agreed in writing by the Waste Planning Authority, no fixed plant or machinery shall be used for the recycling operations hereby approved".
- 2.5 The proposed wash facility consists of a materials screening and washing unit, materials scrubbing unit, wastewater clarification silo and filter press. The submitted planning statement states that:
- "The purpose of the wash plant is to screen and wash waste to separate the sand from the finer clay fractions while also washing and grading the stone element. Enabling grading of smaller fractions will improve the quality of the output from site and enable further waste recovery of sands for example, this will improve the recycling/recovery rate from the landfill by a further 70%."
- 2.6 During the installation of the proposed wash plant two stockpiles, consisting of an elongated soils pile along the south of the site and a more prominent/peaked pile of uncrushed aggregates to the south-west of the site, were allowed to build up and exceed the 5m maximum height permitted by the current permission. These stockpiles have been particularly visible from the south-east of the site, but have been gradually reducing in size as materials are processed. At the time of this report being published, it was reported that the heights of the piles are now all below the 5m limit, with the three main and most visible piles ranging between 3.75m and 4.55m high. The waste planning authority will continue to monitor these mounds on a regular basis until it is completely satisfied that they have remained below the approved levels for a consistent period of time.

3. Consultation Responses

- 3.1 East Devon District Council (Planning): No response received.
- 3.2 East Devon District Council (Environmental Health): Concludes that the noise impact assessments have identified that the typical background noise levels (LA90) for the Noise Sensitive Receptor's (NSR) are lower over the weekend period than during the week, likely due to the reduction in work activities and vehicle movements. However, the site's environmental permit allows for Saturday operations. The typical background sound level for Saturdays has been shown to be 37 dB (LA90 15min) at a NSR, whereas during the week it is shown to be (41 dB (LA90 15min)). Taking this into consideration it is likely that, on Saturdays, noise from the operation of the plant will be audible at the nearest

NSR and, taking this into consideration, mitigation is required in order to reduce noise impacts to a minimum.

Having reviewed additional survey data submitted by the applicant's noise consultant, concerns remain that, during parts of the Saturday operation times, the noise from the wash plant may well be audible to local residents (due to the different character, intermittency and duration of the noise). Therefore, in considering this the following options were proposed:

- (a) the recommendation of the 5 dB(A) below the background sound level condition;
- (b) no operation of the wash plant on Saturdays; or
- (c) the submission of further sound data covering a number of Saturday's giving a more robust data set.

3.3 Farringdon Parish Council: Object in the strongest terms for the following reasons:

- (a) This is a new application and should be fully explored in such terms;
- (b) The original application was made in 2006. HBBP (Hill Barton Business Park) has continued to grow exponentially in the last 15 years, and FPC are concerned as to the cumulative and commensurate effect of noise, site movements and air pollution in Farringdon which can only have a detrimental effect upon the lives of those living in the community.
- (c) The Planning Statement at 3.2 and 3.3 is incorrect in that:
 - residents are not employed at the site;
 - the site is full so much so that there has been unlawful expansion into the field at the front of HBBP;
 - the site is not enclosed by a vegetated bund and can be viewed by the residents of Denbow who also experience noise or other effects of the site;
 - if permission is given to the wash plant then that will add to the significant noise which emanates from the site; and
 - the site is not surrounded by "development which is abundantly industrial in scale and nature" - HBBP is industrial but the surroundings are fields and the houses of the people of Farringdon.
- (d) The application does not minimise the risk of harm to human health and wellbeing, nor will it give "positive benefits" save to Stuart Partners Limited.
- (e) paragraph 5.5 of the applicant's statement is incorrect as it is not correct to assert that there will be no adverse impacts associated with the scheme.
- (f) the cumulative effect of an increase in traffic of another 5 vehicles per day to the site has not been addressed.
- (g) the timing of the noise assessment data is questioned given we are 4 years on and there has been further expansion of the site since it was taken in December 2017. As a result of its concerns, FPC have appointed Curload

Consultants to undertake a preliminary noise assessment, the conclusion of which is:

“...it is clear to see that the introduction of several noise generating businesses to Hill Barton Business Park is likely to have generated an adverse impact at the surrounding Curload Consultants Limited – Registered in England and Wales, Registration Number 06856940 noise sensitive areas, and the noise generated by businesses on the Business Park should not be considered in isolation. It should be noted that this assessment has only included 4 recent developments and, as listed earlier in this letter, there are many more noise generating activities on the site.”

- 3.4 National Highways: No objection. Based on the predicted uplift in HGV traffic, the proposal is unlikely to result in an unacceptable impact on the safe operation of the strategic road network, as defined by NPPF.
- 3.5 Environment Agency: No objection, although the plant will need to operate in accordance with the conditions of its environmental permit.
- 3.6 DCC Highways: No objection. The proposed development would enable sand and stone to be segregated, cleaned and recycled, thereby reducing the amount of waste that would be sent to landfill. It is estimated that the proposal would result in up to 10 additional two-way HGV trips per weekday over the existing daily traffic generation of up to 60 two-way HGV movements. It is considered that the predicted rise in HGV traffic that the proposal is unlikely to result in an unacceptable impact on the local and surrounding highway network, as defined by the NPPF.

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 no letters of objection were received.

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); W6C (Hill Barton); W12 (Landscape and Visual Impact); W17 (Transportation and Access) and W18 (Quality of Life).

5.3 East Devon Local Plan 2013 – 2031 (adopted January 2016)

Strategies 3 (Sustainable Development) and 5 (Environment) Policies EN14 - Control of Pollution, and Policy TC7 (Adequacy of Road Network and Site Access).

5.4 Farringdon Neighbourhood Plan 2018 – 2031 (made June 2021)

Policies N2 (Respect landscape character) and B1 (Control the impact of industrial/commercial activity).

5.5 Other material planning considerations include:

- National Planning Policy Framework;
- National Planning Policy for Waste;
- National Waste Management Plan for England; and
- Planning Practice Guidance.

6. **Comments/Issues**

6.1 In the determination of this application it is considered that the main material planning considerations are waste policy; impacts on the local highway network; visual and landscape impacts including the impacts on the wider landscape from materials stockpiles; and the impacts on residential amenity in terms of noise and dust.

Waste Policy Considerations

6.2 It is considered that the proposal is in accordance with Policy W5 (Reuse, Recycling and Materials Recovery) of the Devon Waste Plan, which encourages additional facilities that will enable recycling including where they are “achieve the segregation of reusable, recyclable...materials prior to... disposal of the residual waste...or are co-located with a complementary waste management operation.”

6.3 Paragraph 3.5.1 of the Plan states that:

“Where waste is unavoidably produced, the waste hierarchy gives preference to the reuse of the waste wherever possible... In the Waste Plan, the term ‘recycling’ is taken to include not only the recycling process itself, but also the separation of mixed waste into different types of recyclable materials.”

6.4 The applicant advises that, over the past three years, the site has handled between 100,000 and 130,000 tonnes of imported inert materials, and that the proposed wash facility provides the scope for around 45,000 tonnes of these materials to be recycled rather than being landfilled. It is estimated by the applicant that 50% of the recycled materials will be taken out by vehicles already delivering waste to the site.

- 6.5 The applicant also indicates that the wash plant will “screen and wash waste to separate the sand from the finer clay fractions while also washing and grading the stone element. Enabling grading of smaller fractions will improve the quality of the output from site and enable further waste recovery of sands for example, this will improve the recycling/recovery rate from the landfill by a further 70%”.
- 6.6 It is considered that increasing the proportion of construction, demolition and excavation waste that can be recycled through use of the wash plant, thereby reducing the proportion requiring disposal, is entirely consistent with Policy W5.

Highways/Car Parking/Traffic Issues

- 6.7 It has been estimated by the applicant that, over the last three years the previous operations utilising the old mobile plant generated an average of 6,765 movements per annum, or 27 daily movements.
- 6.8 As indicated in the applicant’s planning statement, the newly installed wash facility will enable approximately 45,000 tonnes of material to be recycled and exported from the site with potentially 50% of these recycled materials being collected by vehicles already delivering waste to the site (for example tipping soils and reloading sand and stone). As a result, it is estimated that the proposal will create up to 10 additional two-way HGV trips per weekday over the existing daily traffic generation of up to 60 two-way HGV movements.
- 6.9 Both Devon County Highways and National Highways consider the predicted uplift in HGV traffic to be unlikely to result in an unacceptable impact on the safe operation of the strategic, local and surrounding highways, as defined by the NPPF, with both bodies offering no objections to the proposal. The proposal is therefore consistent with Policy W17 of the Devon Waste Plan.

Landscape and Visual Amenity

- 6.10 It is considered that the proposal is in broad compliance with Policy W12 (Landscape and Visual Impact) of the Devon Waste Plan, which requires that development is sympathetic to the qualities, character and setting of the landscape.
- 6.11 The proposed development is within the Hill Barton Business Park, and existing and planned development of a greater scale already takes place in the vicinity of the site, exerting an industrial influence over the surrounding rural countryside. The proposal is therefore consistent with the character of the immediate area.
- 6.12 Whilst the proposed wash plant itself is of a relatively small scale and not visible from outside of the site confines, it is recognised that there are currently a number of stockpiles of materials awaiting processing which are causing an impact on the visual amenity of some local residents to the south-east of the site.
- 6.13 The current permission includes Condition 14 which requires that all stockpiles of waste materials and processed waste material do not exceed 5 metres in height. For an extended period of time, these stockpiles have been above this 5m level, but the applicant continues to work to reduce these stockpiles to their approved

levels and has made significant inroads in achieving this goal since the breach of condition was noted in December 2021. The site and stockpiles are monitored on a regular basis by the Council to ensure eventual compliance with this condition, with good progress made so far.

Noise/Proximity to Residential Properties

- 6.14 Farringdon Parish Council commissioned a noise assessment to "...examine developments at the Hill Barton Business Park and to compare the calculated noise limits for each application with the measured background noise levels at nearby noise-sensitive properties to establish whether background noise creep is occurring".
- 6.15 The report concluded that "...the introduction of several noise generating businesses to Hill Barton Business Park is likely to have generated an adverse impact at the surrounding noise sensitive areas, and the noise generated by businesses on the Business Park should not be considered in isolation. It should be noted that this assessment has only included 4 recent developments and, as listed earlier in this letter, there are many more noise generating activities on the site."
- 6.16 As a result of this report, the applicant was asked to undertake an updated noise impact assessment at the site in order to address the concerns raised by the parish. The updated report was submitted on 29th June 2022 and concluded that "The results of a noise survey and calculations indicate a low impact on the nearby noise sensitive receptors in accordance with BS4142."
- 6.17 East Devon District Council's Environmental Health Officer [EHO], on reviewing both reports, commented with regards to Saturday operations that "I still have concerns that the intermittent nature of the noise could be audible from the residential area to the south of the site and therefore, in order to mitigate against this I would still recommend the requirement for a noise mitigation scheme 5dB below the day-time background noise level."
- 6.18 The EHO proposed the three options in order that determination of the application could progress:
- (a) a condition limiting noise levels to 5 dB(A) below the background sound level;
 - (b) no operation of the wash plant on Saturdays; and
 - (c) the submission of further sound data covering a number of Saturdays to give a more robust data set.
- 6.19 As a result of this recommendation, the applicant has agreed that no processing of materials shall take place during Saturdays or Sundays, with the only operations allowed at this time being essential plant maintenance and cleaning. It should be noted that deliveries of materials to be processed will still take place Mondays to Saturdays between the hours of 0730 – 1800 as allowed for in the original permission.
- 6.20 It is therefore proposed that the current Condition 4 (renumbered as Condition 6 in Appendix I) be amended to:

“No waste processing operations shall be carried out except between 0730hrs - 1800hrs on Mondays to Fridays inclusive and at no times during Saturdays, Sundays or public holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours of essential maintenance to plant and machinery within the site, or the operation of pumps and ancillary machinery for water management purposes.”

- 6.21 An additional condition (Condition 8 in Appendix I) is proposed to prevent further significant changes to the wash plant without a supporting noise impact assessment in order to maintain noise levels within the agreed limits:

“Should the fixed plant approved through this permission be replaced or upgraded, the operator shall undertake an updated noise impact assessment prior to installation to ensure background noise levels do not exceed those of the approved plant. The updated noise impact assessment shall be submitted to and approved in writing by the Waste Planning Authority.”

- 6.22 There have been reports of other noise emanating from other uses at the site but none have yet to be attributed to the new wash plant facility.

Other Environmental Considerations (including Climate Change)

- 6.23 Paragraph 152 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.

- 6.24 The wash plant that is the subject of this application enables the recycling of a higher proportion of the waste materials that would otherwise be landfilled, thereby reducing demand for quarried aggregates that are less sustainable.

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 recognised that there are concerns with regards to both the impact of noise, particularly at the weekends, on the wider residential environment as well as impacts related to the increase in vehicle movements to and from the site. There are also existing issues with regard to stockpile heights which, for some time, have been above their permitted levels. It is concluded, however, that the concerns regarding noise will be fully mitigated through the imposition of a condition preventing the processing of materials at the site on Saturdays, Sundays and public holidays. With regards to the increase in vehicle movements equating to approximately 10 two-way vehicle movements per day, it is considered that this uplift is unlikely to result in an unacceptable impact on the safe operation of the surrounding strategic and local highways.

- 7.3 As mentioned above, the stockpiles of unprocessed materials at the site have for some time been above their permitted 5m height limit. At the time of publication of this report, these stockpiles are now below the permitted limit and are likely to reduce further as materials are processed.
- 7.4 Taking all material considerations into account it is considered that planning permission should be granted 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: Barnaby Grubb

Room No: 120, County Hall

Tel No: 01392 383000

Background Paper
Casework File

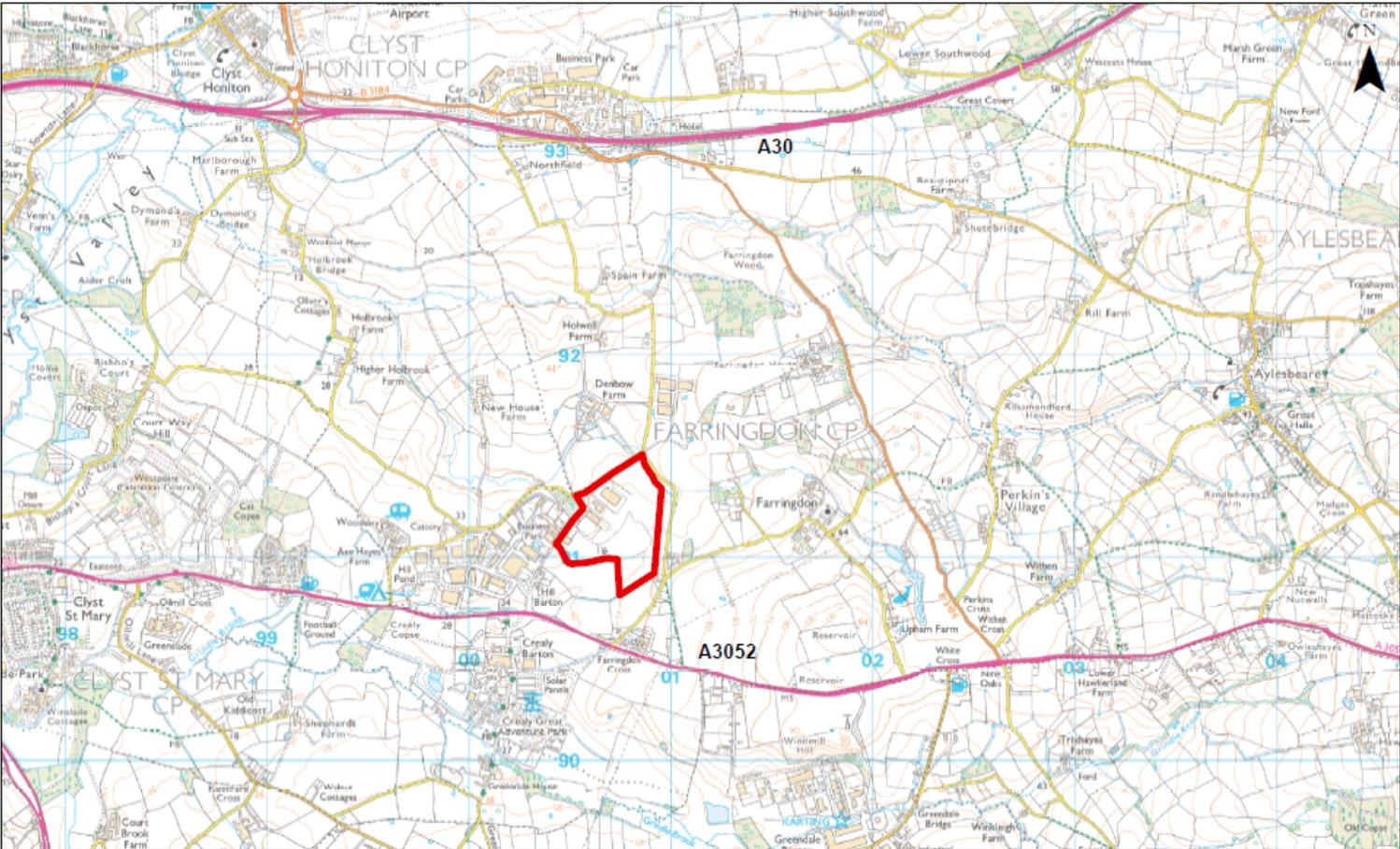
Date
August 2021

File Ref.
DCC/4255/2021

bg071022dma

sc/cr/Retrospective vary condition fixed wash plant inert recycling operations, Hill Barton
Business Park, Clyst St Mary, Exeter
03 281122

Location Plan



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|---|--|---|--|-------------------|
|  | Director of Climate Change, Environment and Transport | Development Management Committee Location Plan County Matter: Waste Variation of condition 15 of planning permission 07/00955/2006 to permit fixed wash plant or machinery for inert recycling operations at Hill Barton Business Park, Exeter, EX5 1SD | date October 2022 | scale 1:20,000 |
| | | | Application No: DCC/4255/2021 21/2709/CM | |

Planning Conditions

CONDITIONS RELATING TO ALL DEVELOPMENT WITHIN THE PLANNING PERMISSION BOUNDARY

1. There shall be no discharge of contaminated drainage or trade effluent from the site into either groundwater or any surface water whether direct or via soakaways.

REASON: To protect the water environment in accordance with Policy W16 (Natural Resources) of the Devon Waste Plan.

2. Any facilitates for the storage, handling, loading and unloading of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Waste Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the largest tank, or the combined capacity of the interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment in accordance with Policy W16 (Natural Resources) of the Devon Waste Plan.

3. There shall be no public selling of waste/recycled/composted materials from the site or the public delivery of waste materials to the site.

REASON: To protect the amenity of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

4. Unless otherwise agreed in writing by the County Planning Authority, no clearing of vegetation shall be carried out within the site during the main bird-nesting season, 1st March to 31st August inclusive.

REASON: To minimise disturbance to breeding birds, in the interests of Nature Conservation in accordance with policy W11 (Biodiversity and Geodiversity) of the Devon Waste Plan.

CONDITIONS RELATING TO THE INERT RECYCLING OPERATIONS

5. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled Proposed Wash Plant Site Plan - Sheet 02 Dated 16/05/2021; Proposed Wash Plant SW Elevation/ Plan – Sheet 01 Dated 16/05/2021; BS4142 Noise Assessment - SLR Ref: 422.05631.00010 Version 1, Dated July 2021; Water treatment & Silt Management Specification Document (data Washing Plant 125 tph); Flood Risk and Drainage Statement/ Technical Note Ref: 6382 Dated 13/09/2021; Highways Note Ref 6807

Dated September 2021; and Planning, Design and Access Statement Dated September 2022.

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

6. No waste processing operations shall be carried out except between 0730hrs - 1800hrs on Mondays to Fridays inclusive and at no times during Saturdays, Sundays or public holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours of essential maintenance to plant and machinery within the site, or the operation of pumps and ancillary machinery for water management purposes.

REASON: To protect the amenity of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

7. Within 3 months of the date of this permission an updated noise and dust monitoring and management scheme shall be submitted to and approved in writing by the Waste Planning Authority.

The scheme shall include details of all dust suppression measures and the methods to monitor emissions of noise and dust arising from the development.

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

REASON: To protect the amenity of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

8. Should the fixed plant approved through this permission be replaced or upgraded, the operator shall undertake an updated noise impact assessment prior to installation to ensure background noise levels do not exceed those of the approved plant. The updated noise impact assessment shall be submitted to and approved in writing by the Waste Planning Authority.

REASON: To protect the amenity of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

9. There shall be no external lighting at the site associated with the fixed plant hereby approved.

REASON: To minimise the visual impact of the site in accordance with Policy W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan.

10. Stockpiles of unprocessed and processed waste materials shall not exceed 5 metres in height.

REASON: To protect the visual amenity of local residents in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

11. With the exception of the fixed plant approved through this permission no other fixed plant or machinery shall be used for the recycling operations.

REASON: To enable the Waste Planning Authority to control the development in order to minimise its impact upon the area and protect the amenity of local residents

in accordance with Policies W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan.

CONDITION RELATING TO THE INERT LANDFILL OPERATIONS

12. All landfill operations within the application site shall be carried out in accordance with the conditions imposed by planning permission 14/2521/CM (dated 21 January 2015).

REASON: To enable the Waste Planning Authority to control the development in order to minimise its impact upon the area.

CONDITION RELATING TO THE COMPOSTING OPERATIONS

13. All composting operations within the application site shall be carried out in accordance with the conditions imposed by planning permission 08/0029/CM (dated 19 March 2008).

REASON: To enable the Waste Planning Authority to control the development in order to minimise its impact upon the area.