

**Planning and Regulatory Committee**  
**24 March 2015****5. APPLICATION TO VARY CONDITIONS 8, 35 AND 36 OF PLANNING PERMISSION 407669 TO INCORPORATE AMENDMENTS TO THE INTERNAL PROCESS PLANT ALONGSIDE CHANGES TO THE OPERATING AND MAINTENANCE HOURS AT ENVIROSORT, WOODBURY LANE, NORTON, WORCESTERSHIRE**

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| <b>Applicant</b>         | Mercia Waste Management Limited  |
| <b>Local Councillor</b>  | Mr R C Adams   |
| <b>Purpose of Report</b> | <p>1. To consider a County Matter planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 8, 35 and 36 of planning permission 407669 to incorporate amendments to the internal process plant alongside changes to the operating and maintenance hours at EnviroSort, Woodbury Lane, Norton, Worcestershire.</p>  |
| <b>Background</b>        | <p>2. Mercia Waste Management Limited was awarded a 25 year waste management contract with Worcestershire County Council and Herefordshire Council in December 1998. The contract is for the provision, management and operation of a range of new and enhanced facilities within the joint authority area.</p> <p>3. Members may be aware that in June 2007, Members of the Planning and Regulatory Committee granted planning permission for the EnviroSort Facility, which comprised the <i>"construction and operation of a combined reclamation facility including weighbridge, offices, welfare facilities, staff and visitor parking, ancillary infrastructure and landscaping on land at Area 7 Industrial Park, Norton, near Worcester"</i> (Ref: 407669, Minute No. 541 refers). Planning permission was subsequently granted on 16 July 2007. The Environmental Permit for the facility (Ref: ERP/DP3696SF) was issued by the Environment Agency in October 2009.</p> <p>4. The applicant states that since the site commenced operations in November 2009, the recyclables market has become increasingly competitive with the reprocessing companies seeking increasingly high quality recyclates that meet tight re-manufacturing specifications. This has meant</p> |

## The Proposal

that plant operations have to be more carefully managed with greater attention to quality control, which has affected the rate of throughput. This in combination with other operational issues, such as the internal arrangement of the processing line and restricted maintenance hours is making it increasingly difficult to operate and maintain the required performance levels. Essentially the plant requires the flexibility afforded by increased operating/maintenance hours. This has resulted in the submission of this planning application.

5. Mercia Waste Management Limited is seeking planning permission for the variation of conditions 8, 35 and 36 of planning permission 407669 to incorporate amendments to the internal process plant alongside changes to the operating and maintenance hours at EnviroSort, Woodbury Lane, Norton, Worcestershire.

6. The EnviroSort facility processes up to 105,000 tonnes per annum of dry recyclable materials including paper, light card, plastic containers, steel and aluminium cans and glass bottles and jars collected from households in Herefordshire and Worcestershire. The materials are brought into the wholly enclosed building, with all unloading, sorting and packing activities taking place within the building itself. The process lines sort the various recyclable materials and pack them for dispatch and re-use elsewhere.

7. This application seeks to vary several conditions attached to the planning permission for the EnviroSort Facility (Ref: 407669). In summary the amendments comprise:-

- **Condition 8** – amending waste deliveries to allow District Council split bodied waste collection vehicles to access the site to off-load recyclables whilst still carrying household waste
- **Condition 35** – extending the operational hours by 1 hour (22:00 to 23:00 hours) Mondays to Fridays, inclusive and by 4 hours (13:00 to 17:00) on Saturdays, and
- **Condition 36** – extending the maintenance hours to allow activities to take place (within the building only) at any time during the week.

### **Condition 8 – Amendment to Waste Deliveries**

8. Condition 8 attached to planning permission 407669 states that: *"No waste other than those waste materials defined in the application shall enter the site"*.

9. The applicant is seeking to amend the wording of this condition to: *"No waste other than those waste materials defined in the application shall be either deposited or*

*processed at the site".*

10. The reason for this proposed amendment is because Condition 8 currently precludes split bodied collection vehicles (e.g. the vehicle collects kerbside recyclables at the same time as residual waste) entering the site that are loaded with both residual waste as well as kerbside recyclables. In light of the wording of this condition, it has been necessary for the drivers of these split bodied refuse collection vehicles to deposit the residual waste at another site before delivering the recyclables to the EnviroSort Facility. The applicant states that this is not always the most efficient, sustainable or cost effective way of operating.

### **Condition 35 – Amendment to Operational Hours**

11. Condition 35 attached to planning permission 407669 states *"The permitted hours of operation in connection with the CMRF shall be 06:00 to 22:00 hours Mondays to Fridays and 07:00 to 13:00 hours on Saturdays with no operations on Saturday afternoons, Sundays, Christmas Day, Boxing Day or New Year's Day"*.

12. The applicant is requesting that the wording of Condition 35 is amended to: *"The permitted hours of operation in connection with the CMRF shall be 06:00 to 23:00 hours Monday to Friday and 07:00 to 17:00 hours on Saturdays with no operations on Sundays, Christmas Day, Boxing Day or New Year's Day"*.

13. The reason for these proposed amendments are to ensure that the facility operates as efficiently and effectively as possible. The applicant states that it is imperative that the EnviroSort Facility maintains specific recycle quality thresholds in an increasing competitive market. To achieve this it has become necessary to process recyclates through the plant more slowly than originally planned. The proposed variation to the operational hours would enable recycle quality thresholds to be achieved without compromising waste throughput. Whilst an extension to the operating hours is sought until 23:00 hours, the applicant anticipates that the evening shift would finish at 22:45 ensuring that the site operatives have left the site by 23:00 hours.

14. With regard to the proposed extended Saturdays operating hours. This is proposed in order to service the waste collection authorities' needs when 'catching up' collections take place on Saturdays after a Bank Holiday, or during busy periods.

### **Condition 36 – Amendment to Maintenance Hours**

15. Condition 36 of planning permission 407669 states that: *"Plant maintenance (within the building only) shall only be carried out between 06:00 hours and 22:00 hours Mondays to Saturdays"*.

16. The applicant is seeking to amend the wording of this

condition to: *"Plant maintenance (within the building only) shall be carried out at any time during the week Mondays to Sundays, except on Christmas Day, Boxing Day or New Year's Day"*.

17. This proposed amendment would have the effect of extending the maintenance hours to allow activities to take place (within the building only) at any time during the week. It is proposed that maintenance activities would be undertaken within the building with the doors closed. Spare parts, as required, would be received and stored inside the building during normal working hours. Maintenance activities primarily involve cleaning and lubricating the plant, and replacement of parts as necessary. When elements of the plant need to be powered up for testing purposes, no recyclables would be processed as experience has shown that the main source of noise is the material travelling through the plant.

18. The applicant states that a range of maintenance activities are required at the facility, for example when a conveyor belt is replaced (which is normally undertaken on a Saturday) operations have to cease for 24 hours to allow the belt adhesive to cure before it is re-tensioned. Given the current wording of Condition 36, the subsequent re-tensioning process has to take place on a Monday morning, which takes up valuable time when the facility could be operating. Therefore, the proposed amendment would allow maintenance activities to be carried out over a weekend, resulting in prompt resumption of operations the following Monday.

### **Plant Modifications**

19. In addition the aforementioned proposed operational amendments, the applicant is also proposing a glass breaker and new fire sprinkler system to be installed within the building and the internal mechanical processing line to be amended. Whilst the installation of these elements does not require planning permission, the applicant has included these elements within the application to enable the potential effects of the facility as a whole to be comprehensively assessed and considered.

#### Glass Breaker

20. A glass breaker is proposed to be installed. This would operate at the beginning of the processing line, in order to bring about a number of operational efficiency benefits, including: improving glass quality; reducing contamination with other recyclates; reducing wear and tear on the processing plant, thereby enhancing the operating availability and reducing the down time of the facility.

#### Fire Protection Sprinkler System

21. The applicant is also proposing to install a new fire protection sprinkler system within the facility. The existing external fire water tanks are of a suitable size to accommodate the new fire protection sprinkler system.

These tanks are located to the rear of the building and would be re-used.

#### Installation Process

22. To facilitate the introduction of a glass breaker and sprinkler system, the applicant has confirmed that it would be necessary to temporarily cease operations for a twelve week period. During this period material that would normally be processed at the facility would be diverted to other material recycling facilities. The installation process is anticipated to be undertaken during normal working hours. However, the applicant has confirmed that it may be necessary for some activities to take place outside of normal working hours.

## **The Site**

23. The application site is located on the established industrial estate of Crucible Business Park. The facility lies approximately 5 kilometres south-east of Worcester City Centre, about 1.2 kilometres east of Norton Village and about 1.6 kilometres south-east of junction 7 of the M5 Motorway. Access to the facility is from Woodbury Lane (C2055), which connects to the B4084.

24. Woodbury Lane forms the northern site boundary, beyond which is a belt of mature trees and open fields. A distribution centre/warehouse is located immediately to the east, beyond which are the B4084 and open fields beyond. The Birmingham to Bristol railway line is located immediately to the south, beyond which are open fields, which are the subject to a planning application for the proposed Worcestershire Parkway Railway Station (Ref: 15/000007/REG3), which is currently under consideration by the County Planning Authority. Further distribution centres/warehouses are located to the west of the facility, beyond which are open fields.

25. The Cooksholme Meadows Site of Special Scientific Interest (SSSI) is located approximately 375 metres south of the site. Botany Bay Meadow Local Wildlife Site (LWS) and Spetchley Deer Park & Plantation Meadows LWS are situated approximately 1 kilometre and 1.3 kilometres north-east of the application site, respectively.

26. The general area surrounding the site is semi-rural in nature. The nearest Public Right of Way is that of Footpath NJ-518, located approximately 90 metres north-west of the facility, running along Woodbury Park. A further Public Right of Way (Footpath NJ-523) is located about 185 metres west of the facility, forming the boundary of the Crucible Business Park. Beyond the railway line are a number of Public Rights of Ways (Footpaths NJ-524, NJ-545, NJ-548).

27. The nearest residential property to the proposal is that of the Follies which lies about 80 metres from the eastern corner of the site. There is a cluster of residential properties and a nursing home opposite the site. The nearest of these properties to the site is Merryfield House, Woodbury Park

which is about 85 metres from the north-west corner of the site. Richmond House and Capullo, next to Merryfield House lie about 110 metres and about 130 metres respectively from the site. Norton Hall Nursing Home also on Woodbury Park is approximately 160 metres to the north-west of the site. 'Sanghoi' is located approximately 150 metres to the north-east of the site, on the opposite side of the road from the junction of Woodbury Lane with the B4084. Approximately 200 metres further to the south-west of the site is a small cluster of residential properties and farm buildings associated with Norton Fields Farm.

## Summary of Issues

28. The main issues in the determination of this application are:

- Residential amenity (noise and litter impacts), and
- Traffic and highway safety.

## Planning Policy

### **National Planning Policy Framework (NPPF)**

29. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

30. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting good governance, and
- using sound science responsibly".

31. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities, and
- an environmental role, protecting and enhancing our natural, built and historic environment.

32. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered

to be of specific relevance to the determination of this planning application:

- Section 1: Building a strong, competitive economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment

### **National Planning Policy for Waste**

33. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

### **The Development Plan**

34. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and Saved Policies of the Adopted Wychavon District Local Plan.

35. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

36. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

### **Worcestershire Waste Core Strategy Development Plan Document (WCS)**

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity  
Policy WCS 3: Re-use and Recycling  
Policy WCS 6: Compatible land uses  
Policy WCS 8: Site infrastructure and access  
Policy WCS 9: Environmental assets  
Policy WCS 10: Flood risk and water resources  
Policy WCS 11: Sustainable design and operation of facilities  
Policy WCS 12: Local characteristics  
Policy WCS 14: Amenity  
Policy WCS 15: Social and economic benefits

**Wychavon District Local Plan (Saved Policies)**

Policy GD1 Location Strategy  
Policy GD2 General Development Control  
Policy ENV1 Landscape Character  
Policy ENV4 Sites of Scientific Interest  
Policy ENV5 Sites of Regional or Local Wildlife Importance  
Policy ENV6 Protected Species  
Policy ENV18 Development in Areas of Low to Medium Flood Risk  
Policy ENV22 Contaminated and Unstable Land  
Policy SUR3 Parking Provision

**Draft Planning Policy**

**Draft South Worcestershire Development Plan**

37. The South Worcestershire Development Plan (SWDP) is being prepared jointly by the three local authorities and communities of Malvern Hills, Wychavon and Worcester City. The plan considers the long-term visions and objectives for South Worcestershire.

38. On 28 May 2013 the SWDP was submitted to the Secretary of State. The Examination in Public on Phase 1 took place on 1-3 October 2013 and the publication of the Inspectors interim findings was published on 30 October 2013. The Inspector's interim conclusions on Phase 1 asked the three councils involved in compiling the South Worcestershire Development Plan (SWDP) to look again at the figures they prepared on the number of homes needed in the area by 2030 and do more work on the technical evidence used to establish how many homes the area will need. An additional hearing took place on 13-14 March 2014 following new evidence submitted by the three councils. The Inspector's interim conclusions dated 31 March 2014 on Phase 1 provide a full, objectively assessed need for housing over the plan period for South Worcestershire of 28,370 dwellings.

39. Following the Inspector's interim conclusions, the three South Worcestershire Councils agreed at their meetings held on 30 September 2014 to undertake formal consultation (between 6 October and 17 November 2014) into the proposed uplift in housing numbers in the SWDP. The next stage of hearings (Phase 2) are scheduled for 24 February, 14 April and 12 May 2015, relating to SWDP Policies 1 to 7 and Strategic Sites, Development Management Policies, and Proposed Sites in the Main Town and Villages, respectively.



## **Waste Management Plan for England (2013)**

## **The Government Review of Waste Policy England 2011**

40. The SWDP in its entirety has not been tested at examination or adopted by any of the Councils; therefore, having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Strategic Infrastructure and Economy, that little weight will be attached to the SWDP in the determination of this application. The SWDP policies that are relevant to the proposal are listed below:

Policy SWDP 1 Overarching Sustainable Development Principles

Policy SWDP 2 Development Strategy and Settlement Hierarchy

Policy SWDP 3 Employment, Housing and Retail Provision Requirements and Delivery

Policy SWDP 4 Moving Around South Worcestershire

Policy SWDP 8: Providing the Right Land and Buildings for Jobs

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 25 Landscape Character

Policy SWDP 28 Management of Flood Risk

Policy SWDP 29 Sustainable Drainage Systems

Policy SWDP 31 Pollution and Land Instability

41. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

42. There are comprehensive waste management policies in the England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

43. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

44. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the “waste hierarchy” (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

45. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste

## **The Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire 2004 – 2034 (First Review August 2011)**

### **Consultations**

hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

46. In relation to infrastructure and planning paragraph 26 states that the Government continues to support local authorities in the provision of necessary waste infrastructure. Paragraph 256 identifies that the Government's ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. The Government's ambition is to have appropriate waste reprocessing and treatment infrastructure constructed and operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources.

47. The purpose of the Joint Municipal Waste Management Strategy for the two counties 2004 – 2034 (First Review August 2011) (JMWMS) is to clarify key issues, give clear direction on waste management in Herefordshire and Worcestershire and set out and co-ordinate general principles, policies and targets across all authorities in Herefordshire and Worcestershire. The aim of the JMWMS is to decrease waste production and increase the recovery value from waste (to re-use it, recycle it, compost it, or recover in other ways) by treating waste as a resource. The waste management policies that are considered to be of relevance to the determination of this planning application are:

- Policy 1
- Policy 2
- Policy 3
- Policy 4
- Policy 13
- Policy 14
- Policy 16
- Policy 23

**48. Malvern Hills District Councillor Bronwen Behan** supports the proposal, as it would greatly improve the current level of service delivered by Malvern Hills District Council and provide their residents with greater efficiencies whilst also contributing to reducing operational costs.

**49. Drakes Broughton and Wadborough with Pirton Parish Council** support the proposal.

**50. Norton-Juxta-Kempsey Parish** support the proposal, subject to the comments of local residents being fully considered; and any outstanding complaints being resolved prior to the grant of planning permission. The Parish Council understand that complaints have been made by local residents regarding noise emanating from the facility. It is essential the applicant ensures that mitigation measures are implemented to resolve this problem and that noise is not a nuisance to neighbours during the proposed extended

operating and maintenance hours.

**51. Stoulton Parish Council** has no comments.

**52. Whittington Parish Council** has no comments.

**53. Wychavon District Council** has no objections, subject to no adverse comments being received by Worcestershire Regulatory Services on noise and nuisance impacts to the surrounding residential properties. It recommends the imposition of conditions relating to the noise mitigation measures, as detailed in the submitted Noise Assessment.

**54. Malvern Hills District Council** (as Waste Collection Authority) strongly supports the proposal, which would significantly improve access to EnviroSort for Malvern Hills District Council's dual compartment refuse and recycling collection vehicles. It would enable collection efficiency to be improved and give a better value service to their customers and council tax payers.

**55. The Environment Agency** has no objections, stating that the site has an Environmental Permit (EP), which regulates and controls matters such as:

- General management of the site
- Permitted activities e.g. operations
- Waste acceptance (quantity and type of waste)
- Emissions to land, water and air (including odour, noise and vibration relevant to the 'operational area'), and
- Monitoring, records and reporting.

56. It confirms that the operations have a good compliance history with the EP and no recent noise complaints have been received. The submitted Noise Assessment concludes minimal increase in noise disturbance to the nearest sensitive receptors and proposes mitigation measures to result in no net increase.

57. It reiterates that the EP includes a condition which ensures the site shall be free from noise and vibration likely to cause pollution outside the site.

**58. Worcestershire Regulatory Services** has no objections, subject to the imposition of conditions relating to the noise mitigation measures detailed at Sections 7.1 and 7.2 of the submitted Noise Assessment being implemented.

**59. Public Health England** has no objections, subject to the imposition of appropriate conditions to protect public health, in particular to prevent dust, odour and particulate emissions released from the site.

60. Due to the combustible nature of materials stored on site, it is reassured to see that the existing fire prevention

measures are being updated to ensure that the public health impact is minimised in the event of a fire at the site.

**61. Natural England** has no objections.

**62. The County Ecologist** has no objections.

**63. The County Highways Officer** has no objections.

**64. South Worcestershire Land Drainage Partnership** has no comments.

**65. Severn Trent Water Limited** has no objections.

**66. Hereford and Worcester Fire & Rescue Service** has no comments.

**67. West Mercia Police** has no objections.

**68. Network Rail** has no objections, but recommend the following requirements for the safe operation of the railway and the protection of Network Rail's adjoining land:

- Materials to be stockpiled on site should be kept away from the boundary (adjoining the railway) an equal distance as the piles are high to avoid the risk of toppling and damaging or breaching this boundary
- Adequate mitigation measures should be implemented to prevent dust and litter blowing on to Network Rail's property, and
- Any lighting associated with the proposal (including vehicle lights) must not interfere with the sighting and signalling apparatus and/or train drivers vision on approaching trains.

**69. Campaign to Protect Rural England** has no objections.

**70. Worcestershire Wildlife Trust** has no objections to the proposal, and defer to the opinions of the County Ecologist for all detailed on-site matters relating to ecology and biodiversity.

## Other Representations

71. Prior to the submission of the planning application, the applicant undertook public consultation, which comprised discussing the proposal with the Community Liaison Group for the EnviroSort Facility at their meetings in July and December 2014.

72. The application has been advertised in the press, on site and by neighbour notification. To date 3 letters of representation and an accompanying video have been received objecting to the proposal. These letters of representation are available in the Members' Support Unit.

73. Their main comments are summarised below:

## The Head of Strategic Infrastructure and Economy Comments

- Noise impacts
- The EnviroSort external doors are consistently being left open
- A very noisy forklift truck is constantly used going in and out of open doors, due to limited cross way movements within the building, and despite long-term/repeated complaints has still not been fitted with a "white noise" solution to reduce the impacts on local residents
- Video evidence of a forklift truck exiting the building, and a beeping alarm can be heard
- Fans have been left on overnight within the building disturbing sleep for local residents
- Non-compliance with Environmental Permit
- Concealment of complaints/logging - The applicant received a £480 fine in 2014 for failure to comply with an obligation to log/record all complaints
- Litter - The vicinity around Woodbury Lane/B4084 perpetually littered with paper/glass spilled from refuse vehicles leaving the site, and
- The proposed amendments are not essential for the operation of the facility and, therefore, the proposed amendments should not be granted planning permission until the applicant has demonstrated they can manage the site effectively and not cause any further danger or nuisance to local residents.

74. As with any proposal this planning application should be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier in the report.

### **Residential amenity (noise and litter impacts)**

75. The main issue in the consideration of this planning application, in particular in relation to the proposed extension to the maintenance and operating hours is the consideration of noise impacts on residential amenity.

76. The nearest residential property to the proposal is that of the Follies which lies about 80 metres north-east of the proposal. Merryfield House is located approximately 85 metres from the north-west corner of the site, and is the nearest property at the hamlet of properties adjacent to Norton Hall Nursing Home. A further dwelling of Sanghoi' is located approximately 150 metres to the north-east of the site, adjacent to the B4084.

77. Three letters of representation have been received objecting to the proposal on noise grounds. Video evidence has also been submitted of a forklift truck exiting the facility, whilst an alarm can be heard.

78. The application was accompanied by a Noise Assessment and subsequent Noise Assessment Addendum, which assessed the proposed extended operating hours, maintenance hours and alterations to the layout and process and introduction of the sprinkler system and glass breaker.

79. The applicant states that works involved in maintenance would typically relate to the changing of conveyor belts, repairs to plant, regular servicing of equipment and cleaning of the site.

80. The Noise Assessment concludes that in terms of the proposed maintenance work this would not be significant, with the highest likely noise impact not exceeding the general background noise level at night. With regards to the new layout and additional plant it is concluded that noise levels would marginally increase at the nearest receptors, but the effect of this would be negligible. However, with regards to the extended operating hours, in particular on Saturday afternoons, it concludes that noise mitigation measures are required. The proposed noise mitigation measures include:

- Acoustic treatment to a suction fan located in the north-east corner of the building; and
- Keeping all doors closed unless in emergency or to allow temporary quick access for maintenance equipment.

81. Subject to adhering to these mitigation measures the Noise Assessment concludes that the proposed amendments would not result in complaints.

82. Public Health England has no objections subject to the imposition of appropriate conditions to protect public health, in particular to prevent dust, odour and particulate emissions released from the site. The Environment Agency also has no objections, noting that the operations have a good compliance history with the Environmental Permit. Worcestershire Regulatory Services was consulted upon the application and subsequent Noise Assessment Addendum, which took account of vehicle movements during the proposed extended operating hours on Saturday (between 13:00 to 17:00 hours) and has raised no objections, subject to the imposition of appropriate conditions relating to noise mitigation measures.

83. In addition the applicant has confirmed that *"the Company and the County Council have been shown a video and soundtrack of a fork lift loader at EnviroSort with the*

*inference that a discernible beeping noise is coming from this vehicle. This is clearly not the case. In fact, the Company has provided to the Council a soundtrack taken during a weekday evening of a reversing forklift with an obtrusive reversing bleeper from the adjacent Bibby's distribution centre.*

*84. The Company does not employ reversing 'bleepers,' on plant and road vehicles; rather it uses white noise reversing alarms with a much reduced impact of noise escape. It is acknowledged that on occasions a hired-in replacement vehicle may have been fitted with a bleeper, and the Company now recognises that it needs to ensure that this does not happen again should hired-in plant be required.*

*85. It is accepted that on occasions, particularly when the doors are open, it is possible to discern the noise emitted by an alarm on plant, which is sounded automatically as a warning of imminent start-up. Whilst it is not considered to constitute a nuisance, the Company has now reduced the volume of the start-up alarm, and will continue to monitor its operational effectiveness, and the impact externally".*

86. The Head of Strategic Infrastructure and Economy notes the concerns of local residents in relation to the audible beeping alarm, but notes the applicant's confirmation that all vehicles are fitted with white noise alarms, in accordance with the extant planning condition 19. Furthermore, the applicant has carried out recent works to reduce the noise of the plant start-up alarm and will continue to monitor and review the effectiveness of these measures.

87. With regards to litter, letters of representation have been received objecting to the proposal stating that there have been instances of litter, particularly glass being deposited on the public highway outside the facility.

88. The applicant has confirmed that *"there has been a protocol in place with the County Council (Waste Management Department) for a number of years, which sets out the Company's obligations to maintain frequent and regular litter clearance in Woodbury Lane and on the B4084 up to the motorway junction. The Company will continue to work to this protocol.*

*89. The issue of glass fragments is being dealt with on two fronts. Firstly the Company has recently installed a framework of steel 'rumble strips' that HGVs must cross before leaving the site. The purpose of the strips is to shake out any glass fragments from the tyres and vehicle underbodies before leaving the site.*

*90. Secondly, it is suspected that some glass is falling from the glass export containers where there may be gaps between the container frames and doors. Therefore the Company is reviewing its loading and handling procedures,*

*and exploring options for providing more secure containment of the glass".*

91. Furthermore, the Head of Strategic Infrastructure and Economy notes that condition 12 of the extant planning permission requires the covering of all loaded HGVs, and recommends that this be imposed on any subsequent planning permission.

92. Accordingly the Head of Strategic Infrastructure and Economy is satisfied that the proposed development would have no adverse or detrimental impact upon residential amenity, subject to the imposition of appropriate conditions.

### **Traffic and highway safety**

93. With regards traffic and highway safety, the proposed amendments would not result in any additional HGV deliveries or collections to/from the site. Furthermore, it is considered that the proposed amendments to Condition 8 would allow split bodied collection vehicles to enter the facility whilst loaded with both kerbside recyclables and residual waste, enabling a reduction in waste miles and improved efficiency, as loaded vehicles would not have to deposit the residual waste at an appropriate licenced facility before travel to the EnviroSort site. It must be noted that whilst vehicles would be able to bring residual waste onto the EnviroSort Facility, such wastes would not be allowed to be deposited or processed at the site and a condition is recommended to be imposed to this effect.

94. Malvern Hills District Council (as Waste Collection Authority) and the District Councillor (Chairman of the Waste Management Board) both support the proposed amendments. The County Highways Officer has been consulted and has raised no objections.

95. In view of this, it is considered that the proposals would be acceptable on traffic and highway safety grounds, subject to the imposition of appropriate conditions, as imposed on the extant planning permission.

### **Other matters**

#### Recording of complaints

96. An objection has been raised on the basis of complaints not being recorded by the company. Whilst the recording of complaints is not considered to be a planning matter, the County Planning Authority can confirm that in July 2014, under the Waste Management Service Contract, the Council made a payment deduction, for a single incident, when the Contractor failed to record a complaint they received relating to the EnviroSort facility.

#### Lighting

97. Due to the proximity of the railway line, Network Rail has been consulted on the proposal. Network Rail has raised no objections subject to the imposition of appropriate conditions, which includes a lighting condition. The Head of Strategic



Infrastructure and Economy notes that condition 29 of the extant planning permission required the submission of a lighting scheme. This scheme was approved in consultation with Network Rail, therefore, the Head of Strategic Infrastructure and Economy is satisfied that the approved lighting scheme is acceptable.

#### External storage of materials

98. With regards to Network Rail's comments relating to the material stockpiles being located away from the railway line. The Head of Strategic Infrastructure and Economy notes that the applicant does not propose to store materials outside the building.

#### Sustainable Development

99. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

100. The proposed variations to the planning conditions would enable the improved quality of the recylates (outputs from the facility), efficiency and reduction in waste miles. In view of this, and the assessment of the proposal in the preceding sections of this Report, it is considered that the proposal is a sustainable development which accords with the NPPF in relation to its presumption in favour of sustainable development and accords with the National Planning Policy for Waste.

## **Conclusion**

101. Letters of representation has been received objecting to the proposal on noise grounds. The application was accompanied by a Noise Assessment and subsequent Addendum, which concludes that subject to implementation of mitigation measures the proposed amendments would not result in complaints. The Environment Agency has been consulted and has raised no objections. Worcestershire Regulatory Services has also raised no objections, subject to the imposition of appropriate conditions. Accordingly the Head of Strategic Infrastructure and Economy is satisfied that the proposed development would have no adverse or detrimental impact upon residential amenity, subject to the imposition of appropriate conditions.

102. Objections have also been received from local residents regarding the deposit of litter, in particular glass along the public highway. The applicant has confirmed that they will continue to maintain frequent and regular litter clearance of Woodbury Lane and the B4084. The applicant also recently installed a framework of steel 'rumble strips' that HGVs must cross over before exiting the site, the purpose of which are to shake out any glass fragments from the tyres and underbody of the vehicles. In addition, the

applicant is in the process of reviewing its loading and handling procedures and exploring options for providing more secure containment of glass. Accordingly, the Head of Strategic Infrastructure and Economy is satisfied that best practice measures are being implemented in relation to the control of litter.

103. With regards traffic and highway safety, the proposed amendments would not result in any additional HGV deliveries or collections to/from the site. The County Highways Officer has been consulted and has raised no objections. In view of this, it is considered that the proposals would be acceptable on traffic and highway safety grounds, subject to the imposition of appropriate conditions, as imposed on the extant planning permission.

104. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14, and WCS 15 of the adopted Worcestershire Waste Core Strategy and Saved Policies GD1, GD2, ENV1, ENV4, ENV5, ENV6, ENV18, ENV22 and SUR3 of the adopted Wychavon District Local Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## Recommendation

**105. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the carrying-out of development pursuant to planning permission reference number 407669 dated 16 July 2007 without complying with conditions 8, 35 and 36 of that permission so as, to allow amendments to the internal process plant alongside changes to the operating and maintenance hours at EnviroSort, Woodbury Lane, Norton, Worcestershire, subject to the following conditions:**

- a) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) **The development hereby approved shall be carried out and maintained in accordance with the following documents: Planning application and supporting statement dated 14 August 2006, the following drawings, except where otherwise stipulated by conditions attached to this permission:**
  - **Drawing CMRF-A7-PA-MWM-001 Statutory Plan**
  - **Drawing K628-L 101 (C) General Arrangement Plan, part superseded by Drawing 9056(SK)11C Sprinkler Plan**
  - **Drawing 9685(P)3D Elevations**
  - **Drawing K628-L102 (B) Office Facility Floor Plan**
  - **Drawing K628-L 105 (A) Weighbridge Office**

- Drawing CMRF-SFDA7-MWM001 Typical Process Arrangement
  - Drawing K628-L104 (A) Typical Cross Section
  - Drawing 425-01-01 Proposed Landscape and Ecological Enhancement Scheme
  - Drawing C/ST96/200 Schematic Drainage Layout
  - Drawing C/ST/90/001 Section 278 Works
  - Drawing K628-L 108 Proposed CMRF Facility 3D Images
  - Drawing K628-L 107 Site Sections
  - Drawing K628-L 109 Security Fencing and Gate
- c) The development shall be carried out and maintained in accordance with the approved Agreement pursuant to Sections 38 and 278 of the Highways Act 1980, dated 9 July 2008 between Worcestershire County Council and Mercia Waste Management Limited, Ref: LB/3637/565:10460;
- d) The development shall be carried out and maintained in accordance with approved drawing numbered: SK08, titled: Road Detail, and drawing numbered: CMRF-MOR-MWM-002 Rev A, titled: Full Morganite Access Proposal;
- e) Means of vehicular access to the development hereby approved shall be from the B4084 and Woodbury Lane to the east of the application site only. The approved signs enforcing this requirement instructing all traffic to turn right only, as shown on drawing C/SA/90/101 Rev H and reference 1, location 1 shown on that drawing shall be maintained for the duration of the development;
- f) No waste other than those waste materials defined in the application shall be either deposited or processed at the site;
- g) The operators shall ensure that the amount of waste sorted at the facility does not exceed 105,000 tonnes per annum;
- h) Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification):
- i. No fixed or mobile plant or machinery, building structures and erections, or private ways shall be erected, extended, installed or replaced within the site; and
  - ii. No additional lights or fences shall be installed or erected at the site;

- i) No mud, dust or debris shall be deposited on the public highway;**
- j) All loads of waste materials carried on heavy goods vehicles into and out of the building hereby permitted, shall be enclosed or covered so as to prevent spillage or loss of such material at the site or on the public highway;**
- k) There shall be no general public use of the site;**
- l) The development shall be carried out and maintained in accordance with the approved green Travel Plan, titled: Travel Plan Framework, Ref: APB/425-01-03c, dated 13 November 2007. The approved scheme shall be implemented for the duration of the co-mingled materials reclamation facility operations on this site;**
- m) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers;**
- n) The development shall be carried out in accordance with the approved Noise Assessment prepared by Noise and Vibration Consultants Ltd, dated 16 July 2009, Report Ref: R08.1639/1/DRK, Compliance Noise Monitoring Scheme. The approved scheme shall be implemented for the duration of the development;**
- o) The development shall be carried out in accordance with the approved Dust Control and Mitigation Statement, received by the County Planning Authority 17 April 2008 and approved 20 May 2008. The approved scheme shall be implemented and maintained for the duration of all operations associated with the co-mingled materials reclamation facility;**
- p) The development shall be carried out and maintained in accordance with the approved bbs-tek Backalarm system, product reference BBS-90 (NSR) or similar, and accompanying statement outlining the details and the type of vehicle alarms to be used at the site, received by the County Planning Authority 21 January 2008 and approved 3 April 2008;**
- q) The development shall be carried out in accordance with the approved Management Plan – Protocol for Fly Inspection and Treatment, received by the County Planning Authority 11 September 2009 and approved 24 September 2009. The**

approved scheme shall be implemented for the duration of the development;

- r) The development shall be carried out and maintained in accordance with the approved Management Plan – Protocol for the Control of Odour, received by the County Planning Authority 11 September 2009 and approved 24 September 2009. The approved scheme shall be implemented for the duration of the development;
- s) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways;
- t) No additional or increased flows of surface water shall be discharged onto Network Rail land or into Network Rail's culvert or drains. No soakaways shall be constructed within 10 metres of Network Rail's boundary;
- u) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. 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 and protected from accidental damage. All filling points and tank overflow outlets shall be detailed to discharge downwards into the bund;
- v) Surface water from vehicle parking and hard standing areas shall be passed through an interceptor or adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor;
- w) Water pipes used to serve the development must not be susceptible to residual contamination on the site and buried services must be laid within 0.5 metres surround of clean sand in areas of ash and graphite fill;
- x) The development shall be carried out and maintained in accordance with approved drawing numbered: 50299/ST/60/100, Rev D, titled: Proposed External Lighting Layout, and

subsequent approved amendments as shown on drawing number: 9685(P)100, titled: Front Elevation, document titled: External Lighting prepared by Cooper Lighting and Safety, dated 25 November 2008, and cover letter dated 24 September 2009, Ref: JC/AJ/9685;

- y) The development shall be carried out and maintained in accordance with approved landscaping scheme and revised native landscaping scheme for the frontage of the site, as shown on drawing numbered:425-01.01, Rev E, titled: Proposed Landscape and Ecological Enhancement Scheme. Within 5 years of planting, any trees, shrubs or plants that die, become diseased or are moved or damaged, shall be replaced in the first available planting season with others of a similar size and species and in accordance with the approved scheme, unless the County Planning Authority gives written approval of any variation;
- z) The permitted hours of operation in connection with the CMRF shall be 06:00 to 23:00 hours Mondays to Fridays, inclusive and 07:00 to 17:00 hours on Saturdays with no operations on Sundays, Christmas Day, Boxing Day or New Year's Day;
- aa) Plant maintenance (within the building only) shall be carried out at any time during the week Mondays to Sundays, except on Christmas Day, Boxing Day or New Year's Day;
- bb) No HGVs shall enter and leave the site between 22:00 hours and 06:00 hours on any day;
- cc) No handling, deposit, storage or transfer of waste shall take place outside the confines of the building hereby permitted;
- dd) No materials shall be burnt on the site;
- ee) The development shall be carried out and maintained in accordance with approved external materials and colours of the new building details, as shown on drawing numbered: 9685(P)3, titled: Elevations and cover letter from Mr John Charles, Ref: 9685/JC/JSW received by the County Planning Authority 14 May 2008 and approved 20 May 2008;
- ff) All doors to the building shall be kept closed except to allow entry and exit;
- gg) The development shall be carried out and maintained in accordance with the approved details

of the design and height of the security fencing and gates along the boundaries, as shown on drawing numbered:425-01.01, Rev E, titled: Proposed Landscape and Ecological Enhancement Scheme and drawing numbered: K628 L109, titled: security fencing & Gate As Proposed; and

hh) Prior to the site operating during the extended Saturday (13:00 to 17:00 hours) operating hours hereby approved, acoustic treatment of the suction fan that powers the polythene film extractor unit, located at the north-east corner of the process building, in accordance with Section 7.1 Recommendations & Residual Effects of the submitted Noise Assessment, dated 2 October 2014, Ref: R14.0904/DRK, prepared by Noise and Vibration Consultants Ltd shall be implemented and maintained for the duration of the development.

## Contact Points

### Specific Contact Points for this Report

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## List of Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this item:

The application, plans and consultation replies in file reference 14/000050/CM.