

**PLANNING AND REGULATORY COMMITTEE  
7 JULY 2020****TEMPORARY PERMISSION (5 YEARS) FOR A PROPOSED  
MATERIALS RECOVERY PLANT TO PROCESS ROAD  
SWEEPINGS AND HIGHWAY DRAINAGE CLEARANCE  
MATERIALS ON LAND AT STATION HOUSE, SALTWAY,  
HANBURY, WORCESTERSHIRE**

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**Applicant**

Green Waste Recycling Services Ltd

**Local Member**

Mr R P Tomlinson

**Purpose of Report**

1. To consider a County Matter application seeking planning permission for a temporary period of 5 years for a proposed materials recovery plant to process road sweepings and highway drainage clearance materials on Land at Station House, Saltway, Hanbury, Worcestershire.

**Background**

2. The applicant has stated that they have been providing environmental clean-up services since 1998. This includes dealing with fly-tipping, road-cleaning and unblocking drains and gullies from the strategic and local road network, for example following road traffic accidents for Worcestershire County Council, local construction and other businesses. The applicant has built up a small fleet of 11 road sweepers and other vehicles and equipment, including 'gully suckers' to undertake this work. The applicant has a workforce of 16 local employees.
3. Gully suckers are specialised tankers with suction gear that will take up wet waste, mud and sludge from spaces, including the hollows below drains in street gutters. Specific suction power is required to meet the needs of the job because the material being removed can contain bulky debris, such as tree branches and stones. The road sweepers and gully suckers both use water and collect wet materials during the clean-up operations.
4. Currently, once any clean-up activity has been undertaken, full vehicles would have to either return to base to discharge their loads into a containment vessel or travel to a suitable appropriately licenced waste management facility for direct disposal. The applicant has referenced that in the absence of an available facility process road sweepings and highway drainage clearance within the County, gully suckers and other vehicles deployed to remove this road debris material, have to

travel to the SITA Waste collection serve operation at Neachells Lane Willenhall (WV13 3RG). This is understood to be located approximately 50 kilometres (31 miles) driving distance from land at Station House.

5. The applicant has identified that with appropriate processing a significant proportion of the material collected by their road sweepers and gully suckers could be recycled / re-used, particularly the fine granular material (sand and grit) and the water.

6. The applicant states that the application site is understood to have been part of the Droitwich Road railway station (goods) and associated siding that was closed by 1930. Within the site are remnants of the loading platform from which cattle, local produce, coal and possibly bricks (from the brickworks and clay pit that became the adjacent landfill) were loaded onto trains for export and goods were offloaded for distribution in the local area. Network Rail still have a small facility associated with their infrastructure maintenance activities, to the north of (and accessed through) the site.

7. The applicant understands that the site was bought from Network Rail by the previous owners around 1996 and subsequently purchased from them (including 'Station House') by the applicant in 1998. The applicant has used the site in a number of ways since that time during which a 'Certificate of Lawful Existing Use' District Council reference number: W/10/01282/LUE was granted by Wychavon District Council, which established the use of the site for distribution, dated 28 September 2010:-

*"Certificate of Lawful Use Existing for mixed use including storage & distribution, commercial vehicle maintenance & repair, domestic purposes ancillary to Station House, access and equipment storage in connection with railway undertaking".*

8. On 29 March 2016, the Planning and Regulatory Committee refused planning permission for *"proposed materials recovery plant to process road sweepings and highway drainage clearance material on land at Station House, Saltway, Hanbury, Worcestershire"* (County Planning Authority (CPA) Ref: 15/000046/CM, Minute No. 932 refers) for the following reason:

*"The proposal is considered to be inappropriate development and accordingly harmful to the Green Belt contrary to Section 9 ("Protecting Green Belt Land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan".*

9. The decision was appealed and subsequently dismissed by the Planning Inspectorate on 5 October 2016 (Appeal Ref: APP/E1855/W/16/3152598). The Inspector concluded that:

*"I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt and the significant weight afforded to the harm having been caused by intentional unauthorised development in the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. I conclude that the proposal, therefore, conflicts with Policy WCS 13 of the WCS, Policy SWDP 2 of the SWDP and the Framework when taken as a whole".*

10. In October 2018, the applicant re-submitted the application to the CPA for a materials recovery plant in order to process road sweepings and highway drainage clearance material on land at Station House, Saltway, Hanbury, Worcestershire (CPA Ref: 18/000055/CM). This was accompanied by additional information, including a Sequential Test (Sites Search), and was to be considered by the Planning and Regulatory Committee on 5 February 2019. The Officer recommendation was that the application should be refused planning permission for the following reason:

*"The proposal is considered to be inappropriate development and accordingly harmful to the Green Belt contrary to Section 13 ("Protecting Green Belt land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan".*

11. Following the publication of the Committee Report, the application was withdrawn on 30 January 2019 at the request of the applicant.

## **The Proposal**

12. The applicant is seeking temporary permission (5 years) for a proposed materials recovery plant to process road sweepings and highway drainage clearance materials on Land at Station House, Saltway, Hanbury, Worcestershire.

13. Road sweepers and gully suckers are operated on construction and building sites, as well as being deployed on behalf of Worcestershire County Council to clear debris and drains from the strategic and local road network. After undertaking clean-up activity, full vehicles have to travel to Willenhall to discharge their loads into a containment vessel (e.g. skips) or travel to a suitable licensed disposal site (landfill).

14. The applicant has identified that with appropriate processing a significant proportion of the material collected by their road sweepers and gully suckers could be recycled / re-used, in particular the fine granular material (sand and grit) and the water.

15. The proposed materials recovery plant comprises a number of components, including an open box bed from a tipper lorry, a conveyor and the materials recovery plant, the latter of which also performs a de-watering function. The open box bed would be approximately 8 metres long by 3.45 metres wide. The conveyor would be approximately 0.95 metres wide by 16.8 metres long and 4.45 metres in height. The dimensions of the materials recovery and dewatering plant would be approximately

5.4 metres long by 3.5 metres wide by 6.6 metres high and it would be coloured yellow / green (RAL: 6018). It would be akin to a processing plant used in a sand and gravel operation.

16. The material brought to site by 'Gulley Suckers' would be put into a holding tank (skip) and then processed through the materials recovery and de-watering plant, which is a self-contained unit powered by a mobile generator. The material is washed with water which splits the useable material (sand and gravel) from the waste material. Any excess water is recycled to be used to top up the supply for the road sweepers. The grit from the dewatering unit would be put onto the conveyor, where it would be transported along the conveyor before falling into the open box bed.

17. The recycled water would be used to top up the supply for the road sweepers. The grit from the dewatering unit would be sand sized material that is suitable for use as a low-grade construction (e.g. fill and pipe bedding) or horticultural sand. The coarser fraction is stored and periodically screened to remove unsuitable materials before it could also be used as a construction fill. The flocculating fines (clay aggregate) would be removed for off-site disposal to an appropriately licenced waste management facility. The processed water from the unit would be sent to a flocculating plant and then into settlement tanks.

18. A small quantity of reject materials, for example, plastic and metals would be stored in skips or other appropriate containers and periodically removed for off-site treatment and recycling, or final disposal at an appropriately licenced waste management facility. Once these skips / containers become full, they would be removed from site.

19. Any paper, fabrics that have been processed through the plant would be sorted by the collection process and the applicant has stated that they are investigating possible avenues for the recycling of these. One potential beneficial alternative is to transfer the materials to a suitable Energy from Waste (EfW) facility. However, currently they would be disposed of to landfill along with any other irrecoverable or otherwise non-recyclable materials.

20. The proposed development would have an annual throughput of approximately 25,000 tonnes. It is proposed that the plant would operate at approximately 15 to 20 tonnes per hour. The operation of the plant would be limited to once every 2 to 3 days depending on the quantities of material discharged. It would operate for up to 5 to 6 hours on each occasion, but this would be dependent on the quantity of materials being processed. The proposed operating hours are between the hours of 07:00 and 17:00 hours Mondays to Fridays, and 08:00 and 13:00 hours on Saturdays with no working on Sundays, Bank or Public Holidays.

21. The applicant has stated that the proposed vehicle movements includes a maximum of 14 road sweeper movements per day (7 road sweepers entering the site and 7 road sweepers exiting the site per day) and 2 tanker movements per day (1 tanker entering the site and 1 tanker exiting the site per day), arriving mid-morning and late afternoon, and a maximum of 4 product / waste export vehicle movements per day (2 product / waste vehicles entering the site and 2 product / waste vehicles

exiting the site per day). There would be a maximum of 10 staff car movements per day (5 staff cars entering the site and 5 staff cars exiting the site per day) when the plant is operating, every 2 to 3 days, arriving first thing and then leaving mid to late afternoon. The applicant states that the above equates to an average of 3 vehicle movements per hour in an 8 hour day. The applicant states that all of the vehicles routinely arriving and departing from the site would be under the direct control of the applicant or would be managed by the applicant through specific contract arrangements.

22. The applicant states that the proposal would employ 5 full-time members of staff.

23. The applicant has confirmed that no alterations to the landform at the site are proposed and no trees would be removed.

24. The applicant would like to offer this facility to Worcestershire County Council's contractor (currently Ringway) for discharging their vehicles. The applicant understands that Ringway currently discharges to bulk tankers, which then travel to a disposal facility in Willenhall. The applicant states that the proposal would allow Ringway to discharge locally, which would have significant financial and sustainability advantages. The facility would not be open to the public or to any form of casual or passing 'trade'.

## **The Site**

25. The application site measures approximately 0.188 hectares in area. The red line boundary was reduced from its original size of 0.23 hectares, following comments from Network Rail. The site is located approximately 1.7 kilometres east of Droitwich Spa. The site is accessed from the Saltway (B4090), located about 100 metres from a road bridge over the railway, via a wide bellmouth shared with the access to Station House and access to four pairs of semi-detached residential properties collectively known as Brickyard Cottages.

26. The access road runs through an existing yard comprising a mix of hardstanding, vehicle parking, containers, skips and open storage that falls outside the application site boundary. The application site is bound, broadly to the west by the County Council's closed landfill site, with the County Council's Household Recycling Centre and Worcester and Birmingham Canal and associated Conservation Area and Local Wildlife Site (LWS) beyond. The railway line (Birmingham to Bristol line) is located immediately to the east and runs parallel to the application site. Beyond the railway line to the east is undulating farmland. Railway infrastructure is located immediately to the north of the proposal. 'Station House' and domestic garden is situated to the south of the proposal (east of the site access), which is owned by the applicant. The site access road gently slopes down from the existing access in a broadly north-easterly direction toward the railway line.

27. The main part of the application site is located between the existing yard to the south and the enclosed railway infrastructure and railway line to the north and east, respectively. The site historically was part of a railway goods operation and other commercial uses and consists of an existing yard with large buildings and containers grouped towards its southern extent. The remainder of the yard comprises of an

expanse of part concrete and part hardcore surfacing with some vehicle parking. There is an existing palisade fence measuring approximately 2.1 metres high along the eastern boundary of the yard, with mature trees along part of the eastern boundary with Network Rail land. The northern boundary is not demarcated although there is a palisade fence measuring about 2.1 metres high just to the north of the revised and reduced red line boundary. The western boundary with the closed landfill includes a hedgerow and trees set at original ground level, approximately some 2 metres above the yard, which is reinforced by a concrete wall. The southern boundary includes 'Station House' and associated trees and vegetation.

28. There are no statutory wildlife designated sites within 2 kilometres of the proposal, with the nearest being Lower Saleway Farm Meadows Site of Scientific Interest (SSSI) situated approximately 2.4 kilometres broadly south of the proposal and Dean Brook Valley Pastures SSSI located approximately 2.6 kilometres broadly south-east of the site. The nearest Local Wildlife Site (LWS) is the Worcester and Birmingham Canal LWS, located about 140 metres broadly north-west of the proposal. Droitwich Canal LWS is located approximately 450 metres, broadly west of the application site, with the Body Brook Marsh LWS situated beyond, sited about 1.1 kilometres, broadly west of the site. Bow, Shell, Swan and Seeley Brooks LWS is located about 470 metres, broadly south-east of the application site, beyond which is Huntingdrop Farm Meadows LWS situated about 1 kilometre, broadly south-east of the proposal. Hanbury Hall Park LWS is located approximately 1 kilometre, broadly north-east of the proposal.

29. No Listed Buildings are located within the immediate setting of the proposal, with the nearest being the 'Granary about 35 yards north-west Huntingdrop Farmhouse', which is Grade II and is situated approximately 390 metres, broadly south-east of the proposal. The Scheduled Monument of 'Moated site 120 metres south-east of Huntingdrop Farm' is located approximately 465 metres, broadly south-east of the application site. The Worcester and Birmingham Canal Conservation Area is situated about 140 metres, broadly north-west of the site and the Droitwich Link Canal Conservation Area is located about 450 metres, broadly west of the proposal. The Registered Garden of Hanbury Hall is located approximately 1.1 kilometres broadly north-east of the site.

30. The site is located with Flood Zone 1, which has a low probability of flooding.

31. The whole of the application site is located within the Green Belt, with the Saltway forming the southern boundary of the Green Belt extant in this location. The application site is located within the Salwarpe Tributaries Strategic Corridor of the Emerging Minerals Local Plan and is within an area of search for brick clay (reference CLAY2).

32. The nearest residential properties are Station House, which is sited approximately 30 metres broadly south of the application site, and 1 to 8 Brickyard Cottages, which are sited approximately 145 metres, broadly west of the proposal. Further residential properties are situated along Saltway, located about 250 metres broadly west of the site access. Huntingdrop Farm bungalow lies approximately 230 metres, broadly south of the site.

## Summary of Issues

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

- The waste hierarchy;
- Location of the development;
- Green Belt;
- Landscape character and visual impact;
- Residential amenity;
- Traffic and highway safety;
- The water environment; and
- Ecology and biodiversity.

## Planning Policy

### National Planning Policy Framework (NPPF)

34. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and replaces the previous NPPF published in March 2012 and July 2018. The NPPF 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).

35. 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"*.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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 13: Protecting Green Belt land
- 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**

41. 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**

42. 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 saved policies of the adopted County of Hereford and Worcester Minerals Local Plan, the adopted Worcestershire Waste Core Strategy Development Plan Document and the adopted South Worcestershire Development Plan.

43. 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.

44. 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)**

45. The Worcestershire Waste Core Strategy policies that are of relevance to the proposal are set out below:

Policy WCS 1 Presumption in favour of sustainable development

Policy WCS 2 Enabling Waste Management Capacity

Policy WCS 3 Re-use and Recycling

Policy WCS 6 Compatible land uses

Policy WCS 8 Site infrastructure and access

Policy WCS 9 Environmental assets

Policy WCS 10 Flood risk and water resources

Policy WCS 11 Sustainable design and operation of facilities

Policy WCS 12 Local characteristics  
Policy WCS 13 Green Belt  
Policy WCS 14 Amenity  
Policy WCS 15 Social and economic benefits

### **County of Hereford and Worcester Minerals Local Plan (Saved Policies)**

46. The Adopted Minerals Local Plan does not contain any saved policies relevant to the consideration and determination of this planning application.

### **South Worcestershire Development Plan**

47. 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 Requirement 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 24 Management of the Historic Environment  
Policy SWDP 25 Landscape Character  
Policy SWDP 29 Sustainable Drainage Systems  
Policy SWDP 30 Water Resources Efficiency and Treatment  
Policy SWDP 31 Pollution and Land Instability  
Policy SWDP 33 Waste

### **Draft Planning Policies**

#### **Emerging South Worcestershire Development Plan Review (SWDPR)**

48. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the SWDP. The SWDPR will cover the period to 2041. The 'Preferred Options' consultation version of the SWDPR was consulted on from 4 November to 16 December 2019. The next step is to produce a Publication Version of the SWDPR, which is currently programmed for October / November 2020. The SWDPR would then be submitted to the Secretary of State for Housing, Community and Local Government for independent examination. The Secretary of State would then appoint an independent Planning Inspector to assess the 'soundness' and legal compliance of the plan. Once the plan is adopted it would replace the existing policies in the SWDP. Having regard to the advice in the NPPF, Section 4, as the SWDPR is still at an early stage of preparation, only limited weight should be applied to the policies.

49. The SWDPR policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy SWDPR 1: Employment, Housing and Retail Requirements  
Policy SWDPR 2: The Spatial Development Strategy and Associated Settlement Hierarchy  
Policy SWDPR 3: Strategic Transport Links  
Policy SWDPR 4: Green Infrastructure  
Policy SWDPR 5: Historic Environment  
Policy SWDPR 7: Health and Wellbeing  
Policy SWDPR 9: Non Allocated Employment Development  
Policy SWDPR 11: Employment in Rural Areas  
Policy SWDPR 25: Design  
Policy SWDPR 26: Biodiversity and Geodiversity  
Policy SWDPR 28: Management of the Historic Environment  
Policy SWDPR 29: Landscape Character  
Policy SWDPR 31: Renewable and Low Carbon Energy  
Policy SWDPR 32: Management of Flood Risk  
Policy SWDPR 33: Sustainable Drainage Systems  
Policy SWDPR 34: Water Resources, Efficiency and Treatment  
Policy SWDPR 35: Amenity  
Policy SWDPR 37: Land Stability and Contaminated Land

### **Emerging Minerals Local Plan**

50. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

51. The Publication version of the Minerals Local Plan was submitted to the Secretary of State for Housing, Community and Local Government on 17 December 2019 for independent examination. The Secretary of State has appointed independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan.

52. The Secretary of State has appointed Elizabeth Ord LLB (Hons) LLM MA DipTUS and Beverley Wilders BA (Hons) PgDurb MRTPI as independent Planning Inspectors to assess the 'soundness' and legal compliance of the plan.

53. Due to the coronavirus (COVID-19) pandemic, the Local Plan hearings for the Emerging Worcestershire Minerals Local Plan, which were due to take place between 5 to 7 May 2020 and 2 to 4 June 2020 were postponed. The dates for the rescheduled hearings are currently unknown but are considered unlikely to be before late Summer or Autumn 2020.

54. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Indeed, there will be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

55. The Emerging Minerals Local Plan policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

Policy MLP 31 Safeguarding Locally and Nationally Important Mineral Resources  
Policy MLP 32 Safeguarding Mineral Sites and Supporting Infrastructure

### **Emerging Hanbury Neighbourhood Plan**

56. Hanbury Parish Council submitted an application to Wychavon District Council on 22 April 2014 to designate the parish boundary of Hanbury as a Neighbourhood Area. This was subject to consultation from 9 June 2014 until 21 July 2014.

57. On 14 October 2014, the application for the designation of the area defined by the boundaries of Hanbury Parish, as a Neighbourhood Area for the purpose of neighbourhood planning was approved by Wychavon District Council.

58. Neighbourhood plans must meet certain 'basic conditions' and other legal requirements, as set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended), before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

59. The emerging Hanbury Neighbourhood Plan has not been tested at examination, has not been subject to a referendum or adopted by the District Council. Should the Parish Council wish to proceed with the Neighbourhood Plan in the future, then there would be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF, Section 4, it is the view of the Head of Strategic Infrastructure and Economy that the emerging Hanbury Neighbourhood Plan should be given very little weight in development management terms in the determination of this application.

## **Other Documents**

### **Our Waste, Our Resources: A Strategy for England (2018)**

60. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

61. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year

Environment Plan;

- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

62. It contains eight chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal.

63. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad. The government wish to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;
- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste

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

64. 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.

65. 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.

66. 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.

67. 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.

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

68. 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**

69. **Local Councillor Peter Tomlinson** supports the Officer's recommendation.

70. **Councillor Tony Miller**, who is the neighbouring County Councillor, has stated that his only concern is the location of the entrance to the highway, which is not ideal although he recognises that the County Highways Officer will consider the application.

71. **Wychavon District Council** have referenced that the application is located within the Green Belt along the side of the railway line and accessed from the Hanbury Road frontage. It constitutes an existing employment site. The proposal would bring containers, skips and mobile plant onto the land, all of which have a temporary nature. As an existing site, they consider that the application should be considered under the County Planning Authorities waste policies and under paragraph 146 of the current NPPF. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. In their most recent response relating to the revised and reduced site area, they note that the applicant appears to accept that the proposal would be inappropriate development in the Green Belt. Whilst it is for the County Planning Authority to make a judgment on this, it is the reuse of a site, for a temporary 5 year period only with temporary units on it, which is not likely to undermine the openness of the Green Belt in this particular case.

72. Regarding local policy, this type of proposal is not specifically listed within SWDP2 of the South Worcestershire Development Plan (SWDP) but could be considered to broadly constitute the redevelopment of previously developed land, and the retention of an existing employment site. Policy SWDP33 (Waste) is relevant and states that these types of application are determined by the County Council, which is the case with this application. More specifically the proposal should also be considered under the relevant provisions of the adopted Waste Core Strategy Plan for Worcestershire in terms of its position within the waste hierarchy. In addition to the above, the amenity policies in relation to the linear strip of dwellings to the frontage of Hanbury Road should be considered, such as the impact of trip generations on the other properties, including noise and smell, when making a decision on this application.

73. **Hanbury Parish Council** initially objected to the application as they had done in previous years as they considered that the proposed development would be inappropriate and the access unsuitable. However, they now have no objection to the

revised and reduced site area.

74. **Saleway Parish Council** do not have any objections. Overall there are some issues that need to be dealt with, but they know from the history of previous application on the site that they are sure that those issues are already being considered.

75. **The County Landscape Officer** has no objection to the amended scheme on landscape grounds. They commented on the previous application at this site (CPA Ref: 18/000055/CM) where they concluded there were no concerns or grounds to object from the perspective of landscape and visual impact. They recognise the proposal would mark an encroachment into Green Belt, which has informed their assessment of landscape impact. The site in question is linear in form and, therefore, it sits well within its immediate landscape context (railway, Saltway and hedgerows) that is equally linear in character. The operations appear to be limited in terms of their scale and infrastructure and would occupy a site that already has a processing function, and therefore, the impact to the immediate setting would be negligible. In terms of the wider setting, the site and its access are reasonably well-screened from receptors to the north, west and south with only the eastern boundary adjacent to the railway line more open. Looking at the site constraints (its narrow form and border with the railway) it would be difficult to introduce a functional screen along that aspect. However, there are few local receptors situated east of the site and Hanbury Park is well-screened by plantation woodland. Again, the scale of the operation is such that they would not expect there to be a significant visual intrusion against the backdrop of the western hedgerow.

76. The **Campaign for Protection of Rural England (CPRE)** have commented that the application seems to relate to a hardy perennial enforcement case. They state that the applicant has a Certificate of Lawful Use from 2010 for limited purposes, but that this does not provide a reason for extending the permitted uses beyond that scope, whether this would be on a temporary or permanent basis. Whilst they welcome that the applicant has undertaken a new site search, they consider that the applicant has not seriously tried to find an alternative site. They consider that sites where HGV access would be difficult could rightly be ruled out but that sites that are 35 or 40 minutes' travel time from the existing site should not. They also consider that a proper site search should not be limited only to land being actively marketed. They are doubtful whether the applicant's search for sites has been adequate and that there are no very special purposes sufficient to warrant development being permitted. They note that Throckmorton Airfield is now proposed within the SWDP for a new settlement and that at least some of this is brownfield land and would seem a suitable location for the proposal.

77. **Worcestershire Wildlife Trust** have no objections and are content to defer to the County Ecologists for all on-site biodiversity considerations.

78. The **County Ecologist** has no objection to the scheme, subject to the imposition of conditions relating to a lighting strategy, including illustration of lux levels across the site and the installation of one bat and one bird box on suitable trees. They also recommend that an invasive species monitoring and response protocol is secured by condition and subject to approval by the County Planning Authority. The nature of the

work makes the site vulnerable to importation of contaminated materials, and once on site fragments of invasive plants could easily be spread further by other road cleaning vehicles or passing rail traffic

79. The **County Highways Officer** concludes that there would be no adverse highway consequences in terms of paragraph 109 of the NPPF and, therefore, there are no justifiable grounds on which an objection could be maintained. They have no objections, subject to the imposition of appropriate conditions relating to the provision of two electric vehicle charging spaces and a Travel Plan. They note that the site was subject to a previous planning application, CPA Ref: 15/000046/CM, which was refused by the County Planning Authority, but that this did not relate to matters of highway safety and the Highway Authority did not object to the proposals. The proposed operation would be accessed from an existing shared access taken from the B4090 which is subject to a 40mph speed limit. The site benefits from adequate visibility onto the highway. However, it is noted that the developed site is not in the centre of the access, meaning egressing vehicles have to use the area of the access to turn onto the highway in a controlled manner. The most recent 5-year available personal injury collision data confirms no collisions have occurred at the access. The applicant has submitted vehicle tracking drawings which satisfactorily demonstrates what vehicles can turn within the site ensuring they enter the highway in a forward gear. Moreover, the Highway Authority understands the site operates with 2-3 staff daily, with drivers visiting to off-load/ up-pick materials. The nature of the development proposals and the temporary nature are not considered to have a severe impact.

80. The **Environment Agency (EA)** do not object to the proposal. They have identified that the site is located within Flood Zone 1. The proposed activity is a waste operation that is regulated by the EA. They have commented that appropriate infrastructure would need to be in place, including impermeable pavement and sealed drainage system. Any dewatering must be carried out on an impermeable surface that has a sealed drainage system, but this does not seem to be the case. As part of an exemption or permit application, the EA are seeking certainty and clarity to ensure that the sealed drainage system is effective. Ultimately this is something that the EA would seek to control through the Environmental Permit. The site operator would be unable to commence works until both the relevant planning permission and permit are in place.

81. The **Lead Local Flood Authority (LLFA)** have no objections, subject to the imposition of conditions relating to a Sustainable Drainage Systems (SuDS) Management Plan being submitted and approved prior to commencement, and also detailed design drawings for surface water drainage being submitted and approved prior to commencement. Following consultation on the revised and reduced site boundary, they have confirmed that they have no concerns and that their comments made previously still stand.

82. **Severn Trent Water Limited** consider that the proposal would have a minimal impact on the public sewerage system and advise that they have no objections to the proposals and do not require a drainage condition to be applied.

83. **Worcestershire County Council's Pollution Control Team** have stated that



they consider the application is very similar to the one submitted in 2015 and the withdrawn application in December 2018. During that initial consultation, they expressed concern about the integrity of the bank between the application site and the closed landfill site. These concerns are still valid. Much of the original slope has been cut away and the banks have been shorn up by the concrete retaining wall installed by the applicant, however, the integrity of this is unknown. It is understood that waste was placed right up to the boundary of the closed site in that area. There is no way of knowing if these works, or any future works, would have affected the stability of the bund and what the potential implications to the closed landfill site would be should the bund fail in the future. There is also the on-going risk of possible landfill gas migration from the closed landfill site. Whilst recognising that the applicant in January 2020 provided up-to-date photos and a plan showing the retaining wall, their concerns still remain.

84. **Worcestershire Regulatory Services (noise and nuisance)** consider that the comments made to the previous application are still valid, which were that the noise data (previously) provided indicates that noise complaints from the operation of the equipment should be unlikely, but that times of operation could be conditioned from 08:00 to 18:00 hours Mondays to Fridays, inclusive with no operation on Saturdays, Sundays and public holidays.

85. **Worcestershire Regulatory Services (contaminated land and air quality)** have no concerns and no adverse comments to make.

86. **Historic England** do not wish to offer any comments and have suggested seeking the views of the specialist conservation and archaeological advisers, as relevant.

87. The **County Archaeologist** considers that the site has potential for archaeological survival. It lies along the route of the Roman Road and is recorded in the Historic Environment Records (HER) as a possible Roman settlement site. The nearby excavations for the marina also uncovered deep deposits of high-quality environmental remains dating back to the end of the last Ice Age (nationally significant). These probably extend below the site. Given that the site has previously been levelled, surface archaeology may not survive. However, if the site has been truncated below any surface archaeology, the groundworks may be deep enough to encounter the palaeo-environmental remains. Consequently, the development has the potential to impact archaeology. They advise that should the application be recommended for approval, the harm could be off-set by suitably worded conditions. This would take the form of a watching brief on all groundworks. The groundworks should be excavated with a toothless bucket and should significant archaeological remains be uncovered then time will need to be allowed for recording and sampling.

88. The **District Archaeologist** has reviewed the information provided with the application and compared it with the archaeological record for the area. The proposed development may affect heritage assets of known archaeological significance (WSM30846). The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural

interest. The proposed development area (PDA) is within an area that has not been subject to archaeological evaluation or mitigation. An area of potential Romano/British occupation would be affected by the development. Given the scale of the development, and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. This would comprise the archaeological monitoring and recording (watching brief) of all groundworks likely to expose, damage or destroy any archaeological remains that may be present, principally the reduction of ground levels/ topsoil stripping/ drainage and service channels. They have suggested conditions including the need for a Written Scheme of Investigation to be submitted and approved by the CPA in writing.

89. **Public Health England** do not wish to comment on this application unless there is a specific request around a health related issue.

90. **Herefordshire and Worcestershire Fire Service** have not commented on the application.

91. **West Mercia Police** have no objection.

92. **Network Rail** has no objection in principle to the proposal. Due to the proposal being next to Network Rail land and their infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway they have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. Any works on the land would need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months' notice before works start. Network Rail have also provided comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. These comments relate to ensuring access to the railway undertaker's land is kept open and not blocked or restricted; ensuring that drainage does not adversely affect the stability of Network Rail's property / infrastructure, and in respect of heaping of materials, dust and litter. They have also commented that they wish to ensure that any new lighting does not affect the railway signal sighting.

### **Other Representations**

93. The application has been advertised on site, in the press and by neighbour notification. A letter of representation from ACL Highway Services Limited has been forwarded by the applicant in support of the application. These letters of representation were made available to Members of the Planning and Regulatory Committee upon request. The letter sets out that ACL Highway Services are responsible for cleansing highway drainage across the UK and that one of the main contracts includes providing gully cleaning and surface water jetting services to Warwickshire County Council on a fixed term contract working for Balfour Beatty. This involves operating a fleet of 6-7 combination jet / vac units, each with two man crews. Approximately half of these units drive from Chesterfield to Warwickshire every day, as there is no suitable disposal point for the gully waste. The letter sets out that if Green Waste Recycling Ltd were to be successful it would provide ACL Highway

Services with a facility to dispose of their waste. This would remove the need for around 109,000 miles of travel per annum (140 miles return trip per day x 3 machines x 260 days), which would massively reduce their carbon footprint. It would also allow ACL Highway Services to create between 7 and 13 local jobs at the depot as they would aim to relocate all of their services to enable them to offer a more speedy response time in the event of flooding situations.

### **The Head of Strategic Infrastructure and Economy's Comments**

94. 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.

### **The Waste Hierarchy**

95. 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.

96. 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) and is built on in the Our Waste, Our Resources: A Strategy for England (2018), which states that *"the waste hierarchy, which ranks options for waste management, has driven some progress...instead we have increased our rates of recovery and recycling and generated much more energy from waste. We want to shift away from waste towards resource efficiency, and will do this by focusing not just on managing waste, but, on managing the resources which become waste"*.

97. 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.

98. The Head of Strategic Infrastructure and Economy considers that as the proposed development would recover waste materials, which would otherwise be disposed of to landfill, it would comply with the objectives of the waste hierarchy. It would also contribute to Worcestershire's equivalent self-sufficiency in waste management capacity in accordance with Policies WCS 2 and WCS 15 of the Waste

Core Strategy. It would provide recycled aggregate to the construction industry, which is a substitute for crushed hard rock for which Worcestershire now has no remaining permitted reserves (as referenced in Draft Policy MLP 11: Steady and Adequate Supply of Crushed Rock of the Emerging Worcestershire Minerals Local Plan – Publication Version).

### **Location of the development**

99. 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.

100. 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'.

101. Policy WCS 3 of the Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste to be permitted within all levels of the geographic hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the geographic hierarchy. The application site is located in Level 5 of the geographic hierarchy. The applicant states that:

*“In order to retain efficiency in the operation of Green Waste it is essential that the business operates within 30 minutes of its geographical operational base. The ‘Gully Sucker Vehicles’ need to travel to the recycling and recovery facility to unload and then travel back to the area from where waste is being collected. In view of this, to ensure that the service operates efficiently, it is essential to minimise the time spent travelling to and from the facility, meaning that the facility needs to be located close to the source of waste. The more time a vehicle spends travelling between its round and treatment facility, the less waste can be collected in a day by that vehicle”.*

102. The applicant has submitted a Sequential Test Assessment (Site Search Document) and considers that there is a lack of suitable alternative sites at higher levels of the geographic hierarchy.

103. It is also noted that the Planning Inspector previously concluded in the dismissed appeal (Appeal Ref: APP/E1855/W/16/3152598) that *“there would be economic and environmental benefits of a localised facility with close proximity to the A38 and A46, as opposed to the higher levels in the hierarchy in more distant urban locations”.*

104. The Head of Strategic Infrastructure and Economy considers that given the proximity to the applicant's target market, the scale of the proposal, noting the National Planning Policy for Waste states that Waste Planning Authorities should

*"drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities"*, and the ease of access to the primary road network. On balance, it is considered that the proposal would comply with Policy WCS 3 of the Worcestershire Waste Core Strategy.

105. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs 'other unenclosed facilities' such as this to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes, where strongly justified.

106. 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"*.

107. The application site benefits from a certificate of lawful use existing for distribution, and, therefore, the site forms part of existing industrial / commercial land and is previously developed land.

108. 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.

109. 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"*.

110. 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 lawful use rights (Wychavon District Council Ref: W/10/01282/LUE).

111. The site is not within a Mineral Safeguarding Area or Mineral Consultation Area, although it is located within an area of search for brick. Paragraph 7.8 and footnote 509 within the Publication Version of the Emerging Minerals Local Plan explains that for brick clay, only an area of Mercia Mudstone Group brick clay close to the Hartlebury and Waresley brickworks is identified as needing to be safeguarded, as

the Mercia Mudstone Group is extensive in Worcestershire and comments during the development of the Minerals Local Plan indicated that it would not be appropriate to safeguard the whole of the formation.

112. The Head of Strategic Infrastructure and Economy considers that 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.

### **Green Belt**

113. The earlier planning application (CPA Ref: 15/000046/CM) was refused by the Planning and Regulatory Committee on Green Belt grounds for the following reasons:

*"The proposal is considered to be inappropriate development and accordingly harmful to the Green Belt contrary to Section 9 ("Protecting Green Belt Land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan".*

114. The subsequent appeal (Appeal Ref: APP/E1855/W/16/3152598) was also dismissed due to the impact upon the Green Belt, with the Inspector concluding:

*"I find that the other considerations in this case do not clearly outweigh the substantial weight to be given to the totality of harm to the Green Belt and the significant weight afforded to the harm having been caused by intentional unauthorised development in the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. I conclude that the proposal, therefore, conflicts with Policy WCS 13 of the WSC, Policy SWDP 2 of the SWDP and the Framework when taken as a whole".*

115. The applicant has subsequently submitted additional information seeking to demonstrate very special circumstances, including an alternative sites' search (Sequential Test), and the application is no longer part-retrospective. The applicant has also sought a temporary five-year planning permission. The NPPF has been updated, but the Government's policy in relation to Green Belt remains substantially unchanged.

116. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt and outlines a number of exceptions in paragraphs 145 to 147, which are not inappropriate forms of development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

117. The proposal would not fall within the forms of development identified by the NPPF as appropriate forms of development in the Green Belt. The site would meet the definition of previously developed land contained in Annex 2 of the NPPF, given it consists of a permanent building and the curtilage of the developed land. However, the proposal does not fall within the exceptions of paragraphs 145 to 147; therefore, the proposal would comprise inappropriate development, which is, by definition,

harmful to the Green Belt.

118. Policy WCS 13 of the Waste Core Strategy permits waste management facilities in areas designated as Green Belt where the proposal does not constitute inappropriate development, or where very special circumstances exist. This is supplemented by Policy SWDP 2 of the South Worcestershire Development Plan which seeks to maintain the Green Belt and that development proposed within the Green Belt will be considered in accordance with national policy as set out in the NPPF. The application site is not included within the list of Major Developed Sites within the Green Belt identified by Policy SWDP 2.

119. The introduction to Section 13 of the NPPF states that *"the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land".*

120. This part of the Green Belt comprises a site that is visually contained along its southern and western boundaries and consists of an existing commercial premise and use with an associated building, hard surfacing and parking of vehicles adjacent to a railway line and additional railway infrastructure to the north. Consequently, the application site is less open than the surrounding countryside. Nevertheless, the NPPF makes no distinction between the importance of openness in different parts of the Green Belt, and it is considered that the key determinant here, as elsewhere in the Green Belt, is whether the proposal would materially increase the amount of built development on the site.

121. The proposed materials recovery plant comprises a number of components, including an open box bed from a tipper lorry, a conveyor and the materials recovery plant, the latter of which also performs a de-watering function. The open box bed would be approximately 8 metres long by 3.45 metres wide. The conveyor would be approximately 0.95 metres wide by 16.8 metres long and 4.45 metres in height. The dimensions of the materials recovery and dewatering plant would be approximately 5.4 metres long by 3.5 metres wide by 6.6 metres high and it would be coloured yellow / green (RAL: 6018). It would be akin to a processing plant used in a sand and gravel operation.

122. The dewatering plant would have a significant footprint and would lead to an increase in volume of built development on the northern half of the yard when the associated equipment is taken into account. This would consist of development of an area to process road sweepings and highway drainage clearance material that is currently hard surfacing, resulting in a loss of openness.

123. The application site has a lawful use for distribution that is not constrained by planning conditions and, therefore, could involve outside storage and parking of vehicles on the northern half of the site. Nevertheless, it is reasonable that the frequency, distribution and intensity of outside storage and parking of vehicles within the site could be subject to significant variation, even on a daily basis, given the transient nature of a distribution use. In contrast, although the submitted drawings indicate that the materials recovery plant is mobile there is no indication that it would be removed from the site or stored elsewhere when not in use. As such, it would be a constant and permanent feature, albeit it for a temporary period of 5 years, within the site which would have a greater effect on openness than the fall-back position of the lawful use.

124. The effect on openness would be evident from viewpoints to the east, including along the Saltway. The Planning Inspector in relation to Appeal Ref: APP/E1855/W/16/3152598, previously concluded that "*the loss of openness would result in moderate harm*", and in reaching this view, the Inspector took into account "*that additional landscaping on the eastern boundary of the site could further reduce the visual prominence of the plant and equipment*".

125. As the site is previously developed land and has a lawful use that does not preclude outside storage and parking of vehicles on the northern section of the site, the proposal would not represent a harmful encroachment into the countryside. In addition, the proposal would have no detrimental impact on the other purposes of Green Belt listed at paragraph 134 of the NPPF given the site's location.

126. The applicant has sought a temporary five-year permission and has referenced that the rationale for this includes that they have noted concerns over the impact on the openness of the Green Belt from previous applications. Recent revisions to National Planning Practice Guidance (NPPG) have added a new section on Green Belt, which provides guidance on "*What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?*". The NPPG paragraph: 001 Reference ID: 64-001-20190722 states that "*Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

*...the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness...*"

127. The guidance considers the ability "*to return land to its original state or to an equivalent (or improved) state of openness*" as a relevant matter to take in account when making this assessment. The applicant considers that the proposals would allow the land to return to an equivalent state of openness following the expiry of the five-year permission.

128. The applicant has also set out that they are seeking a temporary five-year permission as recycling is an increasingly topical issue and that it is anticipated that



recycling targets will increase and, therefore, throughput may be required to increase. A temporary five-year permission would allow the applicant to re-assess the commercial suitability of the site for their operations.

129. The Inspector came to the conclusion that the development considered at appeal (Appeal Ref: APP/E1855/W/16/3152598) would result in moderate harm to the Green Belt. It is recognised that the development applied for is no longer part retrospective and planning permission is only sought for a temporary 5 year period. Nonetheless, the Head of Strategic Infrastructure and Economy considers that, on balance, the proposal would cause moderate harm to the Green Belt.

130. The NPPF states that *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*. As a result, a balancing exercise needs to be undertaken weighing the harm of the proposal (outlined above) with other circumstances in order to ascertain whether very special circumstances exist which justify granting planning permission. The applicant acknowledges that the onus rests upon them to justify very special circumstances, but that very special circumstances are not reliant upon the identification of a single issue to outweigh the level of harm to the Green Belt and may be presented as a concatenation of planning considerations.

131. The applicant acknowledges that the previous planning application was refused on the basis that 'very special circumstances' had not been demonstrated for 'locating this facility within the Green Belt. The applicant, therefore, has considered whether an alternative site is suitable and available for this processing operation on land that lies outside the Green Belt. They have undertaken a Sequential Test and have identified the various criteria.

- A site search for sites of 0.25 to 0.5 hectares (the application site is approximately 0.188 hectares following the reduction in the size of the 'red line' made by the applicant from 0.23 hectares)
- Location – whether the site is within 30 minutes travel distance from the current operational base
- Site conditions - whether the site is structure free, as the applicant would need to install its own waste management equipment. They consider that buildings of a size to accommodate the plant and manoeuvring of vehicles would impose unnecessary costs on the business, and that the proposed development is not required to be fully enclosed to obtain an Environmental Permit
- Access suitable for large scale vehicles
- Avoidance of locations which are proximate to sensitive receptors, including residential properties, schools, hospitals, nature conservation designations, floodplains, aquifers and heritage assets)
- Economic factors – the ability to secure a site at an economic

rent, or purchase price

132. They have also referenced that other considerations include:

- Site Form broadly rectangular, or near to a square as possible
- Availability of utilities (electricity, water and telecommunications)
- Availability of suitable highway infrastructure

133. The applicant acknowledges that, in seeking the CPA's views about the sequential test, the CPA questions if the proposal could take place within a building. The applicant considers that it is not efficient to undertake the proposed operation within a building as a similar sized site, containing a building would entail business rates of approximately £36,728. They also reference that they have sought legal advice on this point, and that the advice was that the increased cost would be sufficient reason to exclude sites with buildings within the sequential test criteria.

134. The applicant states that although the sequential test does not fall within the remits of the NPPF, which specifically relates to main town centre uses being proposed in out of centre or town locations, the principles of conducting a sequential test should be applied for this proposal. They reference that the courts have concluded that the approach to be taken by the decision-maker is whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit in an alternative site. The applicant considers that this principal equally applies to the current proposal.

135. They have set out that the criteria for a Sequential Test has to be established based upon the requirements of the applicant whilst applying a degree of flexibility. This is to ensure the alternative sites meet the needs of the applicant but also that the search is robust. In response to concerns raised by CPRE, the applicant has noted that with regard to Throckmorton Airfield, this location was within the search scope and, therefore, any available site on the airfield would have been picked up within the search and considered against the criteria. In undertaking the Sequential Test, the applicant has set out that they have undertaken a desktop search, including reviewing marketing websites for commercial units / plots of land, which were being marketed on a sales or letting basis. Visits to all available sites identified were completed over four days to assess the suitability of the sites and their surroundings. They undertook the Sequential Test in three stages:

1. Sequentially preferable sites (non-Green Belt sites)
2. Initial Assessment
3. Detailed Assessment

136. They set out that as part of Stage 1: Sequentially preferable sites (non-Green Belt sites), they sought to identify all available sites within the authorities of Bromsgrove, Malvern Hills, Redditch, Worcester City and Wychavon. They ruled out sites within the Kidderminster Zone on the basis that in order to retain efficiently in the operation of Green Waste, it is essential that the business operates within 30

minutes of its current geographical operational base.

137. The sequential test provided by the applicant sets out that 260 sites were identified as being currently available in April 2019 with an additional 137 sites found in August 2019.

138. As part of Stage 1: Sequentially preferable sites (non-Green Belt sites), 22 sites, which are within the Green Belt, were ruled out by the applicant at this stage as they would not represent a sequentially preferable alternative.

139. As part of Stage 2: Initial Assessment, a preliminary assessment of the sequentially preferable sites was undertaken for the remaining sites. There were initially assessed against the site area (0.25-0.5 hectares) and site conditions (no built structures). Where sites were too large or too small or currently contained a built structure, they were ruled out at this stage. 87 sites which were available in April 2019 but were unavailable when the update search was undertaken were not considered further.

140. Stage 3: Detailed Assessment considered all remaining sites that were sequentially preferable and satisfied the initial criteria, in a detailed manner. Thirteen sites were found to satisfy the commercial requirements for site size and site conditions. The applicant has stated that they have included units identified within Vale Park South, Evesham even though not currently built, as there would be sufficient space to accommodate the proposed use. Two sites within Malvern Hills District and 11 sites within Wychavon District were identified.

141. Table 2, within the revised sequential test, sets out a summary of the detailed assessment of sites. The applicant has also provided sales particulars for the 13 sites.

142. The applicant has stated that all thirteen sites had access to utilities (electricity, water and telecommunications). The applicant considers that of the 13 sites, 10 of them have suitable access and three of them do not - Site M1 Plot at Corner House, Longdon Tewkesbury, GL20 6AT; Site WY23 The Paddock, Bricklehampton, WR10 3HJ and Site WY92 Land at Perrie Drive, Honeybourne, Evesham. They also consider that these same three sites are not compatible with neighbouring uses.

143. The applicant has ruled out all 13 sites due to location factors. They consider that the 13 sites are approximately 35-40 minutes' travel time (assuming no traffic) from the existing site and that, therefore, this would not allow Green Waste to operate efficiently. Furthermore, nine of the sites are at Vale Park South and they have provided a letter from the Director, Industrial & Logistics at Savills that with regard to facilitating a waste recycling site at Vale Park South that *"In the short term, it's not something we can accommodate at the site. Once the site is more developed i.e. we may be left with an area of land, that would be a better time to speak"*. The above confirms that for the foreseeable future there is no intention to release the land at Vale Park South for open operation activity. The applicant has also referenced that six of the units can only be developed for B8 and haulage under condition 3 of planning permission Ref: W/06/01254/OU granted by

Wychavon District Council.

144. The Sequential Test undertaken is only a snapshot in time and the availability of sites can change over time. As set out in the applicant's Sequential Test, *"an initial desktop search was undertaken in April 2019, however, due to the time between the initial search and the submission of this application an update search was undertaken to identify any new sites which have become available between April and August 2019"*. They have also set out that *"260 sites were identified as being currently available in April 2019 with an additional 137 sites found in August 2019"*. Therefore, approximately 53% more sites ( $137/260 \times 100$ ) were available within less than a six month period. The applicant has also stated that 87 sites which were available in April 2019 were unavailable when the update search was undertaken in August 2019. Therefore, approximately 33% ( $87/260 \times 100$ ) of the sites had changed in terms of no longer being available in a period of less than six months. This seems to demonstrate that the market is very fluid and that availability can change within a short space of time.

145. The applicant has provided a letter of representation from ACL Highway Services Limited in support of the application. The letter sets out that ACL Highway Services are responsible for cleansing highway drainage across the UK and that one of the main contracts includes providing gully cleaning and surface water jetting services to Warwickshire County Council on a fixed term contract working for Balfour Beatty. This involves operating a fleet of 6-7 combination jet / vac units, each with two man crews. Approximately half of these units drive from Chesterfield to Warwickshire every day, as there is no suitable disposal point for the gully waste. The letter sets out that if Green Waste Recycling Ltd were to be successful it would provide ACL Highway Services with a facility to dispose of their waste. This would remove the need for around 109,000 miles of travel per annum (140 miles return trip per day x 3 machines x 260 days), which would massively reduce their carbon footprint. It would also allow ACL Highway Services to create between 7 and 13 local jobs at the depot as they would aim to relocate all of their services to enable them to offer a more speedy response time in the event of flooding situations.

146. While recognising that certain parts of the County of Warwickshire are within 30 minutes' travel distance from the site, some parts of the County of Warwickshire are beyond 30 minutes' travel distance from the site. Furthermore, while recognising that the letter of support refers to removing the need for around 140 miles return trip per day, these figures do not seem to account for any mileage from parts of the County of Warwickshire to the application site. Therefore, the reduction in mileage would be correspondingly lower. It is also noted that the contract between ACL Highway Services and Warwickshire County Council is a fixed term contract of unknown duration and furthermore contractual arrangements can change over time.

147. The applicant has also provided additional supporting information relating to research undertaken on 13 November 2019 to new build housing developments. The purpose of the research was to ascertain who the developers were using for the road cleansing on the sites. They set out that they have spoken to Worcestershire County Council's Highways Department and established that a road

sweeper typically needs to be emptied at least once a day in normal conditions, and with heavy use in muddy areas such as building developments, this could be as much as four times in a day. The applicant has referenced that this was confirmed to them by two of the road cleansing companies, namely Go Plant, and Burntwood. Sweeping contractors would therefore be travelling from a depot to the site to collect the waste, travelling to dispose of the waste at an authorised site, and then travelling back to the depots.

148. They have set out that Go Plant, who are based in Telford, were used by five out of the eight developments they visited, and developers such as Persimmon homes, David Wilson homes, Barratt homes, Cameron homes and Elan homes use them as a preferred contractor for all the new housing developments. Go Plant have their own licensed liquid waste disposal site at Telford and currently travel to and from that site in normal business. The average journey distance and time to a site from Telford to a development in Worcestershire is 51.6 miles or 63.8 minutes. They have not calculated return journey times but reference that the miles and time taken would be doubled.

149. The applicant has set out that Kelly Plant Hire was used on three out of the eight sites they visited. Bovis homes and Taylor Wimpey homes use Kelly Plant Hire as a trusted contractor for all site work. Kelly Plant Hire do not have their own licensed disposal site and travel to Gilder Environmental, Gloucestershire (GL54 5DF) to dispose of the waste from their sweepers. Gilder Environmental is permitted by the Environment Agency to collect, treat and recover material from road sweepers. The average mileage and journey time from the Kelly depot to development sites in Worcestershire is 18 miles/ 36 minutes. This does not include the journey to Gilder Environmental which affects the distance and timings. A round trip back to the Kelly Depot (not including cleaning works) for the three sites were 96 miles / 119 minutes; 112 miles / 123 minutes, and 94.5 miles / 121 minutes.

150. The applicant considers that this demonstrates that with the production of more homes in Worcestershire in line with the South Worcestershire Development Plan (SWDP) that there is a need for a waste treatment plant that is centralised to the Worcester area. They set out that the benefits of a local waste treatment facility to responsibly dispose of the waste from road sweepers will undoubtedly have an impact in terms of environmental responsibility by reducing company travelling time, emissions from vehicles, fuel consumption and over burdening our motorways with unnecessary journeys. They consider that the above figures should demonstrate that on a usual day, the extraordinary journey times it takes for the road sweeper to be emptied just one time, and as explained, this can of course happen up to four times in a day.

151. Paragraph 82 of the NPPF states that *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors...”* Whilst the applicant has ruled out sites that are more than 30 minutes’ travel time from the existing site and it is accepted that this could reduce the efficiency of the operation of Green Waste in terms of vehicles needing to travel, it has not been fully demonstrated that this is a specific locational requirement of this particular sector. Furthermore, the evidence submitted by the applicant shows that the development industry does use disposal sites that are more than 30 minutes’ travel

time from the development sites.

152. The Head of Strategic Infrastructure and Economy notes that the site requirements include a cleared site and that the applicant has discounted sites on this basis. In relation to this search criteria the applicant states that *"the operations do not require weather protection, neither do they require security from the enclosure of the plant within a building and notes that it is important that a sufficient area of land is available to access and manoeuvring by heavy vehicles. If the operations were housed within a building the scale of building required would bring unnecessary overhead costs to the business"*.

153. The proposed development is inappropriate development, which is considered to result in moderate harm to the openness of the Green Belt. With regard to the NPPG and paragraph 001 Reference ID: 64-001-20190722 relating to *"What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?"* it is recognised that the applicant has only sought planning permission for a five year period, and that the land could be returned to its original or equivalent state of openness. Nonetheless, it is considered that the proposal would reduce the openness of the Green Belt in as much as development would be present where it did not exist before, conflicting with the fundamental aim of Green Belts, which is to prevent urban sprawl by keeping land permanently open.

154. As set out earlier, the submitted Sequential Test is also only a snapshot in time and availability can change over a short period. Furthermore, the applicant does not appear to have examined the other types of sites that are identified by Policy WCS 6 of the Worcestershire Waste Core Strategy as compatible land uses (where strongly justified), such as contaminated or derelict employment land (which includes former airfields) and redundant agricultural or forestry buildings or their curtilages.

155. The Head of Strategic Infrastructure and Economy considers that the reasons set out above, when considered individually or as a whole, on balance, do not amount to very special circumstances, which outweigh the harm to the Green Belt caused by the inappropriate development itself. As such, the proposed development is contrary to the NPPF Section 13, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

#### **Landscape character and visual impact**

156. The application site comprises of hardstanding, which is broadly divided into three parts:

- The initial operational area. This consists of vehicle and equipment parking areas, together with a portacabin and small storage buildings. This area is mainly used to park cars belonging to employees and other vehicles and equipment associated with the business
- Workshop (including weighbridge and access road to the northern end of the site), and

- The main yard area. This is partly concreted and partly hardcore surfaced. The intention is to fully concrete the area to formalise the site surface water drainage. The road sweepings processing plant would be located in the northern half of this area.

157. There is a palisade fence measuring about 2.1 metres high along the eastern application site boundary, separating the application site from the railway line. There are trees along the southern part of this boundary on the eastern side of the palisade fence on Network Rail land. The northern boundary is not demarcated although there is a palisade fence measuring about 2.1 metres high just to the north of the revised and reduced red line boundary. The western boundary with the closed landfill is formed by a hedgerow and trees set at original ground level, approximately some 2 metres above the distribution yard and buildings. The southern boundary includes 'Station House' and associated trees and vegetation.

158. The applicant is not proposing any alterations to the landform at the site and no trees are proposed to be removed. The County Landscape Officer has been consulted and has raised no objection to the scheme.

159. The Head of Strategic Infrastructure and Economy considers that views of the site would be possible from the east along the Saltway given the boundary adjoining the railway line consists of only a palisade fence. However, such views would be seen in the context of the existing established distribution yard and buildings and would be well screened from views along the southern and western boundaries due to the established landscaping and site levels. The Head of Strategic Infrastructure and Economy considers that the proposed development would not have an unacceptable visual impact or detrimental impact upon the character and appearance of the local area.

#### **Residential amenities (including noise and dust emissions)**

160. The nearest residential properties are Station House, which is sited approximately 30 metres south of the application site and 1 to 8 Brickyard Cottages, which are sited approximately 145 metres, broadly west of the proposal.

161. The earlier application submission for CPA Ref: 15/000046/CM was accompanied by a Noise Survey relating to monitoring undertaken during the morning of 26 February 2016 at the nearby residential properties at Station House and Brickyard Cottages. The survey indicated that the properties are subject to significant baseline levels of noise arising from road traffic, together with the proximity to the railway line and household waste recycling centre. Furthermore, when the materials recycling plant was operational the noise levels recorded at the residential properties was not higher. Whilst this planning application is not accompanied by a Noise Survey, it is noted that other than planning permission being sought for a five year period, that it is similar to CPA Ref: 15/000046/CM, and Worcestershire Regulatory Services and the EA who advise the CPA in relation to noise impacts have not requested a new or updated Noise Survey / Assessment.

162. Worcestershire Regulatory Services (noise and nuisance) considers that the comments made to the previous application are still valid, which were that the noise data (previously) provided indicates that noise complaints from the operation of the

equipment should be unlikely but that times of operation could be conditioned from 08:00 to 18:00 hours Monday to Friday, inclusive with no operation on Saturdays, Sundays and public holidays

163. The primary environmental controls over the proposed operation would be contained within the Environment Agency's Environmental Permit for the site. 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"*.

164. Paragraph: 050 Reference ID: 28-050-20141016 of the NPPG 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"*.

165. The EA have raised no objections and have confirmed that the site would require an Environmental Permit, which would control drainage.

166. Worcestershire Regulatory Services (land and air quality) have reviewed the application for potential air quality and contaminated land issues and have not identified any such issues, therefore, they have no objections to the proposal.

167. Given the separation and established vegetation buffer between the neighbouring residential properties and the application site, 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 an appropriate condition restricting the operating hours as recommended by Worcestershire Regulatory Services.

### **Traffic and Highway Safety**

168. 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"*.

169. The application site is accessed from the Saltway (B4090), located about 100 metres from a road bridge over the railway, via a wide bellmouth shared with the domestic access to Station House, situated immediately to the east of the application site, and access to four pairs of semi-detached residential properties. The access road gently slopes down from the existing access towards the railway line.

170. The applicant has stated that the facility would not be open to the public or to any form of casual or passing 'trade'.



171. The proposed development would have an annual throughput of approximately 25,000 tonnes. The operation of the plant would be limited to once every 2 to 3 days depending on the quantities of material discharged. The proposed vehicle movements includes a maximum of 14 road sweeper movements per day (7 road sweepers entering the site and 7 road sweepers exiting the site per day) and 2 tanker movements per day (1 tanker entering the site and 1 tanker exiting the site per day), arriving mid-morning and late afternoon and a maximum of 4 product / waste export vehicle movements per day (2 product / waste vehicles entering the site and 2 product / waste vehicles exiting the site per day). There would be a maximum of 10 staff car movements per day (5 staff cars entering the site and 5 staff cars exiting the site per day) when the plant is operating, every 2 to 3 days, arriving first thing and then leaving mid to late afternoon. The applicant states that the above equates to an average of 3 vehicle movements per hours in an 8 hour day. The applicant states that all of the vehicles routinely arriving and departing from the site would be under the direct control of the applicant or would be managed by the applicant through specific contract arrangements.

172. The County Highways Officer has been consulted and has raised no objections, subject to the imposition of appropriate conditions.

173. Given the existing access and the proposed vehicle movements, as well as the lack of objection from the County Highways Officer, subject to the imposition of appropriate conditions, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on traffic and highway safety.

### **Water Environment**

174. The EA have been consulted and have identified that the site is located within Flood Zone 1 (low probability of flooding). The proposed activity is a waste operation that is regulated by the EA. They have commented that appropriate infrastructure would need to be in place, including impermeable pavement and sealed drainage system. Any dewatering must be carried out on an impermeable surface that has a sealed drainage system, but this does not seem to be the case. As part of an exemption or Environmental Permit application, the EA are seeking certainty and clarity to ensure that the sealed drainage system is effective. Ultimately this is something that the EA would seek to control through the permit. The site operator would be unable to commence works until both the relevant planning permission and permit is in place.

175. The drainage strategy proposes that surface water from across the site would be captured in geocellular storage crates. The water in the crates can then be used by the mobile plant on site, which sits within a sealed concrete area. The crates are sized to capture the 100 year + 40% climate change storm. To provide the storage currently proposed, approximately 250 square metres of 0.8 metres deep tanking would be required to capture the full storm event with no outfall. This water would then be reused on site. An overflow would be provided to the tanks in the event that water is not effectively drained down by the plant on site.

176. All the water used by plant will be treated and the applicant has proposed an oil interceptor and catchpit downstream of the tank overflow to “prove” that no untreated

water would leave the site.

177. It is not proposed to use infiltration drainage (i.e. soakaways) anywhere on the site. All surface water would be treated, attenuated and only overflow would be discharged into the existing surface water outfall pipe. Therefore, no contamination pathways to protected waters have been identified.

178. The applicant also proposes that water across the sealed concrete surface is captured in a channel drain along the low edge adjacent to the railway to provide an extra level of confidence that flows would be captured before encroaching on to National Rail's land. The applicant has stated that no surface water would drain to adjacent land.

179. The LLFA have reviewed the submitted information and assessed the information relating to surface water drainage only. The LLFA are satisfied with the scheme, subject to the imposition of conditions relating to a SuDS Plan being submitted and approved prior to commencement, and also detailed design drawings for surface water being submitted and approved prior to commencement.

180. Based on the advice from the different consultees, including the Environment Agency and the LLFA, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions, and the proposal would accord with Policy SWDP 29 of the South Worcestershire Development Plan.

### **Ecology and Biodiversity**

181. 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"*.

182. 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"*.

183. There are no statutory wildlife designated sites within 2 kilometres of the proposal. However, there are a number of non-statutory wildlife designated sites within 2 kilometres of the site, with the nearest being the Worcester and Birmingham Canal LWS, located about 140 metres broadly north-west of the proposal; Droitwich Canal LWS located approximately 450 metres, broadly west of the application site; and the Bow, Shell, Swan and Seeley Brooks LWS is located about 470 metres

broadly south-east of the application site.

184. Worcestershire Wildlife Trust has been consulted due to the proximity of the proposal to the LWSs and has raised no objections to the proposal and wishes to defer to the County Ecologist for all on-site detailed ecological considerations. The County Ecologist has no objection to the scheme, subject to the imposition of conditions relating to a lighting strategy, the installation of one bat and one bird box on suitable trees and an invasive species monitoring and response protocol. The applicant has confirmed that no alterations to the landform at the site are proposed, no trees would be removed and no additional lighting would be required. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

## **Other Matters**

### Local Economy

185. Paragraph 80 of the NPPF states that *"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*.

186. The proposed development would have economic benefits in that, according to the applicant, it would employ five full-time employees (two more employees than the original application / appeal), and is, therefore, in accordance with Policy SWDP 12 of the South Worcestershire Development Plan and Policy WCS 15 of the Waste Core Strategy.

### Pollution Control

187. The application site is located adjacent to a closed landfill site. It is understood that previously the ground sloped gently away from the closed landfill site towards the railway line. However, over time parts of the bank within the application site have been removed to leave a steep vertical slope on the boundary between the closed landfill site and the applicants land. This face has since been built back up by the applicant and a retaining wall has been installed.

188. Due to the proximity to the closed landfill site the County Council's Pollution Control Officer has been consulted on the proposal. The Pollution Control Team have raised concerns regarding the proposal, stating that in response to the previous application (CPA Ref: 15/000046/CM), and the withdrawn application (CPA Ref: 18/000055/CM), they expressed concern about the integrity of the bank between the application site and the closed landfill site. These concerns are still valid as the integrity of the concrete retaining wall is unknown. There is also the on-going risk of possible landfill gas migration from the closed landfill site.

189. In the earlier applications (CPA Ref: 15/000046/CM and 18/000055/CM) the Pollution Control Officer raised similar concerns, but these were satisfied by the

applicant confirming that *"the bank which forms the boundary with the landfill is supported at the northern end of the site. The retaining wall is currently being erected along the western boundary. This is to be continued until the exposed bank is fully supported. The applicant states that the bank has been in this form for some years without any significant issue"*. This wall has now been fully constructed and is not part of this application. It is noted that the Planning Inspector in deciding the appeal (Appeal Ref: APP/E1855/W/16/3152598) concluded there would be the absence of adverse impacts relating to pollution control.

190. The EA has raised no adverse comments in respect to contaminated land and advised the County Planning Authority to consult Worcestershire Regulatory Services in relation to this matter. Worcestershire Regulatory Services (land and air quality) have been consulted and have raised no objections to the proposal.

191. Given that the works to the landfill boundary have already taken place and do not form part of this planning application, it is considered that this is a separate matter between the County Council (as landowner of the adjacent landfill site) and applicant. The applicant should satisfy themselves of the integrity of the retaining wall.

#### Integrity of the railway line

192. The railway line (Birmingham to Bristol line) is located immediately to the east of the application site and Network Rail have a small facility associated with their infrastructure maintenance activities, to the north of (and accessed through) the site.

193. In light of this, Network Rail has been consulted on the proposal. As set out earlier in the report, their comments relate to matters including access rights, drainage, heaping of materials, dust and litter, as well as wishing to ensure that any new lighting does not affect the railway signal sighting. The applicant has confirmed that external lighting would not be necessary because the business only operates during day light hours due to health & safety reasons.

194. The Head of Strategic Infrastructure and Economy considers that should planning permission be granted for the proposal, conditions are imposed including in respect of access, storage and processing of materials, drainage and safety.

195. Subject to the imposition of appropriate conditions, including those relating to external lighting and drainage, the Head of Strategic Infrastructure and Economy considers that there would be no adverse impact on the safe operation of the railway.

## **Conclusion**

196. The applicant seeks temporary permission (5 years) for a proposed materials recovery plant to process road sweepings and highway drainage clearance materials on Land at Station House, Saltway, Hanbury, Worcestershire. The proposal would have an annual throughput of approximately 25,000 tonnes.

197. The Head of Strategic Infrastructure and Economy considers that as the proposed development would recover waste materials, which would otherwise be disposed of to landfill, it would comply with the objectives of the waste hierarchy. It would also contribute to Worcestershire's equivalent self-sufficiency in waste

management capacity in accordance with Policies WCS 2 and WCS 15 of the Waste Core Strategy. It would provide recycled aggregate to the construction industry, which is a substitute for crushed hard rock for which Worcestershire now has no remaining permitted reserves (as referenced in Draft Policy MLP 11: Steady and Adequate Supply of Crushed Rock of the Emerging Worcestershire Minerals Local Plan – Publication Version).

198. The Head of Strategic Infrastructure and Economy considers that 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.

199. The proposed development is wholly located within the Green Belt. The development applied for is no longer part-retrospective which now does not weigh against the proposal, when compared to the earlier application (CPA Ref: 15/000046/CM) and subsequent appeal. The application is for temporary permission for five years. The applicant has also submitted an assessment of alternative sites (Sequential Test).

200. The NPPF states that *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

201. The proposed development is inappropriate development, which is considered to result in moderate harm to the openness of the Green Belt. With regard to the NPPG and paragraph 001 Reference ID: 64-001-20190722 relating to *"What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?"* it is recognised that the applicant has only sought planning permission for a five year period, and that the land could be returned to its original or equivalent state of openness. Nonetheless, it is considered that the proposal would reduce the openness of the Green Belt in as much as development would be present where it did not exist before, conflicting with the fundamental aim of Green Belts, which is to prevent urban sprawl by keeping land permanently open.

202. The Head of Strategic Infrastructure and Economy considers that the reasons set out above, when considered individually or as a whole, on balance, do not amount to very special circumstances, which outweigh the harm to the Green Belt caused by the inappropriate development itself. As such, the proposed development is contrary to the NPPF Section 13, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policies SWDP 2 of the South Worcestershire Development Plan.

203. The Head of Strategic Infrastructure and Economy considers that views of the site would be possible from the east along the Saltway given the boundary adjoining the railway line consists of only a palisade fence. However, such views would be seen in the context of the existing established distribution yard and buildings and would be well screened from views along the southern and western boundaries due to the established landscaping and site levels. The Head of Strategic Infrastructure and

Economy considers that the proposed development would not have an unacceptable visual impact or detrimental impact upon the character and appearance of the local area.

204. Given the separation and established vegetation buffer between the neighbouring residential properties and the application site, 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 an appropriate condition restricting the operating hours as recommended by Worcestershire Regulatory Services.

205. Given the existing access and the proposed vehicle movements, as well as the lack of objection from the County Highways Officer, subject to the imposition of appropriate conditions the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have any adverse impact on traffic and highway safety.

206. Based on the advice from the different consultees, including the Environment Agency and the LLFA, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment, subject to the imposition of appropriate conditions, and the proposal would accord with Policy SWDP 29 of the South Worcestershire Development Plan.

207. Worcestershire Wildlife Trust has been consulted due to the proximity of the proposal to the Local Wildlife Sites and has raised no objections to the proposal and wishes to defer to the County Ecologist for all on-site detailed ecological considerations. The County Ecologist has no objection to the scheme subject to the imposition of appropriate conditions. The applicant has confirmed that no alterations to the landform at the site are proposed, no trees would be removed and no additional lighting would be required. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of appropriate conditions.

208. On balance, it is considered that permitting the proposed development would be unacceptable in this Green Belt location contrary to Section 13 of the NPPF, Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.

## **Recommendation**

**209. The Head of Strategic Infrastructure and Economy recommends that planning permission be refused for temporary permission (5 years) for a proposed materials recovery plant to process road sweepings and highway drainage clearance materials on Land at Station House, Saltway, Hanbury, Worcestershire for the following reason:**

- **The proposal is considered to be inappropriate development and accordingly harmful to the Green Belt contrary to Section 13 ("Protecting**

**Green Belt land") of the National Planning Policy Framework; Policy WCS 13 of the Worcestershire Waste Core Strategy and Policy SWDP 2 of the South Worcestershire Development Plan.**

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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 19/000039/CM, which can be viewed online at: <http://www.worcestershire.gov.uk/eplanning> by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.