

Development Control Committee
Meeting to be held on 20 October 2021

Electoral Division affected: Cleveleys East
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Wyre Borough: application number LCC/2021/0033
Amendment to condition 7 of planning permission LCC/2014/0145 to allow the site to accept household waste in addition to the existing permitted waste inputs of commercial and industrial waste, Burn Hall Waste Transfer Station, Unit 8 Burn Hall Industrial Estate, Venture Road, Fleetwood

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Executive Summary

Application - Amendment to condition 7 of planning permission LCC/2014/0145 to allow the site to accept household waste in addition to the existing permitted waste inputs of commercial and industrial waste, Burn Hall Waste Transfer Station, Unit 8 Burn Hall Industrial Estate, Venture Road, Fleetwood.

Recommendation – Summary

Subject to the applicant first entering into a Section 106 Agreement relating to heavy goods vehicle (HGV) routing, planning permission be **granted** subject to conditions controlling time limits, working programme, noise and dust controls, building materials and lighting, highway matters, surface waters and ecological mitigation.

Applicant's Proposal

The application is for an amendment to condition 7 of planning permission LCC/2014/0145 relating to the operation of an existing waste transfer station.

Planning permission LCC/2014/0145 was granted on 7 April 2020. Condition 7 of the permission reads as follows:

7. No waste other than inert or non-hazardous commercial and industrial waste including materials arising from other waste recycling or recovery operations shall be deposited at or brought onto the site.

The current application is to amend condition 7 so that it includes household waste in the types of waste that can be imported into the site for processing.

Description and Location of Site

The application site is an existing waste transfer and waste processing site located on the north side of the Burn Hall Industrial Estate 1.3 km to the south east of Fleetwood. The site is a flat area of land covering an area of 1.2 hectares which is accessed from the B5268 Fleetwood Road via Venture Road within the industrial estate.

Waste transfer and processing operations take place within two modern buildings located towards the southern boundary of the site with the remainder of the site being comprised of a hard surfaced area used for vehicle parking and circulation.

To the north of the site is the Cala Gran Caravan park, 20 metres from the site boundary. To the east is the Thornton waste technology park whilst to the south are various industrial units forming part of the Burn Hall Industrial Estate. The nearest residential properties are situated approximately 45 metres to the north west of the site boundary on Springfield Terrace fronting Fleetwood Road.

Background

History: There are a number of planning permissions which relate to this site as follows:

Planning permission was first granted for waste transfer operations on this site in 2011 (ref 2/11/0184). Various conditions of permission 2/11/0184 were then amended via a planning permission granted in 2012 to allow an increase in the floor area of the waste transfer building (ref 2/11/0877). A further permission was also granted at this time for the construction of an additional building to enclose the waste processing machinery (ref 2/11/876).

Two further applications were then submitted in 2014 to extend working hours, to allow the waste imported to have low levels of food contamination and to regularise an air filtration plant and various other items of external equipment (refs LCC/2014/0145 and LCC/2014/0146). These were approved in 2020 following the signing of a Section 106 agreement relating to heavy goods vehicle (HGV) routing.

In 2016 planning permission was granted for amendments to the air extraction system including erection of a 25 metre high ventilation stack and emission/odour control system (ref LCC/2016/0051).

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs are considered relevant: 8–11 (definition of sustainable development), 185 and 188 (planning and pollution control)

National Planning Policy for Waste: Section 7 is relevant regarding determination of applications.

Joint Lancashire Minerals and Waste Development Framework (JLMWDF) Core Strategy Development Plan Document (DPD)

Policy CS7: Managing our waste as a resource

Policy CS8: Identifying capacity for managing our waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2: Development Management

Wyre Borough Local Plan

Policy SP2 Sustainable Development

Policy CDMP1 Environmental protection

Consultations

Wyre Borough Council: No observations received.

Environment Agency: No objection. The operator has an environmental permit authorising the physical treatment of specified non - hazardous waste which includes municipal waste.

Highways England: No objection.

LCC Highways Development Control: No observations received.

Fleetwood Town Council: No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

County Councillor Andrea Kay has requested that the application is reported to committee for determination and has also drawn attention to the presence of two caravan parks, a farm based visitor attraction and two proposed housing developments of 300 plus homes in the local area. County Councillor Kay has asked where the waste will be originating from, the routes the heavy goods vehicles (HGVs) will take and the likely pollution impacts for the local area.

Advice

The application site is a waste transfer and processing site that at present accepts industrial and commercial waste. These waste types are processed by various manual and mechanised processes that shred and sort the waste allowing recyclable elements such as glass and metal to be removed for recycling. The residual paper and plastic material are recovered as solid recovered fuel and is exported for use by the cement industry as a fuel to replace the use of coal or other fossil fuels in their kilns.

The current planning permission for the site restricts the waste types to commercial and industrial waste. The current application proposes to broaden the types of waste accepted at the site to include household waste. It should be noted that commercial wastes may include wastes having a level of food contamination that would be similar to household waste. The inclusion of household waste within the range of waste types that could be processed by this site does therefore not necessarily mean that they will have an odour potential greater than the waste types that can currently be imported. It should also be noted that the existing Environment Agency permit for the site already allows for the importation of household waste and therefore the amendment to the planning permission would bring the two controls into alignment.

The applicant wishes to expand the range of wastes that the site can accept to give the business better resilience given possible changes in waste markets due to the effects of Brexit and the COVID 19 pandemic. The applicant states that the amendment would not increase the volumes of waste being imported to the site as this is restricted by the permit to 125,000 tonnes per year. If a contract for the acceptance of household waste is obtained, the volumes of commercial and industrial waste would be managed to ensure that the overall permitted levels within the permit were complied with.

Policy CS7 of the Lancashire Minerals and West Core Strategy sets out targets for recycling and recovery of value from industrial, commercial and municipal solid waste. The targets for municipal solid waste are to recycle and compost 61% of such wastes by 2020 and in addition to recover value from 18% of such waste by 2015. The proposal to increase the range of waste types at this site to include household waste would provide additional capacity to support achievement of these targets. In addition, there are pressures to reduce the volumes of plastic waste being exported for reprocessing and it is likely that this will result in a greater requirement for domestic waste processing and recycling facilities particularly for household waste such as that proposed. It is therefore considered that the proposal would assist in meeting the Core Strategy targets for the recovery of household waste and the need for waste management infrastructure more widely.

The main issue relates to the likely impacts on local amenity particularly from odours arising from the waste materials. The nearest dwellings to the site are located on Springfield Terrace which are 120 metres from the waste processing building. To the north of the site is also the Cala Gran Caravan Park, consisting of a large number of static caravans used for holiday accommodation. The nearest of these are located approximately 70 metres to the north of the waste processing building.

Policy CDMP1 of the Wyre Local Plan concerns environmental protection. It states that development will be permitted where it can be demonstrated that the development will be compatible with adjacent existing uses and will not lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses with reference to noise, vibration, odour, light, dust, or other pollution and nuisance. Policy DM2 of the Lancashire Minerals and Waste Local plan contains a similar requirement.

Odours from this site have previously been an issue and the planning applications that were submitted for this site in 2014 generated approximately 70 representations from local residents including from the Cala Gran Caravan Park concerned about odours from the site. However, it should be noted that no representations have been received in response to the current application.

To address the odour impacts of the site a new air extraction and odour treatment system was installed at the site in 2017. This system maintains the building under negative pressure by drawing air through the building, through various treatment equipment for odours and dust and then vents the air through a 25 metre high stack attached to the eastern elevation of the building. The ventilation system extracts air at a rate of three changes per hour. In addition the doors to the building operate under controls which ensure that they open automatically in response to the approach of a vehicle and can close shortly after in order to prevent the escape of odours from the building.

The site currently accepts commercial and industrial wastes which can have low levels of food contamination. However, household waste may have increased levels of food waste attached to packaging and therefore an increased odour generating potential. To assess the ability of the existing air extraction to deal with a possible increase in odour, a trial load of household waste was imported to the site in March 2021. The odours generated by the waste were recorded and were compared with an Odour Assessment report which was undertaken in 2014 which itself included odour levels from different types of waste. The odour emissions recorded from the household waste sample were within the levels of the samples that were used to prepare the 2014 assessment. The outputs of the 2014 assessment included odour levels from the building using different rates of air extraction and ventilation stack heights. The assessment concluded that the odour emissions from the site would be acceptable if using a ventilation system allowing for the air volume of the building to be changed once in every hour. However, the ventilation system that has now been installed at the site allows for the air volume of the building to be changed three times in every hour therefore allowing much better control of odour emissions. It is therefore concluded that the odour control systems installed at the site are capable of dealing with any odour emissions that might result from the processing of household waste.

In addition it is necessary to consider the controls on odour that are provided through the permit for the site. The permit includes a condition which addresses the odour impacts of the operation:

Emissions from the activities shall be free from odour at levels likely to cause pollution outside of the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including but not limited to, those specified in any odour management plan, to prevent or where that is not practicable to minimise the odour.

The permit already allows for the importation of household waste to the site and the above control has been imposed to allow the Environment Agency to control the odour emissions that might result from such wastes. Paragraph 188 of the National Planning Policy Framework NPPF states that '*the focus of planning policies and*

decisions should be on whether proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'

Taking into account the above advice it is considered that the odour impacts of the proposal are acceptable and that there are existing controls available within the permit to address any residual impacts that might arise.

In relation to traffic issues, the applicant maintains that no increase in input levels to the site are proposed above the existing 125,000 tonnes per year level. No objection has been received from Highways England in relation to traffic on the A585 or from Lancashire County Council Highways in relation to traffic on other roads in the area. The existing permission is subject to a Section 106 agreement controlling heavy goods vehicle (HGV) routing which restricts HGVs to the A585 via the Eros Roundabout and also Fleetwood Road and Bourne Way. Heavy goods vehicles (HGVs) associated with this site are not permitted to pass through Thornton except if a delivery originates from that area. To maintain these controls, it is considered that any new permission should be subject to a similar legal agreement.

In conclusion, the proposal would assist in providing additional facilities for the management of household waste meeting the objectives of national waste policy and Policy CS7 of the Core Strategy. The proposed acceptance of household waste to the site is considered acceptable in terms of local air quality and highway impacts in compliance with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policies SP2 and CDMP 1 of the Wyre Local Plan.

In view of the location, nature and scale of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That subject to the signing of a Section 106 agreement in relation to heavy goods vehicle (HGV) routing, planning permission be **granted** subject to the following planning conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) Planning permission 02/11/0877 as amended by the Planning Application LCC/2014/0145 received by the County Planning Authority on 8 October 2014 and planning application LCC/2021/0033 received by the County Planning Authority on 25 June 2021.
- b) Submitted Plans attached to planning application LCC/2014/0145 received by the County Planning Authority on 8 October 2014:

Site Location Plan

Submitted documents received by the County Planning Authority from Mellor Holdings on 19 December 2014:

Noise Management Plan
Noise/ Acoustic Assessment
Odour Management Plan

Submitted document received by the County Planning Authority from Martin Environmental Solutions on 9 March 2015:

Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies SP1 and CDMP1 of the Wyre Borough Local Plan.

Hours of Working

- 3. No waste transfer and recycling operations shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1300 hours on Saturdays (except Public Holidays)

Notwithstanding the above hours of operation, waste and processed materials shall also be able to be imported / exported to the site between the hours of:

13.00 to 17.00 on Saturdays and 10.00 to 15.00 hrs on Sundays and Public Holidays.

This condition shall not, however, operate so as to prevent the carrying out, outside these hours of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy CDMP1 of the Wyre Borough Local Plan.

4. The external elevations of the building shall be maintained silver grey (colour code RAL 9006) and the roof shall be maintained in goose wing grey (BS 10 A 05) throughout the duration of the development.

Reason: In the interests of the visual amenities of the area and to conform with Policy SP1 of the Wyre Borough Local Plan.

5. The noise attenuation fencing erected along the northern boundary of the site shall be retained in position and maintained in accordance with the approved details at all times.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

Site Operations

6. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

7. No waste other than inert or non-hazardous household, commercial or industrial waste including materials arising from other waste recycling or recovery operations shall be deposited at or brought onto the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

8. No sorting or storage of waste or recovered materials shall be undertaken other than within the approved waste transfer reception building and MRF building.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP1 of the Wyre Borough Local Plan.

9. No crushing or screening of inert waste materials or aggregates shall be undertaken on the site other than wholly within a building.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

Control of Noise

10. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

11. The types of reversing alarms contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 19 of planning permission 02/011/0877 and approved in writing on the 31 January 2013, shall be fitted to all mobile plant on commencement of the development and thereafter utilised at all times during the development.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

12. The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB(A)(1hour). The noise levels shall be determined at 12 Springfield Terrace National Grid Reference (NGR) 332 448 or the southern boundary of the Cala Gran Caravan Park, Fleetwood

Road between National Grid References (NGR's) 332 447 and 332 448. The measurements and assessments shall be made in accordance with BS 4142:2014.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Dust

13. The measures to prevent the migration of dust from the operation of the site contained in the scheme and programme approved under the requirements of condition 8 to planning permission 02/011/0877 shall be undertaken at all times.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

14. The measures for the suppression of dust within and outside the buildings contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 21 to planning permission 02/011/0877 shall be employed at all times.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

Floodlighting

15. The floodlighting used on the site shall be operated and maintained in accordance with the scheme and programme submitted to the County Planning Authority pursuant to condition 25 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

Highway Matters

16. All vehicles transporting waste and recovered or recycled materials from the site shall be securely sheeted.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

17. Measures shall be taken at all times during the development to ensure that no mud, dust or other deleterious material is carried onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Safeguarding of Watercourses and Drainage

18. Disposal of foul and surface waters shall only take place in accordance with the scheme and programme and that was submitted to the County Planning Authority pursuant to condition 28 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy SP1 of the Wyre Borough Local Plan.

Ecology

19. The measures for the protection of barn owls contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 30 of planning permission 02/011/0877 shall be maintained in their approved locations during the operational life of the site.

Reason: To provide mitigation for the loss of habitat of barn owls and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2021/0033	16 June 2021	Jonathan Haine, Planning and Environment, 01772 534130

Reason for Inclusion in Part II, if appropriate:

N/A