

**PLANNING AND REGULATORY COMMITTEE
4 DECEMBER 2018****PROPOSED CONSOLIDATION APPLICATION FOR THE
CONSTRUCTION AND OPERATION OF A BIOMASS
BOILER, ERECTION OF REPLACEMENT BUILDING TO
HOUSE THE BIOMASS BOILER, INSTALLATION OF
REPLACEMENT WASHING PLANT AND AMENDMENTS TO
THE LAYOUT AND OPERATION OF THE EXISTING WASTE
TRANSFER STATION (APPROVED UNDER 09/000057/CM)
INCLUDING INCREASED WASTE THROUGHPUT AND
AMENDED OPERATING HOURS (PART RETROSPECTIVE)
AT MAILES SKIPS AND RECYCLING, GUINNESS PARK
FARM, A4103, LEIGH SINTON, MALVERN,
WORCESTERSHIRE**

Applicant

Go Greener Recycling

Local Member

Mr P A Tuthill

Purpose of Report

1. To consider a County Matter consolidation planning application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under County Planning Authority (CPA) Ref: 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire.

Background

2. Planning permission for a waste transfer station was originally granted by the then Hereford and Worcester County Council, Strategic Planning and Transportation Committee, County Planning Sub-Committee in February 1994. (CPA Ref: 407339, Minute No. 400 refers) that permission was time limited, requiring operations to cease by the 31 March 1998. Since then the waste transfer station has been granted a succession of time limited permissions by the CPA to continue operations on this site, with the latest being CPA Ref: 407486, Minute No. 129 refers), which allowed the retention of the waste transfer station until 31 May 2010.

3. In February 2009, Mailes Waste Management applied under Section 73 of the Town and Country Planning Act 1990 to rescind condition 1 of planning permission 407486, dated 9 May 2000 to permit permanent use of the transfer station for recycling and reclamation of waste materials at Guinness Park Farm (CPA Ref: 09/000008/CM, Minute No. 648 refers). However, whilst Members of the Planning and Regulatory Committee granted planning permission in July 2009, they imposed a condition (condition number 1), which required the development to cease by 31 May 2011 and the site restored. This was because the site had been extended without the necessary planning permission. In view of this, the Planning and Regulatory Committee considered that it would be inappropriate to grant a permanent planning permission for the waste transfer station. It was recommended that permission be granted for a time limited period which would allow sufficient time for the applicant to make a further planning application to the County Council for permission to bring the extended area of the site, and associated waste transfer / processing operations, within planning control. If no such application was forthcoming within this period of time then enforcement action would be considered against the operator for the unauthorised use of the land and the associated waste transfer/processing operations.

4. In March 2010, planning permission was granted on a permanent basis for the use of land as waste transfer station and extension of site area for stockpiling and grading of inert materials (CPA Ref: 09/000057/CM).

5. Separate to the waste transfer station permissions outlined above, in January 1995 Malvern Hills District Council granted planning permission for *"use of land as a Depot for the open storage of empty skips and waste containers, associated vehicle parking and ancillary development"* (Malvern Hills District Council Planning Ref: MH 95 / 1089). In February 1996 Malvern Hills District Council granted planning permission for an application to vary condition 9 of planning permission MH 95 / 1089 to extend the operating hours to allow the site to operate from 07:00 to 18:00 Mondays to Fridays and 07:00 to 13:00 on Saturdays (Malvern Hills District Council Planning Ref: MH 95 / 1392). This site is located immediately to the south of the above waste transfer station and to the north of the commercial units. Since being taken over by the applicant Go Greener Recycling, the depot for open storage now forms part of the wider waste transfer station site.

6. It should be noted for information that a fire took place on the site within a stockpile of waste material, located to the north of the retrospective biomass boiler building on Saturday, 30 June 2018.

The Proposal

7. Go Greener Recycling is seeking planning permission for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire.

8. The site currently operates under two extant planning permissions: CPA Ref: 09/000057/CM and Malvern Hills District Council Planning Ref: MH 95 / 1392. The applicant is seeking a consolidation planning permission, where any new planning permission would replace the two extant planning permissions with a new permission for the wider site. This application is also part retrospective as the biomass boiler building has been constructed and the biomass boiler installed. It is understood that the biomass boiler whilst installed is not operational. A drying floor has been installed and amendments to the layout of the site including removal of bunds have already taken place, but the proposed wash plant has not yet been installed. The proposed fire ponds have also not been constructed.

9. The applicant states that over recent years the company has expanded and evolved. The site has undergone changes to its layout to better serve the operational requirements of the business. The site extant has not been altered, but some of the conditions attached to the previous planning permissions refer to features or areas within the site that no longer exist. As such the conditions and the previous permissions are out dated and require updating. The proposal includes a number of elements:

Biomass Boiler and Building

10. This application seeks retrospective planning permission for the installation of two Danstoker 1.3 Megawatt (MW) Waste Incineration Directive (WID) boilers. The boilers would be fuelled by Grade A - C waste wood, which is explained below:-

- **Grade A** – visibly 'clean' recycled waste wood mainly from packaging waste, scrap pallets, packing cases and cable drums, and process off-cuts from the manufacture of untreated products
- **Grade B** – may contain Grade A wood together with other waste wood sourced from construction and demolition activities, transfer stations, civic amenity sites and the manufacture of furniture from solid wood. Grade B waste wood should be regarded as treated waste wood
- **Grade C** – may contain the above grades of waste wood and from similar sources, but will predominantly consist of panel products such as panel board, MDF, plywood, including products bonded using heat treatment. Grade C waste wood is treated waste wood and should be used as biomass fuel at Waste Incineration Directive (WID) compliant facilities and is not, therefore, suitable for burning as fuel in a small appliance.

11. The applicant states that on average the boilers would require 8 tonnes of waste wood per day running at normal capacity. This would generate 80 Kilowatt (kW) of electricity. The generated electricity would be used on site to power the equipment and machinery associated with the waste transfer station (powering 100% of the site's energy needs). Any surplus would be fed back into the grid to provide electricity to the local area. In addition to the generated electricity, an average daily output of 62,000 kW of heat would be achieved. The generated heat would be used on site to remove moisture from other waste brought onto the site.

12. Prior to incineration, the waste wood would be sorted and screened, removing any hazardous / contaminated wood or material falling below Grade C. The sorted

wood would then be chipped. The applicant states that the boilers contain measures to ensure that there would be no risk of any unacceptable or hazardous emissions.

13. The retrospective building constructed to house the boiler replaced an existing building on the same footprint and is located in the centre of the application site. The new building measures approximately 18 metres long by 12 metres wide by 8.8 metres high, the two protruding stacks measure approximately 13.2 metres high from ground level (about 5.6 metres high above the building). The building's walls and roof are coloured Dove Grey and the two stacks are constructed from stainless steel.

Washing Plant

14. A new wash plant is proposed to be installed adjacent to the existing bund on the western boundary of the site. The wash plant would be a multi-stage process that progressively segregates the feed material into various sizes and removes finer clays to produce aggregates. The process recycles all waste water back through the system and, therefore, a water storage pond dedicated for the wash plant is not required. The wash plant would be located on a concrete pad. The wash plant together with the associated water tank and control cabin would measure approximately 90 metres long by 14 metres wide by 11 metres high.

Fire Ponds

15. In order to comply with the Environment Agency safety regulations, it is necessary to provide the site with convenient access to a water source in case of fire. The application is proposing to construct two ponds immediately adjacent to one another connected with balance pipes, one being a return pond and the other a fire pond from which water could be pumped and used to extinguish a fire. The ponds would be located north of the waste transfer station behind the existing bund and adjacent to an existing agricultural track. The land forms part of Guinness Farm which is currently used for agriculture.

16. The fire pond would measure approximately 23 metres long by 14 metres wide by 3.2 metres deep and the return pond would measure approximately 14 metres long by 12 metres wide by 3.2 metres deep.

Layout

17. The retrospective amendments to the original approved layout are as follows:

- The internal bund has been removed to free up useable working space within the site
- The site office that was previously located in front of the building in the centre of the application site has been removed and the weighbridge relocated outside of the site office west of the site access. This provides a more convenient route for vehicles entering the site to be weighed
- The mixed waste reception, sorting and picking would remain within the centre of the site, with only minor changes to the location of these activities to provide space for the biomass boiler and wood processing area
- Crushing and screening would be conducted in the northern corner of the site adjacent to the existing bund.

Conditions

18. The operation of the biomass boiler, the changes to the layout of the yard and the operations conducted within it mean that certain conditions of the previous permission

would be breached during day to day operations. The relevant conditions on the extant planning permissions are:

Condition 2 – Inner Bund

19. Condition 2 of CPA Ref: 09/000057/CM states: "*All screening, crushing and processing of waste materials shall only take place within the inner bund as shown on plan reference 'F300: 19 08 09'*". Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

20. The inner bund has been removed, the applicant states this was because it severely impeded upon the working area within the site. The external bund has been completed so the site is now screened around the majority of its perimeter with the exception of a portion to the south which is the sites access. The proposed area for screening, crushing and processing of waste materials would be within Zones 2, 3 and 4 as shown on the attached Committee Plan. These zones are located towards the north of the site and are enclosed by the outer bund. The applicant states that condition 2 is no longer relevant as it refers to the inner bund which has been removed.

Condition 3 – Wood Chipping

21. Condition 3 of CPA Ref: 09/000057/CM states: "*No wood chipping operations shall take place on site*". Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

22. The applicant states that prior to the incineration of the waste wood, it would be sorted and screened, removing any hazardous or contaminated wood falling below Grade C. Once sorted it would then be chipped. This process would constitute a breach of condition 3. The applicant states that it is understood that this condition was originally imposed due to issues with the equipment used by the previous operator of the site, which used an old-fashioned wood chipper that generated unacceptable levels of noise. The wood chipper proposed to be installed on site is a Doppstadt AK 435 E, a modern piece of equipment. The applicant states that there would not be an unacceptable level of noise associated with the operation of the proposed modern wood chipper. As a further method of control, the condition may be altered to restrict the time that wood chipping activities are conducted rather than preventing wooding chipping activities altogether. The applicant proposes that wood chipping operations are restricted to between the hours of 09:30 to 15:30 hours Mondays to Saturdays.

Condition 7 – Hours of Operation

23. Condition 7 of CPA Ref: 09/000057/CM states: "*All waste transfer station operations, including operations relating to the formation of the outer bund shall only take place on the site between 07:30 to 18:00 hours Mondays to Fridays, 07:30 to 13:00 hours on Saturdays and not at all on Sundays or Public Holidays*". Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

24. Condition 3 of Malvern Hills District Council Planning Ref: MH 95 / 1392 states: "*The hours of operation shall be restricted to between 7.00 am and 6.00 pm Monday to Friday, 7.00 am to 1.00 pm Saturday with the site not being use on Sundays or Public Holidays*". Reason: "In order that this site is not used at unsociable hours and not on Sundays or Bank Holidays".

25. The applicant is proposing to extend the Saturdays operating hours to allow for working until 17:00 hours. The applicant states that they use Saturday afternoons to undertake yard maintenance because no skips are run to or from the site past 13:00 hours on Saturdays. The lack of skip activity allows for other maintenance duties to be undertaken in the yard. The proposed working hours are: 07:30 to 18:00 hours Mondays to Fridays, 07:30 to 17:00 hours on Saturdays and not at all on Sundays or Public Holidays.

26. It should also be noted that the biomass boiler is proposed to run continually and would operate outside of the proposed operating hours.

Condition 8 – Throughput of Waste

27. Condition 8 of CPA Ref: 09/000057/CM states: *"The combined total of all waste materials handled shall not exceed 25,000 tonnes per annum; records shall be kept for the inspection by the County Planning Authority on written request of the amount of throughput of materials for the duration of operations on site"*. Reason: "To define the permission and to enable the County Planning Authority to adequately control the development".

28. The applicant is seeking to operate an aggregate recycling facility from the site together with the waste transfer station. The applicant states that the waste transfer station has been granted an Environmental Permit by the Environment Agency which limits throughput of controlled waste to 25,000 tonnes per year and inert waste to 150,000 tonnes per year (i.e. a maximum total of 175,000 tonnes per annum). The applicant states that it would seem sensible for the control imposed by the planning permission to match the control imposed by the Environmental Permit.

29. The applicant is proposing to increase the throughput of the site from 25,000 to 175,000 tonnes per annum. The applicant anticipates that the total combined daily HGV movements would be approximately 110 (about 55 HGV's entering the site and about 55 HGV's exiting the site per day). This would be an increase of approximately 54 HGV movements per day (about 27 HGV's entering the site and about 27 HGV's exiting the site per day) over and above the HGV movements associated with the permitted 25,000 tonnes annual throughput of waste materials. In addition the applicant anticipates that staff and visitor daily vehicle movements would total approximately 32 (about 16 vehicles entering the site and about 16 vehicles exiting the site per day).

Condition 9 – Burning of Waste

30. Condition 9 of CPA Ref: 09/000057/CM states: *"There shall be no burning of waste on the site"*. Reason: "In the interest of the amenity of the surrounding area in accordance with Policy WD. 3 of the Worcestershire County Structure Plan".

31. The applicant states that whilst the proposed biomass boiler would technically breach this condition, it is clear that the condition was imposed to prevent uncontrolled burning of waste as a means of waste disposal rather than to prevent biomass energy production. The applicant suggests that this condition is re-worded as follows:

32. *"There shall be no burning of waste on the site except for the incineration of wood within the permitted biomass boilers"*.

Operational Amendments

Waste Transfer Station

33. The waste transfer station operates a skip hire business and accepts waste from independent, licensed carriers. Waste entering the site is first directed to the 'mixed waste reception' located in Zone 3 (skip waste compound) as shown on the attached Plan, within the centre of the site. The waste is tipped onto the existing concrete slab where it is hand sorted. Any material capable of being recycled, for example, plasterboard, cardboard, glass and metal, are removed, sorted and placed in the appropriate storage area within Zone 3. Wood is stockpiled and then would be chipped to 80mm woodchip, passed through a magnet to remove metal and then stockpiled ready for incineration in the biomass boiler. Residual waste (material that remains after the process of waste treatment has taken place) would be placed on the drying floor, which is retrospective as it has already been constructed. The drying floor is situated adjacent to the biomass boiler. If approved and once operational, heat from the biomass boiler would pass into the drying floor, drying the waste, thereby reducing the water content before it is taken elsewhere for disposal.

Inert Aggregate Waste

34. Inert aggregate wastes entering the site is taken directly to the 'feedpile' located in Zone 4 (inert aggregate compound), as shown on the attached Plan. From here the material is crushed where necessary, then screened and would be washed in the proposed wash plant. The site would be able to produce 10mm, 20mm, 40mm and oversized clean secondary aggregates and sands – coarse and fine for use in construction and engineering projects.

The Site

35. The existing waste transfer station is located at Guinness Park Farm, approximately 7 kilometres south-west of Worcester City Centre and approximately 700 metres north of Leigh Sinton. The application site measures approximately 2.2 hectares and is part of a small commercial estate that is accessed via a concrete / tarmac drive off of the A4103 Worcester to Hereford Road, measuring approximately 180 metres long. The existing waste transfer station is located on the northern side of the commercial estate. There are other commercial uses adjacent to the site, including cold storage solutions, the sale of fences and sheds, and a business specialising in hybrid power solutions for transport. The whole commercial estate of approximately 3.4 hectares is surrounded by soil bunds measuring approximately 8 metres high on the northern and eastern side and 5 metres high to the north-west and south-west. There is an existing line of tall conifers on the south-east side of the estate. The commercial estate is set within open countryside, surrounded by agricultural land on all sides.

36. The Malvern Hills Area of Outstanding Natural Beauty (AONB) is located approximately 2.5 kilometres west of the proposal. The nearest Sites of Special Scientific Interest (SSSI) is the River Teme SSSI located approximately 1.4 kilometres north-east of the application site. There are also a number of non-statutory wildlife designated sites within 2 kilometres of the proposal, this includes the Ashes Local Wildlife Site (LWS), Marsh Cottage Meadows LWS, The Cuckoo-pit LWS, and Leigh Disused Railway LWS are located about 385 metres, 730 metres, 1.2 kilometres and 1.4 kilometres north of the application site, respectively. Whitegate

Orchard LWS, Middleyard Coppice LWS, and Whitehouse & Bush Hill Coppices LWS are located approximately 1.6 kilometres north-east, 1.8 kilometres north-east, and 1.7 kilometres east of the application site. The Carey's Brook LWS flows west to east, located at its closest point approximately 710 metres south of the application site, beyond which is North Wood LWS, situated about 1 kilometre south of the proposal and Lower Howsell Sidings LWS located approximately 1.6 kilometres south of the application site. Leigh Brook LWS is situated about 1.5 kilometres north-west of the proposal.

37. Ancient Woodland of the Ashes and Chapelhill Coppice are located approximately 370 metres north and 390 metres east of the application site, respectively.

38. No Public Rights of Way cross the application site, but there are a number of Public Rights of Way within the context of the application site, including Footpath LI-615 located about 185 metres west of the application site, running perpendicular to the A4103. Footpath LI-616 runs north-west to north-east of the application site, located about 250 metres from the application site at its closest point. Footpaths LI-604, LI-612 and LI-614 and Bridleways LI-606 and LI-608 are located approximately 350 metres north-west of the application site.

39. The Grade II Listed Buildings of Castle Green Farmhouse and Rosebank Cottage are located about 440 metres north-west and 325 metres east of proposal, respectively. The Ancient Monument of Motte and bailey castle at Castle Green is located approximately 450 metres north-west of the application site.

40. The development is located within Flood Zone 1 (low probability of flooding).

41. Guinness Park Farm landfill site, which was granted in May 1990 is situated adjacent to the eastern boundary of the application site. No landfilling operations ever took place and the planning permission for that site is no longer extant (CPA Ref: 407241, Minute No. 1614 refers).

42. Guinness Park Farm Riding School is located approximately 150 metres south of the proposal on the western side of the A4103. The nearest residential properties are located approximately 225 metres to the east on the proposed development, situated on the eastern side of the A4103 and include Numbers 3, 4, 5, 6 Suffield (Suffield Cottages and Cherry Tree Cottage), Suffield Lodge and the dwelling located off Suffield Close. Further residential properties are located approximately 270 metres south of the proposal on the western side of the A4103 and include the Hop Cottage, Orchard Farm Cottage and Guinness Park Farm. Castel Green is located approximately 365 metres north-west of the application site.

Summary of Issues

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

- The waste hierarchy
- Location of the development
- Landscape character and visual impacts
- Residential amenity (including noise, dust, odour and air quality)
- Traffic and highways safety

- The water environment
- Ecology and biodiversity.

Planning Policy

National Planning Policy Framework (NPPF)

44. The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The revised NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). The revised NPPF replaces the previous NPPF published in March 2012.

45. The NPPF should be read in conjunction with the Government's planning policy for waste (National Planning Policy for Waste). Annex 1 of the NPPF states that *"the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication"*.

46. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being, and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

47. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

48. So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

49. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

50. The following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals

National Planning Policy for Waste

51. 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

52. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this

proposal consists of the Adopted Worcestershire Waste Core Strategy Development Plan Document and the Adopted South Worcestershire Development Plan.

53. 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.

54. With regard to the weight to be given to existing policies adopted prior to the publication of the revised NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, 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 4: Other Recovery

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

South Worcestershire Development Plan

55. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out 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 6 Historic Environment

Policy SWDP 8 Providing the Right Land and Buildings for Jobs

Policy SWDP 12 Employment in Rural Areas

Policy SWDP 21 Design

Policy SWDP 22 Biodiversity and Geodiversity

Policy SWDP 23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)

Policy SWDP 24 Management of the Historic Environment

Policy SWDP 25 Landscape Character

Policy SWDP 27 Renewable and Low Carbon Energy

Policy SWDP 28 Management of Flood Risk

Policy SWDP 29 Sustainable Drainage Systems

Policy SWDP 30 Water Resources, Efficiency and Treatment

Policy SWDP 31 Pollution and Land Instability

Other Documents

Waste Management Plan for England (2013)

56. 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.

57. There are comprehensive waste management policies in 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.

58. 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.

59. 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.

60. It states that the construction, demolition and excavation sector is the largest contributing sector to the total waste generation, generating 77.4 million tonnes of waste in 2010.

The Government Review of Waste Policy England 2011

61. 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 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.

Consultations

62. **County Councillor Paul Tuthill** has made no comments.

63. **Leigh and Bransford Parish Council** comments that whilst welcoming the recycling facility, there is concern regarding the impact of the development upon the local area. The Parish Council supports the application on the condition that the appropriate licence is obtained and action is taken to mitigate environmental impact upon the locality to include all necessary action to prevent dust and dirt issues on the A4103 and the installation of wheel washing facilities.

64. **Malvern Hills District Council** has no objections to the proposal, subject to Worcestershire Regulatory Services and Natural England both raising no objections

in terms of impact upon air quality. In addition, comments received from local residents should be taken into consideration and satisfactory addressed.

65. The District Council also highlight that landscape harm due to the felling of trees is addressed by the provision of compensatory planting.

66. **The Environment Agency** raises no objections to the proposal, commenting that the existing Environmental Permit for the site contains conditions relating to the operations on site, waste management and permitted wastes consistent with the planning application submission in relation to the waste types and quantities. The permit allows throughputs of up 24,999 tonnes per annum for controlled wastes and 150,000 for inert waste. The Environment Agency note that a permit variation application has been submitted and is currently being considered. The variation seeks to:

- Consolidate the permit, updating to new conditions
- Add the activity of drying
- Provide detailed European Waste Code lists for the transfer station and the drying activity
- Increase 'controlled waste' throughput to 49,999 tonnes per annum, and
- Amend the site boundary.

67. The Environment Agency state that emissions including odour, noise and vibrations relevant to the operational area would be controlled under the permit. The permit would also control day to day general management, including operations, maintenance and pollution incidents. In view of this, the Environment Agency does not consider it is necessary for planning conditions to be imposed to control these matters.

68. The Environment Agency notes the proposed fire ponds, which form part of the Fire Prevention Plan, which has been submitted in support of the permit variation. They also note the submitted Noise Assessment and that the nearest sensitive receptor being over 200 metres from the site.

69. With regard to the biomass boiler, the Environmental Permitting Regulations define small waste incineration plants (SWIPs) as all waste incineration or waste co-incineration plants with a capacity less than the 10 tonnes per day of hazardous waste or less than 3 tonnes per hour of non-hazardous waste. A SWIP needs an Environmental Permit issued by the Local Authority (Worcestershire Regulatory Services). As the biomass boiler would have a throughput of less than 3 tonnes per hour, the County Planning Authority may wish to liaise with Worcestershire Regulatory Services regarding this matter.

70. **Worcestershire Regulatory Services (Air Quality Officer)** has no objections to the proposal, stating that they have reviewed the application for potential air quality issues and have no adverse comments to make.

71. **Worcestershire Regulatory Services (Noise and Dust Officer)** has no objections to the proposal, stating that the submitted Noise Assessment appears acceptable and in line with Worcestershire Regulatory Services' Technical Noise Guidance. The noise rating level at all receptors does not take account of ground absorption or where applicable intervening buildings and, therefore, the noise rating

level would be approaching 0dB or less. Accordingly, Worcestershire Regulatory Services have no objections in terms of noise from the proposed wood chipper adversely impacting the nearest noise sensitive receptors and the waste transfer station operations in general.

72. **Public Health England** has no objections to the proposal, stating that they have no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

73. **South Worcestershire Land Drainage Partnership** has no objections to the proposal in principle with respect to flood risk, but the applicant should consider safe access as a risk and ensure that appropriate measures are in place, such as assessing the access for minor modifications or making alternative provision in the detailed design.

74. **Lead Local Flood Authority** has no objections to the proposal, stating that as noted in the submitted Flood Risk Assessment a clear surface water flow path can be seen flowing through the site. The Lead Local Flood Authority requires this area to remain free of obstructions to ensure the flow path is not disturbed. They also recommend the imposition of a condition requiring details of the maintenance arrangements for all Sustainable Drainage Systems (SuDS) on the site for the lifetime of the development.

75. **Severn Trent Water Limited** has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

76. **The County Highways Officer** has no objections to the proposal, stating that the number of HGV's and Skip Lorry movements over the proposed working day would equate to approximately one vehicle entering and one vehicle exiting the site every 10 minutes. Given the class of the adjoining road, the County Highways Officer has no concerns with this proposal from a highway perspective.

77. **The Campaign to Protect Rural England (CPRE)** has made no comments.

78. **Historic England** has no objections, and recommends that advice is sought from the County Council' and District Council's specialist conservation and archaeological advisers.

79. **Ancient Monuments Society** has made no comments.

80. **The District Archaeologist** has no objections to the proposal.

81. **The County Archaeologist** has no objections to the proposal.

82. **Malvern Hills Area of Outstanding Natural Beauty (AONB) Partnership** comment that the proposed development is some distance from the Malvern Hills AONB and is, therefore, highly unlikely to have any sort of significant effect on the AONB or people's enjoyment of it.

83. They comment that in general larger structures tend to be better assimilated into the landscape if they are darker and more recessive in colour. Therefore, it may be useful to explore whether a colour such as anthracite is preferable to dove grey. A matt finish also tends to be preferable to reduce reflection from roofs.

84. **The County Landscape Officer** has no objections to the proposal, stating that they have no concerns regarding landscape and visual impact. Most of the works proposed would be contained within the existing area of operation, and therefore, would benefit from the landscape mitigation put in place as part of the 2009 application. There are Public Rights of Way to the west and north of the site, however, these receptors benefit from mature vegetation along existing field boundaries and the watercourse to the north and north-east of the site. The County Landscape Officer fully supports the enhancement measures recommended by the County Ecologist relating to the return pond if this is appropriate and practical to deliver in the context of its intended use. While the nature of the return pond is such that it would not be intrusive as a landscape feature, any measures to enhance its appearance would be welcomed.

85. **Natural England** has no objections to the proposal, stating that the proposal would not have a significant adverse impact upon designated sites. In particular the proposal would not damage or destroy the interest features for which the nearby River Teme SSSI has been notified.

86. **Worcestershire Wildlife Trust** has no objections to the proposal, and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

87. **The County Ecologist** has no objections to the proposal, stating that this proposal requires removal of a small area of land currently set to arable, which is unlikely to contain any ecological interest, and that the creation of a body of standing water poses an opportunity for minor enhancement. The County Ecologist recognises that the functionality of a 'fire pond' requires un-vegetated standing water so as to ensure an immediate supply and sufficient quantities of water. However, they do not know if the same constraints would also apply to the proposed 'return pond', and asks whether the applicant would consider a more gently sloping profile around one or preferably both ponds as this would enable easier access for periodic maintenance, would provide a means of escape for any trapped wildlife, and would also increase the marginal areas of the pond(s) which, in an intensively agricultural landscape, hold value for biodiversity in their own right. The County Ecologist also recommends that the margins of the pond are seeded with a mix designed to provide foraging opportunities for pollinators.

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

89. **Hereford and Worcester Fire and Rescue** have made no comments.

90. **Western Power Distribution (Online Line Search Tool)** comments that 11kV overhead electricity and underground cable crosses the application site west to east, to the rear (north) of the commercial units. The applicant must comply with health and safety legislation and the Western Power Distribution guidance.

91. **National Grid** has made no comments.

Other Representations

92. The application has been advertised on site, in the press and by neighbour notification. To date, 16 letters of representation supporting the proposal, which includes a petition with 7 signatures, and 6 letters of representation objecting to the proposal have been received. These letters of representation are available in the Members' Support Unit. Their main comments are summarised below:

Support

- The UK should follow the lead of Europe and embrace the idea of incineration as a mean of disposal of waste as opposed to landfill. Modern incinerators are extremely efficient and are closely monitored by the Environment Agency
- Consider it is high time that the UK began to encourage smaller waste companies to invest in modern technology to assist them in dealing with waste disposal and thus reduce environmental pollution. The UK is a nation of small enterprises and the UK must support investment in them
- The current operations appear to be run in an efficient manner having little or no effect on its neighbours, whilst providing an essential service to the area
- Extending the operating hours would help to minimise the effect of vehicles entering and exiting the site by taking some of those vehicle movements out of the peak traffic periods on the A4103, whilst the site is remote enough for the activities not to affect local residents
- Leigh & Bransford Badgers Football Club state that as volunteers supporting the development of young people with an interest in their future, they support any organisation that considers developing sustainable energy production which also reduces waste to landfill
- Leigh & Bransford Badgers Football Club also state that the site, the owners and employees have been considerate and supportive over many years that the Football Club has been located adjacent to the application site, and the Football Club is confident that this will continue into the future
- Guinness Park Farm Riding School comment that Go Greener perform an essential service to the community and are prepared to invest a considerable amount of money to make their operation as efficient as possible and to do so help minimise the impact of waste on the environment.

Objections

Working hours

- The applicant has been working outside of the approved operational hours on Saturday afternoons and on Sundays. This is not fair and respectful to the local community, and the applicant appears to have no fear of the law or rules of the licence under which they operate
- Further alleged out of hours working on Saturday 3 November. Question who will be able to control the operator when they do not abide by operating hours?
- Opposed to the proposed extended Saturday operating hours, as this would affect the amenity of local residents

Pollution

- Query how can this business be trusted to not burn toxic wood and waste in this biomass boiler?
- In November 2017 a local resident had to contact the environmental officer concerning a fire that had been burning plastic and other substances for at least a month at Go Greener outside their site area
- In the planning application, houses close to the site were visited to assess noise and environmental pollution, but local residents states that they did not receive any visit, although they would most affected, due to the prevailing south westerly wind direction in this area
- Concerns about the noise pollution that would be generated by the shredding of wood to feed the biomass boiler, and request that the bund on the south-west side of the site is raised and planted with trees, and the shredding machine is housed in a suitable building, to alleviate some of the noise pollution. Trees were meant to be planted on the bunds many years ago, but have only been planted and maintained on the Guinness Farm side
- Question who is going to monitor what the operator burns in the biomass boiler?
- Concerned for the health of the parents and children who attend the adjacent Football Club every Saturday.

Visual Impact

- Adverse visual impact as a result of the large shiny building, which can be seen from the main road and several nearby residential properties.

Enforcement

- Given that the application for the biomass boiler is retrospective, local residents consider that any opposition to the building or biomass boiler would be pointless, as they consider it is a 'done deal' as the theory behind biomass boilers is politically correct, good for the environment, and the cost spent on the development. They consider the application will be passed regardless of any valid objections. They consider Worcestershire County Council has been very underhand and secretive about this and they feel violated
- They consider that what is significantly underhand is that local residents raised the question of the initial building being erected in November 2017 and the Planning Officer informed them that that he could not discuss the building, but that they did know about its existence and that local residents would find out in due course
- Query what is the point of consulting on a planning application when the building has already been constructed and biomass boiler installed and commissioned? Paying lip service to the process and the people it affects is appalling.

The Head of Strategic Infrastructure and Economy's Comments

93. As with any planning application, this 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.

Waste hierarchy

94. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of, and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

95. 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 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. This is reiterated in the Waste Management Plan for England (2013). The Worcestershire Waste Core Strategy sets out a number of objectives. Objective WO3 of the Waste Core Strategy seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire.

96. Policy WCS 2 of the Waste Core Strategy identifies a current capacity gap for Worcestershire to achieve equivalent self-sufficiency for 'other recovery'. It is considered that the proposed development would constitute an 'other recovery' facility, falling within Policy WCS 4 'Other types of recovery' of the waste hierarchy. This is because the Waste Core Strategy defines 'recovery' as *"any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. In the Waste Core Strategy 'other recovery' includes thermal treatment and any recovery facilities that do not fall into the category of 're-use', 'recycling' or 'disposal'"*.

97. Policy WCS 4 of the Waste Core Strategy requires recovery facilities to demonstrate that sorting of waste is carried out to optimise re-use and recycling; resource recovery from outputs of the process is optimised and any residues can be satisfactorily managed and disposed of; and where thermal treatment is carried out, energy recovery is optimised.

98. The applicant states that *"at present wood processed by Go Greener is either shipped to other parts of the UK, Northern Continental Europe and Scandinavia along with other refuse derived fuel (RDF) for energy recovery, or, it is sent to landfill. Clearly there are significant environmental advantages associated with the proposal to recover energy from wood on site. The energy and heat produced would be used on site with any surplus fed back into the grid for use in the local area"*.

99. *"There is an identified need for the proposed biomass boiler, a significant amount of wood, approximately 8,000 tonnes per annum currently passes through the site. In the absence of a suitable facility locally, this material is transported by road to other regions in the Country or is shipped abroad to be processed or disposed of"*.

100. The sorting of waste to optimise re-use and recycling already takes place on the Go Greener Recycling waste transfer station site. The proposal would generate electricity from wood waste that would otherwise be sent to landfill or the energy recovered in incineration plants in other parts of the UK, Northern Continental Europe and Scandinavia. The energy generated from the process would be used on site to power the equipment and machinery associated with the waste transfer station, with any surplus electricity being fed in the grid to provide electricity to the local area. In addition heat from the biomass boiler would be used to remove the moisture content from other waste brought onto the site. Consequently, the Head of Strategic Infrastructure and Economy considers that the development of the biomass boiler and associated wood chipping operation would overall move waste up the waste hierarchy from disposal to other recovery, and therefore, would comply with the objectives of the waste hierarchy, and Policies WCS 2 and WCS 4 of the Waste Core Strategy.

101. Furthermore, paragraph 148 of the NPPF States that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"*.

102. Paragraph 154 of the NPPF states that *"when determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas".*

103. The proposal also includes a number of amendments to the operations of the existing waste transfer station, including the increase in the throughput from 25,000 tonnes per annum, to 175,000 tonnes per annum, and the provision of a wash plant that would segregate inert materials into various sizes and remove finer clays to produce secondary aggregates, producing 6 products (10mm, 20mm, 40mm and oversized clean aggregates and sands – course and fine) for use in construction and engineering projects.

104. The Head of Strategic Infrastructure and Economy considers that the amendments to operation and layout of the existing development, would facilitate more efficient operation of the existing waste transfer station facility, which provides a critical role in helping to drive waste up the waste hierarchy by sorting and bulking up of various sources of waste in preparation for transfer and subsequent recycling by specialist operators and, therefore, would comply with the objectives of the waste hierarchy.

Location of the development

105. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

106. The Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

107. The principle of the existing waste transfer station in this location has already been established and accords with Policy WCS 6 of Worcestershire Waste Core, however, as part of this application the applicant is now seeking retrospectively to install a biomass boiler enclosed within a building, with associated wood chipping.

108. Policy WCS 4 Part b) of the Waste Core Strategy states that *"in order to deliver the spatial strategy, proposals for 'other recovery' facilities will be permitted in levels 1 and 2 where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy"*.

109. The application site is located within level 5, the lowest level of the Geographic Hierarchy. Part c) of Policy WCS 4 states that:

110. *"Planning permission will not be granted for 'other recovery' facilities in level 3, 4 or 5 except where it is demonstrated that:*

- i. the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy, and*
- ii. the proposed location is at the highest appropriate level of the geographic hierarchy"*.

111. The applicant states that *"the facility would be located at an existing waste transfer station where waste is currently sorted. Prior to incineration, waste wood would be sorted and processed. The biomass boiler would generate electricity and heat both of which would be collected and used on site. In this case the facility would be an ancillary function of an existing waste transfer station. As such the facility would be located at the highest appropriate level of the Geographic Hierarchy in order to deliver the Waste Core Strategy's Spatial Strategy. The key aim of the Spatial Strategy is to locate facilities to take advantage of opportunities for on site management of waste where it arises. In this case, waste wood already enters the site, so it is most appropriate to manage the waste on site and recover energy in the form of electricity and heat. It would be less appropriate to sort the waste wood on site and then transport to it to an alternative location to be processed even if the alternative location was located in a higher level of the Geographic Hierarchy"*.

112. *"Furthermore, the Spatial Strategy aims to locate facilities where they are best suited to serve the needs of local communities and the local economy and minimise*

the distance waste is moved by road. In this case the facility would provide electricity to local residents and businesses serving the needs of the local community and economy. The provision of an on-site 'other recovery' facility would reduce significantly the distance that waste wood is moved by road".

113. Although the development site is sited within Level 5 'All other areas' of the hierarchy, the applicant has demonstrated that the proposed development cannot reasonably be located in levels 1 or 2 of the Geographic Hierarchy as the biomass boiler is dependent on the location where the waste is generated, and is ancillary to the wider waste transfer station site, as it provides electricity and heat for use by the existing waste transfer station and therefore, the proposed location is at the highest appropriate level of the Geographic Hierarchy in accordance with Policy WCS 4 of the Waste Core Strategy.

114. The proposed development would be located within the existing waste transfer station site, which is an established waste management site, within the broader Guinness Park Farm commercial estate. Policy WCS 6 of the Worcestershire Waste Core Strategy states that proposed 'other recovery' facilities, located on "*existing or allocated industrial land*" and / or located on "*sites with current use rights for waste management purposes*" are compatible land uses.

115. This planning policy direction is also reflected in the National Planning Policy for Waste, which states "*waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages*".

116. Policy SWDP 2 of the South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including "*safeguard and (wherever possible) enhance the open countryside*". Policy SWDP 2 c) defines the 'open countryside' as "*land beyond any development boundary*". Therefore, the existing site and the application site are located within the open countryside. Policy SWDP 2 c) goes on to state that in the open countryside, development will be strictly controlled and will be limited to a number of defined types of developments and uses including employment development in rural areas and refers to Policy SWDP 12 of the South Worcestershire Development Plan.

117. Policy SWDP 12 b) seeks to protect existing employment sites in rural areas stating "*to help promote rural regeneration across South Worcestershire, existing employment sites in rural areas that are currently or were last used for B1, B2, B8...purposes will be safeguarded for employment-generating uses during the plan period*".

118. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the South Worcestershire Development Plan, it is noted that the site constitutes an existing employment site and benefits from planning permission (CPA Ref: 09/000057/CM and Malvern Hills Planning District Council Planning Refs: MH 95 / 1089 and MH 95 / 1392).

119. Whilst a waste management facility is not explicitly referred to within Policies SWDP 2 and SWDP 12 of the South Worcestershire Development Plan, the proposal is considered broadly to be an employment site, and would constitute the retention of an existing employment site and is for the re-use of previously developed land, complying with these policies.

120. Consequently the Head of Strategic Infrastructure and Economy considers the principle of the proposed development in this location is acceptable and accords with Policies WCS 4 and WCS 6 of the Worcestershire Waste Core Strategy.

Landscape character and visual impacts

121. Letters of representation have been received objecting to the proposal on the grounds of visual impact as a result of the large shiny building, which can be seen from the main road and several nearby residential properties.

122. The application site measures approximately 2.2 hectares and is part of a small commercial estate that measures approximately 3.4 hectares in total and is accessed via a concrete / tarmac drive off of the A4103. The existing waste transfer station is located on the northern side of the commercial estate. The whole commercial estate is surrounded by soil bunds measuring approximately 8 metres high on the northern and eastern side and 5 metres high to the north-west and south-west. There is an existing line of tall conifers on the south-east side of the estate. The commercial estate is set within open countryside, surrounded by agricultural land on all sides. The Malvern Hills AONB is located approximately 2.5 kilometres west of the proposal.

123. The applicant is seeking retrospective planning permission for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, and is proposing the installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station.

124. The new building measures approximately 18 metres long by 12 metres wide by 8.8 metres high, the two protruding stack measure approximately 13.2 metres high from ground level (about 5.6 metres high above the building). The building's walls and roof are coloured Dove Grey and the two stacks are constructed from stainless steel. The proposed wash plant together with the associated water tank and control cabin would measure approximately 90 metres long by 14 metres wide by 11 metres high.

125. The Head of Strategic Infrastructure and Economy considers that the proposal would generally be well screened from public views of the site, due to the existing perimeter bunding, established vegetation, and for certain views the intervening existing commercial units. Notwithstanding this, distant and glimpsed views of the site, in particular the new building and wash plant would be observed above the bunds. More open but distant views of the building are possible from the south /south-west of the site along the A4103, but such views are seen in the context of the existing established waste transfer station / commercial estate.

126. The extant planning permission 09/000057/CM imposed a number of planning conditions relating to controlling visual impacts, including a restriction on the height of all stored skips and other stored materials to a maximum height of 4 metres, location of stored materials, and a landscaping scheme which includes planting on the outer bund. Should planning permission be granted it is recommended that such conditions are imposed on any new consent.

127. The County Landscape Officer has been consulted and has raised no objections to the proposal, stating that they have no concerns regarding landscape and visual impact. Most of the works proposed would be contained within the existing area of operation, and therefore, would benefit from the landscape mitigation put in place as part of the extant planning permission. There are Public Rights of Way to the west and north of the site, however, these receptors benefit from mature vegetation along existing field boundaries and the watercourse to the north and north-east of the site.

The County Landscape Officer states that whilst the nature of the return pond is such that it would not be intrusive as a landscape feature, any measures to enhance its appearance would be welcomed.

128. Malvern Hills District Council has no objections to the proposal, subject to comments received from local residents should be taken into consideration and satisfactory addressed, and also highlight that landscape harm is addressed due to the felling of trees through the provision of compensatory planting. The applicant has confirmed that the owner of the site cut down the fir trees on the western side of the site entrance and these have been replanted. These are outside the site and the area under control of the applicant. These works were carried out before the applicant had any interest in the application site. Conditions are recommended requiring visual screen planting / landscaping, and detailed design and landscaping of the proposed ponds.

129. Due to the distance from the Malvern Hills AONB, the Malvern Hills AONB Partnership has been consulted and comments that the proposed development is highly unlikely to have any significant effect on the AONB or people's enjoyment of it. They comment that in general larger structures tend to be better assimilated into the landscape if they are darker and more recessive in colour. Therefore, it may be useful to explore whether a colour such as anthracite is preferable to dove grey. A matt finish also tends to be preferable to reduce reflection from roofs. A condition is recommended to this effect. The applicant states that this would be difficult to achieve and the building replaced a building of a similar colour. The Head of Strategic Infrastructure and Economy considers that given the County Landscape Officer has no objections and the Malvern Hills AONB Partnership consider it is highly unlikely the proposal would have any significant effect on the AONB that the colour of the building is acceptable in this instance.

130. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions.

Residential amenity (including noise, dust, odour and air quality)

131. Letters of representation have been received from local residents objecting to the proposal on the grounds of adverse pollution, noise, visual impact and opposed to the extended working hours. A number of letters of representation have been received from local residents supporting the proposal on the grounds of providing an essential service to the local area, and providing environmental benefits in terms of moving from disposal to recovery of waste.

132. The nearest residential properties are located approximately 225 metres to the east on the proposed development, situated on the eastern side of the A4103. Further residential properties are located approximately 270 metres south of the proposal on the western side of the A4103. Castle Green is located approximately 365 metres north-

west of the application site. Guinness Park Farm Riding School is located approximately 150 metres south of the proposal on the western side of the A4103.

133. The applicant is seeking retrospective planning permission for the construction and operation of a biomass boiler and erection of replacement building to house the biomass boiler, together with the installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station, which includes increasing the throughput from 25,000 tonnes to 25,000 tonnes of controlled waste (Commercial and Industrial (C & I) waste, and Construction, Demolition and Excavation (C & D) waste) and 150,000 of inert waste (totalling 175,000 tonnes per annum). The applicant is also proposing to extend the Saturdays operating hours to allow for working until 17:00 hours; and is proposing to undertake wood chipping to feed the biomass boiler. The applicant proposes that wood chipping operations would be restricted to between the hours of 09:30 to 15:30 hours Mondays to Saturdays.

134. The applicant states with regard to the retrospective biomass boiler that *"stringent European and UK legislation imposes statutory limits on gaseous and dust emissions to the atmosphere from industrial plant. Biomass boilers must comply with the Large Combustion Plant Directive (LCPD) (Directive 2001/80/EC), and incinerators of waste materials must comply with the Waste Incineration Directive (WID) (Directive 2000/76/EC). Operators of waste incinerators are required to measure gases emitted from the boiler. The LCPD and WID directives place obligations on plant owners to ensure that Continuous Emissions Monitoring Systems (CEMS) are available for not less than 97 per cent of the time. Furthermore, owners of plant operating under WID are obliged to stop their processes if their CEMS fail for more than 4 hours. The proposed biomass boiler system contains the requisite CEMS and is fully compliant with the WID enabling the incineration of Grade C waste wood in a safe, controlled and regulated manner"*.

135. A Noise Assessment accompanied the planning application submission, which assessed the impact of the wood chipper on the residents of Suffield Close located to the east of the application site, Guinness Farm located to the south and Castle Green Farm located to the north-west of the application site.

136. The Noise Assessment states that the chipper (Doppstadt AK Series Biomass Wood Chipper) produces a constant noise of the same level and quality all the time, without any dominant frequencies. At a distance of 300 metres or more from the chipper the noise would have a character similar to constant distant traffic noise. The Noise Assessment concludes that the proposed wood chipper would not have any significant adverse impact, falling below the BS5228-1:2009 noise limits and the World Health Organisation (WHO) Guidelines for Community Noise (1999), and Night Noise Guidance for Europe (2009).

137. The applicant's Noise Consultant also undertook an assessment of the Sandvik QJ341 Crusher & Screener and it was observed that at the perimeter of the site whilst under full load and crushing concrete blocks with metal reinforcement, the traffic noise from the A4106 was noticed as being more dominant than the Sandvik QJ341 Crusher & Screener at full load. The applicant has also confirmed that the crushing, screening and chipping equipment on site all has in-built dust suppression and silencers.

138. Condition 4 of extant planning permission CPA Ref: 09/000057/CM states: "*a Noise and Dust Management Scheme for the site shall be submitted to the County Planning Authority within three months of the date of this permission for the agreement in writing by the County Planning Authority. The scheme shall provide for an annual review of the scheme by the County Planning Authority. The agreed scheme shall be implemented and maintained for the duration of all waste transfer operations on the site*". A condition is recommended to this effect should planning permission be granted for the development. A condition is also recommended to restrict the wood chipping operations to between the hours of 09:30 to 15:30 hours Mondays to Saturdays.

139. Notwithstanding the above controls, the primary environmental controls over the existing, proposed and retrospective operations would be contained within the Worcestershire Regulatory Services Environmental Permit for the biomass boiler and the Environment Agency's Environmental Permit for the wider waste transfer station facility.

140. It is noted that paragraph 183 of the 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*". Paragraph Reference ID: 28-050-20141016 of the Government PPG elaborates on this matter, stating that "*there exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body*".

141. The Environment Agency has been consulted and raises no objections to the proposal, commenting that the existing Environmental Permit for the site contains conditions relating to the operations on site, waste management and permitted wastes. They note that a permit variation application has been submitted to them and is currently being considered. The permit would control emissions including odour, noise and vibrations. In view of this, the Environment Agency does not consider it is necessary for planning conditions to be imposed to control these matters. They note that the biomass boiler requires a separate Environment Permit from Worcestershire Regulatory Services.

142. Worcestershire Regulatory Services (Noise and Dust Officer) raises no objections, stating that the submitted Noise Assessment appears acceptable and in line with Worcestershire Regulatory Services' Technical Noise Guidance. The noise rating level at all receptors does not take account of ground absorption or where applicable intervening buildings and, therefore, the noise rating level would be approaching 0dB or less. Worcestershire Regulatory Services (Air Quality Officer) also has no objections to the proposal, stating that they have reviewed the application for potential air quality issues and have no adverse comments to make.

143. With regard to impacts to human health, Public Health England has raised no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice. The extant conditions relating to noise and dust are recommended to be imposed should planning permission be granted.

144. With regard to odour emissions, it is noted that the existing and proposed development would sort and bulk up C & I and C & D waste. The proposal would also include the chipping of wood waste for incineration in the biomass boiler. There is no input of raw refuse or putrescible waste material that would give rise to noxious odours and attract flies. The Environment Agency's Environmental Permit would control odour emissions, and in view of this, no planning conditions are recommended to control odour emissions.

145. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse noise, dust, or odour impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

Traffic and highway safety

146. It is noted that Paragraph 109 of the NPPF states *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

147. The site is accessed via an existing concrete / tarmac drive, directly from the A4103 Worcester to Hereford Road, measuring approximately 180 metres long.

148. The applicant is proposing to increase the throughput of the site from 25,000 to 175,000 tonnes per annum. The applicant anticipates that the total combined daily HGV movements would increase to approximately 110 (about 55 HGV's entering the site and about 55 HGV's exiting the site per day). This would be an increase of approximately 54 HGV movements per day (about 27 HGV's entering the site and about 27 HGV's exiting the site per day) over and above the HGV movements associated with the permitted 25,000 tonnes annual throughput of waste materials. In addition the applicant anticipates that staff and visitor daily vehicle movements would total approximately 32 (about 16 vehicles entering the site and about 16 vehicles exiting the site per day). Operating at maximum capacity, the maximum number of vehicular movements into and out of the site would be about 142 per day. This equates to approximately 18 vehicle movements per hour based on an 8-hour working day.

149. The County Highways Officer has been consulted and has raised no objections to the proposal, stating that the number of HGV's and skip lorry movements over the proposed working day would equate to approximately one vehicle entering and one vehicle exiting the site every 10 minutes. Given the class of the adjoining road, the County Highways Officer has no concerns with this proposal from a highway perspective.

150. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety,

subject to the imposition of an appropriate condition, as imposed on the extant planning permission relating to ensuring no mud, dust or debris shall be deposited on the public highway.

Water environment

151. The application site is located within Flood Zone 1, as identified on the Environment Agency's Indicative Flood Risk Map and has a low probability of flooding. Footnote 50 of the NPPF states that in Flood Zone 1, a site specific flood risk assessment should accompany all proposals involving sites of 1 hectare or more. As the application site measures approximately 2.2 hectares a Flood Risk Assessment accompanied the planning application submission.

152. The Government's Planning Practice Guidance (PPG) at Paragraph Reference ID: 7-033-20140306 states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea). The PPG at "Table 3: Flood risk vulnerability and flood zone 'compatibility'" indicates that less vulnerable development, such as this is considered acceptable in Flood Zone 1.

153. The nearest watercourse is Leigh Brook, a small tributary of the River Teme, which flows beyond the northern and eastern boundaries of the site and is, located approximately 225 metres from the application site at the nearest point. The River Teme is located approximately 1.4 kilometres north-east of the application site. There are also several small ponds in the vicinity of the application site and a ditch which drains the field to the east of the application site towards Leigh Brook.

154. The applicant states that the application site is mostly permeable and the extent of impermeable surfacing is limited to the skip waste compound / mixed waste reception area (Zone 2 as shown on the attached Plan). This is concrete and drains to outlets by the drying floors that collect the water through an interceptor for storage in settlement tanks underground before discharging via an outfall pipe to a soakaway in the adjacent land. The biomass boiler building has its own gutters and drainage that discharge via down pipes to an existing seasonal ditch (watercourse) that also collects water from the surrounding land and other buildings to the east of the site. This ditch flows via a field ditch network into the nearby Leigh Brook.

155. As part of this application, the applicant is not proposing to increase the impermeable surfacing on site. However, two ponds (fire pond and return pond) are proposed to provide the site with convenient access to a water source in the event of a fire. These are proposed on the northern edge of the site.

156. The submitted Flood Risk Assessment confirms that the development would not increase flood risk elsewhere and notes that as the new biomass building has the same footprint as the previous building there would be no increase in surface water runoff as a result of the building. However, it does identify that the application site lies on a route used by surface water flowing from the south-west and the existing commercial units which are excluded from this application site, could cause ponding of surface water which may affect the southern part of the waste transfer station site. The depth of surface water ponding could be between 0.3 metres to 0.9 metres. The deepest water, to the north of the commercial units, is relatively slow flowing but a narrower, faster flow may occur to the south, some of which is included within the application site.

157. The portacabin site office is raised above the ground and, therefore, this would provide suitable protection from surface water flooding whilst allowing free passage of surface runoff. The biomass building is sited away from the flood risk area and that the main area of ponding would be free of buildings, but used as a vehicle wash bay.

158. The Flood Risk Assessment recommends that a clear route for surface water passing through the site is maintained to minimise surface water ponding. A condition is recommended to this effect. The Flood Risk Assessment notes that the flood risk area is to be occupied by the existing small car park and vehicle wash bay (concrete bay with a drain in the centre where vehicles are washed down), which are suitable uses provided the surface water flow route is not obstructed by fencing or similar. The applicant has confirmed that that it is intended to maintain the existing arrangements and fencing or similar is not proposed in this area.

159. The Flood Risk Assessment states that subject to suitable site levels the roof water from the biomass building could be routed to the fire water pond to help maintain the stored water volume and provide attenuation prior to discharge. Other site drainage should not be used for this purpose as the quality could be insufficient. The applicant has confirmed it is their intention to implement this recommendation of the Flood Risk Assessment.

160. The Lead Local Flood Authority has been consulted and has raised no objections to the proposal, subject to the imposition of conditions requiring the identified surface water flow path to remain free of obstruction and a SuDS maintenance plan. Conditions are recommended to this effect. South Worcestershire Land Drainage Partnership has raised no objections in principle, but request that the applicant considers safe access as a risk and ensure that appropriate measures are in place. The applicant has confirmed that the risk of flooding is extremely low (1 in 1000 year event). Should torrential rainfall occur and a significant flow start to develop along the line of the ditch, the site would be closed and evacuated using the main access point. The gates would be secured to prevent access to anyone else until the flow had abated. Severn Trent Water Limited also has no objections to the proposal, subject to the imposition of a condition requiring a scheme for the disposal of foul and surface water.

161. In view of comments from the Lead Local Flood Authority and South Worcestershire Land Drainage Partnership and given that the applicant is proposing minimal changes to the existing drainage regime, it is considered that the conditions recommended by Severn Trent Water Limited are not necessary in this instance, and that the proposal would not have an unacceptable impact upon the water environment, subject to the imposition of appropriate conditions.

Ecology and biodiversity

162. Section 15 of the NPPF, paragraph 170 states that "*planning policies and decisions should contribute to and enhance the natural and local environment*", by a number of measures including "*protecting and enhancing...sites of biodiversity...(in a manner commensurate with their statutory status or identified quality in the development plan); minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*".

163. Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply four principles (a. to d.), this includes: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*; and *"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

164. The nearest Sites of Special Scientific Interest (SSSI) is the River Teme SSSI located approximately 1.4 kilometres north-east of the application site. There are also a number of non-statutory wildlife designated sites within 2 kilometres of the proposal, the nearest of which are includes the Ashes Local Wildlife Site (LWS), Marsh Cottage Meadows LWS, and The Cuckoopit LWS are located about 385 metres, 730 metres, and 1.2 kilometres north of the application site, respectively. The Carey's Brook LWS flows west to east, located at its closest point approximately 710 metres south of the application site, beyond which is North Wood LWS, situated about 1 kilometre south of the proposal.

165. Due to the proximity to the SSSI's and LWS's Natural England and Worcestershire Wildlife Trust have been consulted. Natural England has no objections, stating that the proposal would not have a significant adverse impact upon designated sites. In particular the proposal would not damage or destroy the interest features for which the nearby River Teme SSSI has been notified. Worcestershire Wildlife Trust has also raised no objections to the proposal, and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

166. The County Ecologist has no objections to the proposal, stating that this proposal requires removal of a small area of land currently set to arable, which is unlikely to contain any ecological interest, and that the creation of a body of standing water poses an opportunity for minor enhancement. Conditions are recommended regarding the detailed design / gradients of the ponds and a landscaping / planting scheme for the ponds.

167. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions, that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Other matters

Monitoring and enforcement

168. Letters of representation state that given that the application for the biomass boiler is retrospective, local residents consider that any opposition to the building or biomass boiler would be pointless, as they consider it is a 'done deal' as the theory behind biomass boilers is politically correct, good for the environment, and the cost spent on the development. They comment that they consider the application will be passed regardless of any valid objections. They consider Worcestershire County Council has been very underhand and secretive about this and they feel violated.

169. The County Council, as the County Planning and Waste Planning Authority has a Planning Monitoring and Enforcement Officer who investigates alleged breaches of planning control in relation to minerals and waste management development including the carrying out of development before the necessary planning approvals have been granted. When development takes place without permission the County Council has a range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is being caused as a result of the breach, how to remedy the situation and what whether it is expedite to take enforcement action.

170. Planning enforcement action is discretionary and takes place when the breach is causing significant planning harm or when negotiations to resolve the breach, once it is identified, do not produce required results, and only if taking action is considered to be the wider public interest.

171. The Planning Monitoring and Enforcement Officer visited the site in November 2017 following observations from the A4103 that activity was taking place on site. A subsequent meeting with Planning Officers, the applicant and their consultants was arranged in December 2017. The outcome of this meeting was that the applicant decided to submit a planning application seeking to regularise the development. The planning application was received by the CPA in February 2018, but held in abeyance due to further information being required, in particular a Noise Assessment and Flood Risk Assessment. The application was validated and consulted upon in July 2018.

172. As outlined at Paragraph Reference ID: 17b-012-20140306 of the Government PPG *"a local planning authority can invite a retrospective application. In circumstances where the local planning authority consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application without delay. It is important to note that:*

- *although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way;*
- *an enforcement notice may also be issued in relation to other elements of the development".*

173. It is now noted that Go Greener Recycling has made the current planning application to regularise the development and breaches of planning conditions. Whilst it is very unfortunate that these breaches of planning control have occurred, the Head of Strategic Infrastructure and Economy welcomes the applicant seeking to resolve the breaches of planning control through the submission of the current planning application, so that the merits of the proposal can be fully examined and considered by the Planning and Regulatory Committee.

Human Rights Act 1998

174. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of

others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions

175. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the CPA can grant planning permission in accordance with adopted policies in the development plan.

176. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the CPA would not detrimentally infringe the human rights of an individual or individuals.

Conclusion

177. The applicant is seeking planning permission for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under CPA Ref: 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern.

178. The site currently operates under two extant planning permissions: CPA Ref: 09/000057/CM and Malvern Hills District Council Planning Ref: MH 95 / 1392. The applicant is seeking a consolidation planning permission, where any new planning permission would replace the two extant planning permissions. This application is also part retrospective as the biomass boiler building has been constructed and the biomass boiler installed. It is understood that the biomass boiler is not operational. A drying floor has been installed and amendments to the layout of the site including removal of the inner bunds have already taken place, but the proposed wash plant has not yet been installed. The proposed fire ponds have also not been constructed.

179. The sorting of waste to optimise re-use and recycling already takes place on the Go Greener Recycling waste transfer station site. The proposal would generate electricity from wood waste that would otherwise be sent to landfill or the energy recovered in incineration plants in other parts of the UK, Northern Continental Europe and Scandinavia. The energy generated from the process would be used on site to power the equipment and machinery associated with the waste transfer station, with any surplus electricity being fed in the grid to provide electricity to the local area. In addition heat from the biomass boiler would be used to remove the moisture content from other waste brought onto the site. Consequently, the Head of Strategic Infrastructure and Economy considers that the development of the biomass boiler and associated wood chipping operation would overall move waste up the waste hierarchy from disposal to other recovery, and therefore, would comply with the objectives of the waste hierarchy, and Policies WCS 2 and WCS 4 of the Waste Core Strategy.

180. The Head of Strategic Infrastructure and Economy considers that the amendments to operation and layout of the existing development, would facilitate the efficient operation of the existing waste transfer station facility, which provides a critical role in helping to drive waste up the waste hierarchy by sorting and bulking up of various sources of waste in preparation for transfer and subsequent recycling by

specialist operators and, therefore, would comply with the objectives of the waste hierarchy.

181. The principle of the existing waste transfer station in this location has already been established and accords with Policy WCS 6 of Worcestershire Waste Core, however, as part of this application the applicant is now seeking retrospectively to install a biomass boiler enclosed within a building, with associated wood chipping.

182. Although the development site is sited within Level 5 'All other areas' of the Waste Core Strategy's Geographic Hierarchy, the applicant has demonstrated that the proposed development cannot reasonably be located in levels 1 or 2 of the Geographic Hierarchy as the biomass boiler is dependent on the location where the waste is generated, and is ancillary to the wider waste transfer station site, as it provides electricity and heat for use by the existing waste transfer Station and therefore, the proposed location is at the highest appropriate level of the Geographic Hierarchy, and is in accordance with Policies WCS 4 and WCS 6 of the Waste Core Strategy.

183. Based on the advice of Malvern Hills District Council, Malvern Hills AONB Partnership and the County Landscape Officer, the Head of Strategic Infrastructure and Economy considers that the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions.

184. The Environment Agency, Worcestershire Regulatory Services and Public Health England all have raised no objections to the proposal. In view of this, it is considered that the proposal would have no adverse noise, dust, or odour impacts upon residential amenity or that of human health, subject to the imposition of appropriate conditions.

185. Based on the advice of the County Highways Officer, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety, subject to the imposition of an appropriate condition, as imposed on the extant planning permission relating to ensuring no mud, dust or debris shall be deposited on the public highway.

186. The submitted Flood Risk Assessment confirms that the development would not increase flood risk elsewhere, but identifies that part of the application site lies on a route used by surface water flowing from the south-west and the existing commercial units which are excluded from this application site, could cause ponding of surface water which may affect the southern part of the waste transfer station site.

187. The Flood Risk Assessment notes that the flood risk area is to be occupied by a small car park and vehicle wash bay, which are suitable uses provided the surface water flow route is not obstructed by fencing or similar. A condition is recommended to this effect.

188. Based on the advice of the Lead Local Flood Authority and South Worcestershire Land Drainage Partnership and given that the applicant is proposing minimal changes to the existing drainage regime, it is considered that the proposal would not have an unacceptable impact upon the water environment, subject to the imposition of appropriate conditions.

189. Natural England has raised no objections, confirming that the proposal would not result in an unacceptable impact upon the River Teme SSSI. The Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by the County Ecologist, that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

190. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 4, 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 Policies SWDP 1, SWDP 2, SWDP 3, SWDP 4, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the Adopted South Worcestershire Development 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

191. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the proposed consolidation application for the construction and operation of a biomass boiler, erection of replacement building to house the biomass boiler, installation of replacement washing plant and amendments to the layout and operation of the existing waste transfer station (approved under 09/000057/CM) including increased waste throughput and amended operating hours (Part Retrospective) at Mailes Skips and Recycling, Guinness Park Farm, A4103, Leigh Sinton, Malvern, Worcestershire, subject to the following conditions:

Approved Plans

- a) **The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawings: 17-374-Loc-001, Rev B; 17-374-PL-201 B; 17-001-SUR-001, Rev C; 17-374-PL-101, Rev A; 17-374-PL-202, Rev A; 17-374-PL-203; 17-374-PL-204; 17-374-PL-205 and SL4032-LAYOUT-01A, Rev A, except where otherwise stipulated by conditions attached to this permission;**

Throughput

- b) **The annual throughput of the development hereby approved shall be limited to a maximum of 175,000 tonnes per annum and records shall be kept and made available to the County Planning Authority on written request for the duration of the operations on the site;**

Waste Acceptance

- c) **No wastes other than those defined in the application, namely commercial and industrial and construction, demolition and excavation wastes, shall be brought onto the site;**

Hours of Working

- d) **Construction works, including installation of any plant and machinery shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to**

Fridays inclusive, and 08:00 to 13:00 hours on Saturdays, with no construction work on Sundays, Bank or Public Holidays;

- e) Operations, including any repair and maintenance of vehicles, plant and equipment within the development hereby approved, excluding the biomass boiler which may operate 24 hours per day and excluding the chipping operations shall only take place between the hours of 07:30 hours and 18:00 hours Mondays to Fridays inclusive, and between 07:30 to 17:00 hours on Saturdays with no operations on Sundays, Bank or Public Holidays. No machinery or equipment shall operate on the site outside these hours;**
- f) Chipping operations within the development hereby approved shall only take place between the hours of 09:30 hours and 15:30 hours Mondays to Saturdays inclusive, with no chipping operations on Sundays, Bank or Public Holidays;**

Noise and Dust

- g) The 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;**
- h) Within 3 months of the date of this permission, an updated Noise and Dust Management Scheme for the site shall be submitted to the County Planning Authority for approval in writing. Thereafter the development shall be carried out in accordance with the approved scheme;**

Pollution

- i) 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 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 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 should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund;**
- j) There shall be no burning of waste on the site except for the incineration of wood within the permitted biomass boilers, as shown on drawing numbered: 17-374-PL-201 A, titled: Planning Application Site Layout; drawing numbered: 17-001-SUR-001 Rev B, titled: Recycling Centre – Compound Layout; and numbered: 17-374-PL-205, titled: Planning Application Block Plan – Boiler;**
- k) There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse;**
- l) All surface water drainage from the site shall be through an oil interceptor;**

Storage

- m) The height of stored skips, and all other stored materials shall not exceed 4 metres in height. Within 3 months of the date of this permission, an updated scheme for the setting up of permanent markers that allows operatives and officers from the County Planning Authority a means of visually checking the height shall be submitted to the County Planning Authority for approval in writing. The agreed height markers shall be erected and maintained on site for the duration of the development hereby approved;
- n) Notwithstanding the submitted details, within 3 months of the date of this permission, a scheme shall be submitted to the County Planning Authority for approval in writing, showing the locations of the storage and height of all materials and skips associated with the operations hereby approved, the scheme shall also show how waste materials will be prevented from encroaching onto the landscaped outer bund thereby preserving the integrity of the landscaped outer bund and to keep operations within the permitted area;

Water environment

- o) No new gates, walls or other means of enclosures shall be constructed within the area occupied by the surface water flow path as shown on Figures 4.2: 'Flood Risk from Surface Water', of the Guinness Park Farm Recycling Centre, Flood Risk Assessment, version 1.1, dated 16 July 2018;
- p) Within 6 months of the date of this permission, a Sustainable Drainage System (SuDS) Management Plan shall be submitted to the County Planning Authority for approval in writing. This shall include details on management responsibilities, maintenance schedules for all SuDS features and associated pipework, and the strategy that shall be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. Thereafter, the SuDS shall be maintained in accordance with the approved details;

Lighting

- q) Details of any new lighting to be installed at the site shall be submitted to the County Planning Authority for approval in writing prior to being erected. These details shall include:
- i. Height of the lighting posts;
 - ii. Intensity of the lights;
 - iii. Spread of light (in metres);
 - iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
 - v. Any measures to minimise the impact of lighting upon protected species and habitats, in particular bats; and
 - vi. Times when the lighting would be illuminated;

Biodiversity

- r) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced Ecologist for nesting birds

immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;

- s) All existing trees, shrubs and hedgerows indicated to be retained shall be protected by suitable fencing in accordance with BS5837:2012. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;
- t) Notwithstanding the submitted details, prior to the construction of the 'fire pond' and 'return pond', as shown on drawings numbered: 17-374-PL-201 A, titled: Planning Application Site Layout; drawing numbered: 17-001-SUR-001 Rev B, titled: Recycling Centre – Compound Layout; and numbered: 17-374-PL-101, titled: Planning Application – Water Storage – Pond Plan and Sections for proposed pond, the detailed design of these ponds, including their planting specification shall be submitted to the County Planning Authority for approval in writing. Thereafter the ponds shall be constructed in accordance with the approved details;

Landscaping

- u) Within 6 months of the date of this permission, a planting scheme to include native species, sizes, numbers, spacing, densities; locations; and a planting specification for the development hereby approved, shall be submitted to the County Planning Authority for approval in writing, and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;

Highways

- v) No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site;
- w) No mud, dust or debris shall be carried onto the public highway. To facilitate this, the access road shall be maintained in a clean condition at all times. If necessary to comply with this requirement, wheel cleaning facilities of a type approved in writing by the County Planning Authority shall be installed at the site and used for the duration of the operations hereby approved;

Cessation

- x) In the event of a cessation of waste transfer station operations, the site shall be restored in accordance with a scheme to be submitted to the County Planning Authority for approval in writing, within 6 months of the

cessation of activities. The approved scheme shall be fully implemented within 2 years of the written approval; and

Planning Permission

- y) A copy of this decision notice, together with all approved plans and documents required under the conditions of this permission shall be maintained at the site office at all times throughout the period of the development and shall be made known to any person(s) given responsibility for management or control of activities/operations on the site.**

Contact Points

County Council Contact Points

County Council: 01905 763763

Worcestershire Hub: 01905 765765

Specific Contact Points for this report

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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 report:

The application, plans and consultation replies in file reference: 18/000009/CM.