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P l a n n i n g C o n s u l t a n t s

STATEMENT OF CASE

Proposed change of use of Land and Buildings to a Recycling Facility including the erection of Tanks and Containment Bays for Biosolids Treatment, Waste Treatment and Waste Storage Facility with the final product used as Soil Improvers and Fertiliser Replacement.

The Old Peat Works, Land of Reading Gate, Swinefleet,
East Riding of Yorkshire, DN14 8DT

APPELLANT:- Heaton Planning on behalf of 4Recycling

LOCAL PLANNING AUTHORITY:- East Riding of Yorkshire Council



**INNOVATORS IN WASTE SCIENCE
AND RECYCLING TECHNOLOGIES**

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1 INTRODUCTION

- 1.1.1 My name is Craig Ball. I have been working in local government, the Minerals industry and Planning Consultancy since 1989 in the Minerals and Waste sectors and have been a chartered member of the Royal Town Planning Institute (RTPI) since 1994.
- 1.1.2 This document forms the Statement of Case on behalf of 4Recycling Ltd (the Company) associated with the Appeal against refusal of Planning Application for the proposed Change of use of Swinefleet Peat Works to a recycling facility including the erection of three tanks and containment bays. This Statement outlines the proposals conformity with relevant national and local policy and guidance.
- 1.1.3 The evidence which I present in this written statement is to the best of my knowledge true and has been prepared in accordance with the guidance of the RTPI. I confirm that the opinions expressed are my true and professional opinions.

2 SITE AND SURROUNDING AREA

- 2.1.1 Refer to chapters 1 and 2 of the Statement of Common Ground submitted as part of the appeal for the description of the site and surrounding area.

3 DESCRIPTION OF PROPOSALS

Clarification

- 3.1.1 The documents forming part of the application considered by East Riding Council when determining the planning application are listed in the Schedule submitted with the planning appeal.
- 3.1.2 The original Planning Supporting Statement submitted with the application was superseded by a Revised Supporting Statement which was published on the 11th December 2018. Any additional information submitted that was subsequently superseded is clearly labelled within the Schedule of submitted documents.

Proposals

- 3.1.3 The proposal seeks permission for the proposed change of use of the Old Peat works to a recycling facility including the erection of tanks and containment bays for biosolids treatment, waste treatment and waste storage facility with the final product to be used as soil improvers and fertiliser replacements (see proposed site plan and proposed elevations drawings for the on-site arrangements).
- 3.1.4 The existing buildings, derelict at present, will be renovated with re-cladded walls and roof whilst the brick and block elements are made good with new gutters, drainage and roller shutter doors. The existing buildings will remain the same dimensions.
- 3.1.5 Three circular storage tanks are proposed to be erected with a height of 8m at their highest point which will be situated centrally in the site adjacent to the existing buildings. They will be constructed of concrete and finished grey in colour.
- 3.1.6 Nine mono-pitched roofed containment bays will be erected either 20m by 20m or 20m by 10m which are to be located along the southern and eastern boundary of the site with a maximum height to ridge of 6m.
- 3.1.7 If Planning Permission is granted, the site will become the centre for the Companies existing activities in the area. Up to 100,000 tonnes of materials will be transported to the site, stored and processed before use of the final product by local farmers/landowners to replace synthetic fertilizers.
- 3.1.8 A maximum of 100,000 tonnes per annum of imported waste materials will be brought to the site in 4,000 vehicles (8,000 movements). A maximum of 100,000 tonnes of exported material destined for land application will leave the site in 4,000 vehicles (8,000 movements), which where possible, will be vehicles which have delivered product to the site. A significant proportion of the materials from the site will be used

on land in the local vicinity, which may involve using agricultural equipment for transportation purposes, reducing the number of vehicles passing down the A161 through Swinefleet village and Old Goole.

- 3.1.9 The traffic projections indicate that the proposed recycling facility is expected to generate a maximum of 11 two-way movements in the AM peak hour and 11 two-way movements in the PM peak hour associated with all delivery, collection and staff vehicle movements. This will avoid School pick-up and drop-off times.
- 3.1.10 The bulk of the proposed activities listed below will be carried out inside the existing, renovated buildings at the site which will facilitate the recycling of beneficial wastes prior to application to land.

Liming of Biosolids

- 3.1.11 Biosolids is a collective term used in the industry for the solid material which is produced as a by-product from wastewater treatment at wastewater treatment works (i.e. sewage treatment). Biosolids have been applied to agricultural land for several decades and are applied on a regular basis across the UK and Europe.
- 3.1.12 Prior to any use on land, both the soils and the biosolids must be rigorously tested to ensure compliance with a range of chemical and biological parameters.
- 3.1.13 The utility companies treat the biosolids they produce using a process utilized across the industry known as HACCP- Hazard Analysis and Critical Control Points. HACCP defines a process and highlights the critical points required to ensure compliance. If any one of these points fails i.e. a certain temperature has not been met or a residence time is not achieved, then the batch is classed as failed. The batch may subsequently pass end of line testing but is still categorized as a failure due to the failure of the HACCP.
- 3.1.14 It is this type of biosolids which is imported and processed via lime treatment. Utility companies sometimes lime treat their biosolids themselves, but often they may not have space or resources to do this in-house. All batches received and treated, will meet the regulated and audited HACCP process. Following lime treatment, the biosolids will have reached the enhanced (the highest) treatment standard. It will then be subsequently distributed to agricultural land under the Sludge Use in Agriculture Regulations and used across a range of growing crops.
- 3.1.15 The Company will provide final treatment to biosolids from utility companies, following a rigorous process recognized by the water industry and regulators, to ensure materials meet the highest treatment and product quality standards, enabling

the material's use on arable land to the benefit of soil. This is the same material, meeting the same standards and following the same rigorous processes as may already currently be used on land in the local area.

Physical treatment of waste and storage prior to spreading to agricultural land

- 3.1.16 Similar to the biosolids treatment activity described above, the company are often asked by waste producers to assist them in removing and recycling off-specification batches of material from their production sites. These requests vary in terms of the type of waste output and/or the treatment process or the element of the quality assurance checks which have resulted in non-conformance.
- 3.1.17 As an example, sometimes green waste compost contains an element of physical contamination (such as glass or plastic or large woody fractions), so it requires further processing before it meets the specification and standards demanded by the company, the regulators or the customers before it can be applied to land. Another example is waste lime derived from cement manufacturing which often requires conditioning with water to help make it more granular, so it can be spread using conventional agricultural equipment and minimizes potential dust emissions generated when spreading to land.
- 3.1.18 Often production sites cannot do this themselves due to time or space constraints so look to move materials on to give themselves more space to continue processing their standard incoming material streams. Therefore, it is proposed to carry out physical treatments to wastes which require such treatment i.e. screening/size separation

Storage of waste prior to land spreading

- 3.1.19 Land spreading of waste is a seasonal activity and it is common practice to use regulated, temporary field storage heaps to allow materials to be stored where they will be used. Access to these field stores requires consistent good weather and ground conditions to get material to the right place without causing damage to soils and farm tracks. These temporary field storage piles often do not have the benefit of hard standing or sealed drainage systems.
- 3.1.20 A storage facility such as the old peat works with hard standing or an impermeable surface, sealed drainage and weather protection is therefore the most environmentally sound way to temporarily store materials prior to their application to land. This will ensure that material is only delivered to the field in appropriate weather and ground conditions which safeguards the soils and the surrounding environment.

- 3.1.21 The proposed storage at the old peat works will either follow one of the two treatment processes outlined above or will simply be storage for materials suitable for land application when ground/crop conditions are favorable for delivery and when registration paperwork for its final use is in place. Some material (chicken litter) is already stored at the site, prior to being spread to land (See Appendix A).
- 3.1.22 The numbers of staff employed will depend on the tonnage processed through the site. At the maximum throughput of 100,000 tonnes, the site will require:
- 1 x Administrator/ Weighbridge Operator
 - 1 x Yard Officer
 - 3 x Machine Operators
 - 1 x Site manager / Technically Competent Manager
 - 3 x Field Officers- dealing with farmers, soil sampling *etc*
 - 2 x Delivery Drivers, collecting material and distributing to customers
- 3.1.23 There will also be local employment opportunities during the construction and refurbishment stage of the operations.
- 3.1.24 The proposed hours of operation will be as set out below, however, during the peak season the Company would welcome the flexibility to export soil product via agricultural machinery outside of these hours:
- 07:00 to 19:00 Mondays to Fridays
 - 07:00 to 13:00 Saturdays
 - No operations on Sundays and Public Holidays

4 SUMMARY OF CONSULTATION RESPONSES AND REPRESENTATION

4.1.1 The following chapter provides a summary of the responses received during the consultation period. Responses include Statutory, Non-Statutory and third parties.

Reedness Parish Council

4.1.2 Strong objection to the proposal. The objection highlighted the following elements:

- Inadequate road network for HGV movements;
- Pollution risk through increased traffic, noise and contamination;

Swinfleet Parish Council

4.1.3 Strong objection to the proposal. The objection highlighted the following elements:

- Pollution risk through increased traffic, noise, odour and contamination;
- Environmental impact of proposal on nearby designated sites;
- Inadequate road network for HGV movements.

Twin Rivers Parish Council

4.1.4 Strong objection to the proposal. The objection highlighted the following elements:

- Lack of clarity in relation to odour management
- Lack of adequate supporting information in relation to the environmental impact on nearby designated sites;
- Unacceptable detrimental impact of HGV movements through Isle of Axholme

Nature Conservation and Ecology Officer

4.1.5 No objection raised. The Officer concluded that the evidence provided was adequate and requested four conditions.

Natural England

4.1.6 No objection raised. Further information was requested and subsequently submitted by the applicant. NE confirmed no likely significant effect on nearby designated sites.

Ouse and Humber Drainage Board

4.1.7 No objection raised. Confirmed that the amended plans and documentation enabled a suitable scheme for surface water disposal to be implemented. One condition was requested.

Highway Control

- 4.1.8 No objection raised. A Section 106 Agreement wherein the applicant provides a yearly contribution to local road maintenance has been agreed between the council and the applicant. Five conditions were requested.

Environment Agency

- 4.1.9 No objection stated the requirement for an Environmental Permit to be issued before operations commenced.

Lead Local Flood Authority

- 4.1.10 No objection raised. One condition was requested.

Highways England

- 4.1.11 No objection raised. Concluded that the development would not impact on the safety or operation of the Strategic Road Network.

Public Protection

Environmental Control Specialist Team

- 4.1.12 No objection raised. Reiterated the requirement for an Environmental Permit to be issued.

Environmental Control District Team

- 4.1.13 No objection raised. Reiterated the requirement for an Environmental Permit to be issued. One condition was requested.

Conservation Officer

No objection raised. Confirmed no identified harm to above ground designated heritage assets.

Yorshire Water Services Limited

- 4.1.14 No objection raised.

Humberside Police

- 4.1.15 No observations made.

Humber Archaeology Partnership

- 4.1.16 No comments made. Confirmed that the development does not appear to affect any known archaeological sites.

Transportation Services

- 4.1.17 No comments made.

Yorkshire Wildlife Trust

4.1.18 No objection raised. Two conditions were requested.

Publicity

4.1.19 The application received nine hundred and forty six third party objections. The grounds of objection were summarized within the Officers Report and have been grouped into the following subheadings; highways and safety, pollution and amenity, the environment and miscellaneous.

4.1.20 *Highways and safety*

- Access to the site is by narrow bumpy windy roads.
- Not enough passing places.
- No road markings and deep ditches either side.
- Not part of the Councils gritting route.
- Roads are not built for the amount of traffic the proposal will generate.
- Increase in road traffic accidents and danger to dog walkers, horse riders etc. that use Readingate.
- The addition of over 16,000 regular HGV movements is not acceptable and the detrimental effect from traffic fumes is a concern.
- Site is not operational, and the proposal will increase traffic on the local road network.

4.1.21 *Pollution and amenity*

- Risk of spillages on highway and pollution of water courses.
- Potential to be exposed to airborne contaminants including ammonia and hydrogen sulphide which are present within the bio solids.
- A risk to human health through wind direction, spillage from wagons, road accidents or leakage from the plant.
- Particles within biowaste are known to contain harmful substances such as cancer and other diseases.
- Risk of eye and skin irritations which is well documented as a side effect from the lime dust which is used for the treatment of biosolids.
- Increase in HGV traffic would create an unacceptable level of disturbance, increasing risk of property damage by vibration and levels of noise pollution.
- Detrimental effect on the local environment in terms of pollution including effects of noise, dust, traffic, odours, water pollution and risk of contaminated land.
- Risk of odour release.

- Odours will travel further than the 200 meter radius of the site that has been modelled.
- Odours will be created from the site and from transport of waste to and from the site.
- Detrimental effect to the quality of local residents lives.
- No odour plan has been submitted with the application.
- Odour will be unbearable in the summer months.
- Additional and increase in vermin.
- Dust from the site will prevent enjoyment of gardens and open spaces.
- Food sources will be contaminated.
- Hazardous substances will be stored at the site.

4.1.22 *Environment*

- Detrimental impact to designated sites.
- Protected species are present on site. How will they be safeguarded?
- Wildlife will be endangered by the proposal, especially along its transport routes.
- Keystone species will be lost.
- EIA should be undertaken.
- Site is highly visible in landscape.
- Lacks screening.
- Part of the land proposed to be used for junction widening has been landscaped and planted as a nature improvement area for bees, butterflies and other pollinating insects.
- Habitat Regulation Assessment is not accurate.
- Site has recently flooded.
- Flood would lead to run off from the site to local dykes and aquifers, poisoning surrounding land and damaging the environment.
- Increase in localized flooding.
- If containers fail, surrounding land will be flooded.
- Impossible to stop leakages to peat bed and water table beneath the site.
- Product is not likely to be spread on surrounding land.
- Site will be a dumping ground for waste.
- Large carbon footprint of transporting material to site outweighs any recycling of waste.

4.1.23 *Miscellaneous*

- No benefits for local residents.
- Reduction in house prices.
- Few extra jobs do not outweigh the harm the proposal will generate.

- Applicants other sites have a poor site management record and breached conditions attached to Environment Agency permits.
- Inaccuracies in supporting documentation.
- CLP-HS apparatus (pipeline) runs close to the site boundary and will be affected by the proposal.
- Will compromise tourism and peat railway preservation society engineering training facility.

4.1.24 One letter of support for the application was received.

4.1.25 Andrew Percy (MP) raised an objection which has been summarised as follows:

- Increase in traffic will have a detrimental effect on the amenity of residents in Swinefleet and Swinefleet Road, Old Goole.
- Swinefleet residents express concerns of cracks in walls and vibration noises emanating from the existing traffic movements.
- Additional HGV traffic will have a material impact on the local highway network.
- 8000 additional HGV movements per annum passing Swinefleet Primary School presents increased dust and noise, adding to pollution and exposing the children to increased risks.
- Exposure to smells from sewage sludge as it is transported and risk from any airborne contaminants is a concern for residents along the transport route.
- Eastoft and Crowle are very close to the proposed site and depending on wind direction on the day, will be impacted.
- The Marshland villages are also close enough to experience adverse effects to their quality of life and the character of their neighbourhoods.
- NPPF Para 120 relates to the effects of air pollution on residents health that should be taken into consideration.
- Proposal will significantly affect highway safety on the A161 at Reading Gate.
- Turn onto the A161 is a single lane width road to the old peat works.
- Limited opportunities for passing vehicles and width of road is restricted.
- Nearby is a SAC, SPA and a SSSI, once damaged may never recover.
- Potential mitigation measures to alleviate impacts should be proposed and assessed and alternative locations for the proposal considered.
- Policy ENV2 of the East Riding Local Plan identifies Thorne Crowle and Goole Moors as an Important Landscape Area.

4.1.26 Former Ward Councillor Barrett raised an objection which has been summarised as follows:

- The proposal will generate 16,000 HGV movements through Old Goole and Swinefleet per year, at least 32/day. This is on top of HGV which already cause problems coming through Low Street, Swinefleet.
- It is unclear what the HGVs will be made of to keep the biological fluids within them. Any spillages will smell and be very unhealthy for residents of Old Goole and Swinefleet.
- Water from the drain at the dyke next to the old peat works goes into Swinefleet warping down at the back of homes and eventually into the river Ouse. Water could also back up and work its way to Old Goole, Crowle and Eastoft.
- The developer states that they will side the concrete base and have a small tank to take dirty water. This will not work in heavy rain.
- Vehicles carrying biological fluids are to be swilled on site and these fluids will be on site anyway. The smell from these fluids in the water courses will be terrible and also a hazard to health. With these biological fluids in the water course it will cause problems to humans and animals.

5 PLANNING POLICY AND GUIDANCE

5.1 Introduction

- 5.1.1 The following chapter outlines the local and national planning policies and guidance relevant to the determination of the development proposal and provides a summary of how the proposal accords with policy at a national and local level.
- 5.1.2 The National Planning Policy Framework (NPPF) is the most up-to-date planning policy document relevant to the application and is a material consideration in its determination. The NPPF has been subject to several amendments since submission of the application (in February and June 2019). The version referenced within this Statement of Case is the amended 2019 version.
- 5.1.3 The Waste Management Plan (WMP) for England was published in 2013 and provides an analysis of the current waste management situation in England and evaluates how it will support the implementation of the objectives and provisions of the revised Waste Framework Directive (2008/98/EC). The National Planning Policy for Waste was published in October 2014 and should be read in conjunction with the NPPF and WMP.
- 5.1.4 The two key local planning policy documents are the East Riding and City of Hull Joint Waste Local Plan which was adopted in 2004 which includes “saved” policies and the East Riding Local Plan Strategy Document which was adopted in 2016.

5.2 National Planning Policy

The National Planning Policy Framework – 2019

- 5.2.1 *Paragraph 8 states the three overarching objectives for achieving sustainable development. The economic, social and environmental objectives must be pursued in mutually supportive ways.*
- 5.2.2 The proposals seek to support local economic objectives through re-use of previously developed land and buildings, utilizing existing infrastructure and providing jobs in rural areas. The proposal seeks to support environmental objectives by providing a sustainable and important source of soil organic matter for surrounding arable land which would provide a net saving to the agricultural community in terms of the replacement of manufactured fertilisers. The proposal supports a social objective in providing a safe built environment, compared with the state of the existing building, which will curtail existing anti-social activities currently taking place on site.

- 5.2.3 *Paragraph 39 outlines the importance of pre-application engagement with the local community which enables better public/private coordination and improves the outcome of potential development.*
- 5.2.4 The Company have fully engaged with both the Local Authority and the local community with the planning application. A Pre-Application enquiry dated 10th April 2018 was sent to East Riding Council which included a meeting with Officers (17th May 2018) at County Hall Beverley. In principle support was given to the proposal at the Pre-Application stage. The company have also made presentations to Swinefleet Parish Council and arranged a Public Information Exhibition in Swinefleet which was well-attended by local residents. Suggestions made at the Exhibition have been incorporated into the scheme (exclusion of HGV's during school opening and closing times).
- 5.2.5 *Paragraph 80 states that the expansion and adaptation of businesses should be supported. Significant weight should be placed on the need to support economic growth and productivity through consideration of both local needs and wider development opportunities.*
- 5.2.6 The proposal fully supports local economic growth through the re-instatement of a building which is in a general state of disrepair which will provide new employment opportunities. The agricultural setting provides an opportunity for the proposed end product, soil improver and fertiliser replacement, to be directly used in its immediate surroundings.
- 5.2.7 *Paragraph 83 sets out the planning policies which support a prosperous rural economy enabling the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings. Also, the development and diversification of agricultural and other land based rural businesses is supported.*
- 5.2.8 The proposal fully complies with this paragraph through the creation of new employment opportunities and the renovation of existing buildings which would help sustain the rural economy in this part of East Riding. The proposals support the development of agricultural and other land-based rural businesses through the creation of a replacement to manufactured fertilisers that can be used to add value to soil within the locality of the site.
- 5.2.9 *Paragraph 84 states that "Planning policies and decisions should recognize that sites to meet local business and community needs in rural areas may have to be found*

adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- 5.2.10 The proposal is located on previously developed land beyond any existing settlements. The rural location of the site is ideal in terms of the delivery of soil improvement/fertiliser replacement products for arable land in the locality of the facility.
- 5.2.11 *Paragraph 102 sets out the importance of considering transport issues at an early stage in order to address potential impacts of development on existing transport networks. Early consideration may highlight opportunities to develop existing transport infrastructure and technology and enable any potential environmental impacts to be appropriately avoided or mitigated.*
- 5.2.12 A Transport Assessment was undertaken by Local Transport Projects as part of the proposal which involved detailed discussions with the Council's Highway Development Management Team throughout the consideration of the Planning Application. There are no highway objections to the proposal by either the Highways Agency or the Highways Development Management Team. The latter requested improvement works along Reading Gate including additional Passing bays and localized carriageway widening within existing verges. The company have agreed to undertake these works prior to the commencement of development.
- 5.2.13 *Paragraph 109 states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.*
- 5.2.14 The associated Transport Assessment considered that the proposed development should not have a significant impact on the operation of the local highway network. Furthermore, no objections were raised by the Highways Agency or the Councils' Highway Development Management team.
- 5.2.15 *Paragraph 111 states that all developments that will generate significant amounts of movements should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*
- 5.2.16 A Transport Assessment was undertaken by Local Transport Projects as part of the proposal.
- 5.2.17 *Paragraph 117 states that Planning Policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and*

improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or “brownfield” land.

5.2.18 The proposed recycling facility at the former Peat Works is in accordance with this policy.

5.2.19 *Paragraph 118, part (c) gives substantial weight to supporting opportunities that will enable remediation of derelict land.*

5.2.20 The buildings on site are in a state of disrepair. The proposal seeks to renovate these existing buildings and bring them back into beneficial use. The current buildings suffer from ongoing vandalism and anti-social behavior, bringing the land back to beneficial use will eliminate these activities.

5.2.21 *Paragraph 118, part (d) states that decisions should “promote and support the development of under-utilised land and buildings...”.*

5.2.22 This proposal clearly supports the development of land and buildings that are currently under-utilised.

5.2.23 *Paragraph 127 outlines the need for development to be sympathetic to local character and history and the surrounding built environment and landscape setting. Appropriate innovation or change such as increased densities should not be prevented.*

5.2.24 The proposal seeks to improve the condition of the existing buildings which will improve the appearance of the site. The proposed tanks and bays to be erected reflect typical agricultural structures which would be sympathetic to the local character. The Visual Impact Appraisal submitted with the planning application considers the proposal to have a mix of slight adverse and slight beneficial impacts because of proportionally minor additions to the built form which are similar in design to typical structures used on a farmstead and are to be no greater in height than the existing buildings on site. Renovation of the existing buildings which are currently in a state of disrepair should be considered as beneficial (Photo in Appendix B).

5.2.25 *Paragraph 165 states that major developments should incorporate sustainable drainage systems unless evidenced to be inappropriate.*

5.2.26 The existing drainage system on site is in a state of disrepair and uncontrolled. The proposed drainage system has been informed by a drainage assessment. Installing clean water and dirty water arrangements, replacing guttering and drainage pipes

along the perimeter of the containment bays and around the existing buildings along with drainage channels and kerbing along the southern boundary of the site will ensure that there are no uncontrolled discharges. No objections have been received by the Environment Agency, Natural England, the Council's Lead Local Flood Authority and the Ouse and Humber Drainage Board.

5.2.27 *Paragraph 170 states that policies and decisions should contribute to and enhance the natural and local environment through by remediating derelict land.*

5.2.28 The proposal accords with this policy through remediation of derelict land at the former Peat works site. Recycling operations at the site would produce a valuable product for soils, directly replacing chemical fertilisers to be spread on agricultural land.

5.2.29 *Paragraph 180 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. Noise pollution resulting from new development should be mitigated and reduced to a minimum or, if giving rise to significant adverse impacts, avoided.*

5.2.30 The impacts of noise from operations on site are minimised by the site's remote location away from residential receptors and centres of population. Machinery and equipment associated with the operations at the recycling facility are minimal and include a sludge liming machine and two loading shovels plus lorries delivering and dispatching product to and from the site. This would result in no unacceptable impact. No objections have been raised by the Environment Agency (EA) or the Councils Public Protection Team.

5.2.31 An EA Permit Application was submitted on the 16th November 2018 (application reference EPR/GB3202XN/A001) and validated on the 15th March 2019 which would control operations and monitoring at the site as well as the imposition of planning conditions. The consideration of this application is ongoing.

5.2.32 *Paragraph 181 states that planning decisions should seek to sustain and contribute towards compliance with relevant pollutant limit values. Opportunities to improve air quality and mitigate impacts could be identified through preparation of relevant traffic and transport management plans.*

5.2.33 The impacts of air pollution from operations on site are minimised by the site's remote location away from receptors, villages and centres of population. The site is not within an Air Quality Management Area or Clean Air Zone. A Traffic Management Plan (TMP)

has now been prepared to mitigate impacts from traffic (see Appendix C). No objections have been raised by the Environment Agency (EA) or the Councils Public Protection Team regarding the proposals impact upon air quality.

5.2.34 *Paragraph 183 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes. Planning decisions should assume that these regimes will operate effectively.*

5.2.35 The proposal is considered to be an acceptable use of land with no objections raised by the Environment Agency (EA) or the Councils Public Protection Team.

5.2.36 *Paragraph 204 states that planning policy should take account of the contribution that secondary and recycled materials make to the supply of material, before considering the extraction of primary materials.*

5.2.37 The final products produced from the proposed recycling facility provide beneficial recycled secondary materials to be used as direct replacements for chemical fertilisers on agricultural land. These include Biosolids, Liming materials, compost, digestates, gypsum and other wastes all of which can be safely and beneficially used on land.

The National Planning Policy for Waste (NPPW)– October 2014

5.2.38 Positive Planning plays a pivotal role in delivering this country's waste ambitions through (inter alia) delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy.

5.2.39 The Waste Hierarchy is set out in Appendix A of the NPPW.

5.2.40 *The "waste hierarchy" ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).*

5.2.41 The recycling facility at the former peat works is clearly in accordance with the aims and objectives of driving waste management up the waste hierarchy, diverting waste from landfill to become a recycled product to be used as soil improver and fertiliser replacement. The recycling operations will produce a valuable product for soils, directly replacing chemical fertilisers to be spread on agricultural land. In 2017 the

company diverted more than 750,000 tonnes of waste away from landfill and incineration in England and Wales.

- 5.2.42 Locational Criteria with which the suitability of proposed waste management facilities can be tested against is set out in Appendix B of the NPPW.
- 5.2.43 Part G of Appendix B provides criteria to assess air emissions, including dust, and states that *“Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.”*
- 5.2.44 Part H of Appendix B provides criteria to assess odour and states that *“Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.”*
- 5.2.45 *Paragraph 4 of the NPPW states that Waste Planning Authorities should identify areas for new or enhanced waste management facilities in appropriate locations including giving priority to the re-use of previously developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.*
- 5.2.46 The proposal is located on a previously developed site which is derelict but has an existing Certificate of Lawful use for the storage and treatment of substrates such as peat, chipboard, manure, saw dust and green waste to be used in the production of growing media via composting operations.
- 5.2.47 *Paragraph 5 of sets out several criteria that Waste planning authorities should use to assess the suitability of sites and/or areas for new or enhanced waste management facilities. Assessment of the capacity of transport infrastructure to support sustainable movement of waste and resource recovery products is necessary.*
- 5.2.48 It is considered that the information contained within the Transport Assessment submitted as part of the application satisfies this requirement in that the capacity of the existing and potential transport infrastructure would support this sustainable movement of waste. No objections were raised by the Highways Agency or the Councils’ Highway Development Management team.
- 5.2.49 *Paragraph 6 recognises the need for planning authorities to look for suitable sites and areas outside the Green Belt and to consider the particular locational needs of some types of waste management facilities when preparing their Local Plan.*

- 5.2.50 The site is not within the Green Belt. The proposal is located on an existing waste management site and is suitable considering its remote location, former use as a Peat Works and the existing lawful use as a site for composting which exists.
- 5.2.51 *Paragraph 7 of the NPPW sets out several criteria that Waste Planning Authorities should consider when determining planning applications. These include (inter alia) conformity with an up-to-date Local Plan, consideration of the likely impact on the local environment and on amenity and ensuring that waste management facilities in themselves are well designed, so that they contribute positively to the character and quality of the area in which they are located.*
- 5.2.52 The proposal meets these criteria in paragraph 7. In particular, the company recognises that proposals for waste management facilities such as this can give rise to justifiable frustration with local communities but the Company has demonstrated that the proposal will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy.
- 5.2.53 Also, the waste management facility is well-designed and contributes positively to the character and quality of the area in which it is located.

Waste Management Plan for England – 2013

- 5.2.54 *The National Planning Policy for Waste (NPPW) refers to the Waste Management Plan for England as a document that sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.*
- 5.2.55 *The Plan outlines, on page 10, the current waste management situation and how the government is working toward a transformation from a throwaway society to a 'zero waste economy' in which material resources are reused, recycled or recovered wherever possible and only disposed of as the option of last resort.*
- 5.2.56 The proposal clearly supports this wider societal transition by enabling the recycling of wastes into soil improvers and fertiliser replacement.
- 5.2.57 *The Waste Management Plan, page 11, provides further explanation of the elements of the waste hierarchy and the benefits of its application, the dividends being economic as well as environmental.*
- 5.2.58 The proposal for a recycling facility at the former peat works is clearly in accordance with the aims and objectives of driving waste management up the waste hierarchy diverting waste from landfill to become a recycled product with the final product used as soil improver and fertiliser replacement.

5.3 The Development Plan

5.3.1 The Development Plan of relevance to the proposal consists of saved policies of the East Riding and City of Hull Joint Waste Local Plan which was adopted in 2004 and the East Riding Local Plan Strategy Document which was adopted in 2016.

East Riding and City of Hull Joint Waste Local Plan

5.3.2 The saved planning policies of relevance to the application are summarised below, alongside a statement of how the proposals conform with policy.

5.3.3 The Joint Waste Local Plan for Kingston Upon Hull and the East Riding of Yorkshire was adopted in November 2004. On the 9th November 2007 the Secretary of State directed that several policies in this Plan are saved and therefore the following policies set out below are particularly relevant to this Application:

5.3.4 *Policy W4 requires a developer to demonstrate that a sequential approach has been adopted in selecting a waste management site. The sequential approach for site selection is consistent with the NPPF and NPPW by supporting waste proposals on previously developed land.*

5.3.5 The proposed recycling facility at the former Peat Works 'brownfield' site accords with this policy as an existing waste management site.

5.3.6 *Policy W11 states that waste management development will not be allowed if it harms groundwater source protection zones, aquifers or surface waters.*

5.3.7 Groundwater pollution is prevented through the correct storage of any fuels, oils and chemicals associated with the proposals. No objections have been received by the following statutory bodies; Yorkshire Water Services the Environment Agency, Natural England, the Council's Lead Local Flood Authority and the Ouse and Humber Drainage Board.

5.3.8 *Policy W12 Waste management development will not be allowed in Areas of Erosion (shown on the Proposals Map) or outside Areas of Erosion if it is considered erosion may occur in the longer term.*

5.3.9 The proposals lie outside any Areas of Erosion as indicted on the Waste Plan Proposals Map.

5.3.10 *Policy W14 requires proposals to identify all trees, hedgerows and woodlands and distinguish those that will be removed from those to be retained or reduced, noting that those important to the landscape should be retained and those that are lost should be replaced.*

- 5.3.11 No trees, hedgerows and woodland would be affected by the proposal. The only loss of vegetation would be the overgrown scrub required to be removed with the re-profiling of the pond. Additional planting will replace and enhance this loss of vegetation.
- 5.3.12 *Policy W17 states that waste management development will not be allowed if it results in the loss of or damage to agricultural land, unless it satisfies the sequential approach of Policy W4, and even if it does, it will be resisted on higher quality agricultural land (Grades 1, 2 and 3a) unless there are sustainability reasons.*
- 5.3.13 The proposals are considered to satisfy the sequential approach set out in Policy W4 through the reuse of previously developed land.
- 5.3.14 *Policy W19 requires waste management development affecting sites of known or potential archaeological importance to be accompanied by an archaeological assessment.*
- 5.3.15 The proposal is not considered to affect any known archeological sites with no objections raised by Humberside Archeological Partnership.
- 5.3.16 *Policy W22 states that waste management development that would make significant use of road transport must demonstrate that reliance on rail or water transport is not feasible.*
- 5.3.17 The remote location of the proposal places reliance on the use of local road networks for transportation of the waste and recycled product. The Transport Assessment prepared on behalf of the application has considered and assessed all access routes.
- 5.3.18 *Policy W23 states that waste management development will be allowed if road traffic movements arising can be satisfactorily accommodated on the local road network and if impacts are acceptable.*
- 5.3.19 A Transport Assessment was undertaken by Local Transport Projects as part of the proposal which involved detailed discussions with the Council's Highway Development Management Team throughout the consideration of the Planning Application. Based on the assessments of the TA, it is considered that the proposed development should not have a significant impact on the operation of the local highway network. There are no highway objections to the proposal by either the Highways Agency or the Highways Development Management Team.

- 5.3.20 *Policy W24 requires any transport improvements necessary as part of a waste management development to be completed before the development is brought into use.*
- 5.3.21 There are no highway objections to the proposal by either the Highways Agency or the Highways Development Management Team. The latter requested improvement works along Reading Gate including additional Passing bays and localized carriageway widening within the existing verge. The company have agreed to undertake these works prior to the commencement of development.
- 5.3.22 *Policy W26 sets out requirements for the receiving of waste. Waste management facilities that do not contribute toward self-sufficiency of the Joint Plan Area will not be allowed unless a clear need for the development is demonstrated.*
- 5.3.23 The waste to be treated will be received from facilities both within and outside the Joint Plan Area. There is potential for waste to be accepted from a facility in Beverley within the Joint Plan Area.
- 5.3.24 *Policy W28 outlines the perimeters of materials recovery, anaerobic digestion and central composting development. Waste management facilities must be within the site of an established waste management facility, uses appropriate existing buildings or comply with the sequential approach in Policy W4.*
- 5.3.25 The proposed facility complies with all elements of Policy 28, utilising the existing buildings located on previously developed land comprising of the former Peat Works.

East Riding Local Plan Strategy Document

- 5.3.26 *Policy S1 mirrors the National Planning Policy Framework and states that the council will take a positive approach that reflects a presumption in favour of sustainable development.*
- 5.3.27 As evidenced within the National Planning Policy for Waste section of this statement, the proposed operations can be considered as sustainable development, being compliant with the aims and objectives of driving waste management up the waste hierarchy through diverting waste from landfill to become a recycled product.
- 5.3.28 *Policy S2 of the Local Plan states that development decisions will support a reduction in greenhouse gas emissions and adaptation to the expected impacts of climate.*
- 5.3.29 The proposal clearly supports a reduction in greenhouse gas emissions through enabling the diversion of waste from landfill to become a recycled product used as replacement fertiliser. The proposals contribute toward achieving national waste

recycling targets outlined within the Waste Management Plan for England. Furthermore, the beneficial use of waste materials as a replacement for manufactured fertilisers will result in a reduction of manufactured fertilisers which are manufactured via energy and carbon intensive processes (Haber–Bosch process)

- 5.3.30 *Policy S4 states that land outside of a development limit will be regarded as the countryside where identified forms of development will be supported where proposals respect the character of their surroundings. Conversion of buildings for economic development is supported.*
- 5.3.31 The proposal seeks to operate a waste management facility for the delivery of soil improvement products on the site of the former Peat Works. The rural location of the site enables the delivery of soil improvement products for arable land within the locality of the facility. The proposal involves conversion of the existing, derelict built form into a waste management facility for the recycling of waste.
- 5.3.32 *Policy EC1 (d) sets out the criteria for acceptable employment development outside of development limits where it is of an appropriate scale to its location and respects the character of the surrounding landscape. Proposals involving the expansion of an existing business and the conversion of an existing buildings are supported.*
- 5.3.33 The proposed waste management operations are considered an appropriate use outside of development limits given the sites former use as a Peat Works. The proposals respect the character of the locality through sensitive renovation of the existing buildings. The proposed tanks and bays to be erected reflect typical agricultural structures and are to be no greater in height than the existing buildings on site.
- 5.3.34 *Policy EC4 states that Development proposals should produce and agree a transport assessment and travel plan where a significant transport impact is likely and bring forward any necessary transport infrastructure to accommodate expect movement to and from the development.*
- 5.3.35 A Transport Assessment was undertaken by Local Transport Projects as part of the proposal.
- 5.3.36 *Policy ENV1 requires all development to be of high quality, respecting the character and appearance of the area through design, layout, construction and use and seeking to reduce carbon emissions and make prudent and efficient use of natural resources, particularly land, energy and water.*

- 5.3.37 The proposals support high quality design through renovation of the existing buildings which are currently in a state of disrepair. Proposed recycling operations at the site contribute toward reducing carbon emissions through driving waste management up the waste hierarchy and avoiding landfill.
- 5.3.38 *Policy ENV2 Development proposals should be sensitively integrated into the existing landscape and seek to protect and enhance landscape characteristics and features.*
- 5.3.39 The proposals do not affect any trees, hedgerows and woodland. There will be minimal loss of vegetation because of the proposal apart from the re-profiling work on the pond. None of the vegetation removed is important to the landscape, nature conservation and screening and will be replaced by additional planting.
- 5.3.40 *Policy ENV3 provides protection for heritage assets within the plan area through outlining the criteria with which they must be considered. The significance, views, setting, character, appearance and context of heritage assets, both designated and non-designated, should be conserved.*
- 5.3.41 There are no above ground designated heritage assets within the application site boundary. Humberside Archeological Partnership confirmed that checks of the Historic Environment Record indicate that the application does not appear to affect any known archeological sites.
- 5.3.42 *Policy EVV4 states that proposals likely to have an adverse effect on a National Site (alone or in combination) will only be permitted where the benefits of development clearly outweigh the impacts, and development resulting in loss or significant harm to a Local Site, or habitats or species supported by Local Sites, will only be supported if it can be demonstrated there is a need for the development in that location and the benefit outweighs the loss or harm.*
- 5.3.43 The Habitats Regulation Assessment prepared by Whitcher Wildlife as part of the application concluded that that the effects of the proposals can be screened out on the grounds of not having any impacts that could result in significant effects on the Thorne and Hatfield Moors SPA, Thorne Moors SAC, Humber Estuary SAC and Ramsar and Humber Flats, Marshes and Coast SPA. The proposals received no objections from Natural England or the Councils Nature Conservation and Ecology Office in relation to impact upon nearby designated sites.
- 5.3.44 *Policy ENV6 states that Environmental hazards, such as flood risk, coastal change, groundwater pollution and other forms of pollution, will be managed to ensure that*

development does not result in unacceptable consequences to its users, the wider community, and the environment.

- 5.3.45 The entire application site is situated within high risk flood zone 3. The proposed waste management development is classified as less vulnerable, a suitable form of development for this location. Groundwater pollution is prevented through the correct storage of any fuels, oils and chemicals associated with the proposals. No objections have been received by the following statutory bodies; Yorkshire Water Services the Environment Agency, the Council's Lead Local Flood Authority and the Ouse and Humber Drainage Board. The proposal is therefore considered acceptable, subject to imposition of planning conditions set out by the Ouse and Humber Drainage Board and included within the Statement of Common Ground.

6 REASON FOR REFUSAL

- 6.1.1 The application was refused, as stated in the Notice of Decision 27th June 2019, for the following reason:

“ The closest settlements to the proposed development are the villages of Eastoft (approximately 4km to the east), Crowle (approximately 4km to the south east) and Swinefleet (approximately 5km to the north) as well as the Town of Goole (approximately 7km to the North West). All are separated from the proposal by relatively open arable land in a quiet rural area. The associated traffic generation to transport approximately 100,000 tonnes of material imported to and exported from the site as well as the close proximity of the proposal to the previously mentioned settlements would have a detrimental impact on the quality of residential amenity due to large numbers of Heavy Goods Vehicles running in close proximity to houses and community facilities giving rise to noise, dust and odour upsetting the ambience of this quiet rural location.

The associated traffic generation by the proposed industrial development in the open countryside would have a detrimental impact on residential amenity. It does not therefore comply with policies W2 of the Joint Waste Local Plan, Part 4 B of policy ENV1 of the East Riding Local Plan as well as Part H and Part G to Appendix B of the National Planning Policy for Waste.”

- 6.1.2 The case against the reason for refusal is split into three separate sections below. Firstly, traffic generation in the open countryside, secondly noise, dust and odour impacts from traffic movements and thirdly, planning policy.

6.2 Point 1 - Traffic Generation in the open countryside

- 6.2.1 In addition to the Transport Assessment, which was undertaken as part of the Planning Application and included in the Supporting Statement, a Traffic Management Plan (TMP) has been prepared by Transport Consultants (LTP) which forms a key part of the evidence (Appendix C).

Traffic management plan

- 6.2.2 The TMP describes the local highway network and access arrangements and then demonstrates the minimal impact of the proposed traffic generation on the surrounding communities. Using the existing total traffic flow and proposed HGV figures, the envisaged increases in vehicle numbers as a proportion is less than 5%

which demonstrates that the impact of the development is not significant in traffic terms (Paragraph 4.7.2 TMP, Appendix C).

- 6.2.3 The TMP then sets out the appropriate traffic management procedures that will be implemented at the start of the site which are set out in detail in Section 5.3 below.
- 6.2.4 The TMP has used calculations of the projected trips generation for the proposed development to clearly demonstrate an insignificant impact on surrounding communities from the proposed generation of traffic.
- 6.2.5 Paragraph 4.7 and Table 7 of the TMP sets out the overall projected traffic impact and based on the figures in Table 7, a maximum of 78 two-way daily vehicle movements are expected to be generated by the proposal. The overall development traffic impact is expected to be minimal (less than 5% increase over existing) and therefore it is considered that the impact of the development is not significant in planning terms
- 6.2.6 The DfT has previously issued guidance that transport assessment of development impacts could be based on a threshold of “30 two-way peak hour* vehicle trips” (DfT, 2007a). This guidance acknowledged that this threshold was not to be applied rigidly, but rather that it provided “a useful point of reference from which to commence discussions”. (* our emphasis)
- 6.2.7 This national DfT guidance has now been superseded and replaced with the ‘National Planning Policy Framework’ (NPPF) (MHCLG, 2019) and its accompanying ‘Planning Practice Guidance’ (PPG) (DCLG, 2014). NPPF and PPG require that transport assessment is undertaken for “developments that generate significant amounts of movement”, although this is not defined. It is therefore acknowledged that there is no set threshold for assessment within the current national planning policy. In determining whether the development site is expected to have a material impact on the local highway network, the traffic projections for the development site have been compared against the current and previous Government Guidance.
- 6.2.8 In terms of staff trips, assuming no car sharing and all travel individually (worst case), staff are predicted to generate a maximum of 22 daily vehicle movements, with 11 vehicle arrivals between 07:00 and 08:00 and 11 vehicle departures in the PM peak hour (17:00-18:00). Combined with the projected daily HGV movements, between 72 and 78 movements per day are expected to be generated by the recycling facility which falls well below the typical threshold for traffic impact assessment of 30 two-way peak hour vehicle trips.

- 6.2.9 It should be noted that the site currently has a Lawful Use Certificate (Appendix A in Planning Application Supporting Statement) for use as a composting site, an activity which can generate significant levels of HGV movement potentially using non-sealed loads. There are also no restrictions on the number or timings of vehicles with the composting operation. The trip projections presented in this report represent a worst-case traffic situation as none of the potential existing consented HGV movements have been used to offset against the proposed new trips.
- 6.2.10 The majority of trips (90%) are expected to arrive/depart from the north of the site via the M62 Junction 36 and utilise the A161 to access Reading Gate. A new link road funded by the Homes and Communities Agency (HCA) and the European Regional Development Fund (ERDF), supported by ERYC and the Humber Local Enterprise Partnership (LEP) was opened in 2016. The road officially named Tom Pudding Way has been constructed to link the M62 motorway with the industrial/manufacturing businesses in the Goole area with the extents of the road shown in Figure 3 of the TMP. The link road has been specifically designed to accommodate HGV movements and therefore it is considered that Tom Pudding Way can adequately accommodate the low number of additional daily HGV movements expected to be generated by the recycling facility.

Impact on local settlements and Frontage development

- 6.2.11 The TMP has considered the impact on local settlements and frontage development along Old Goole and Swinefleet from the north on the A161 (90% of HGV traffic) and Eastoft and Crowle from the south of the A161 (10% of HGV traffic).

North (via the A161 and M62 Junction 36):

Goole

There are a number of industrial properties within the built-up extents of Goole that are indirectly served via the A161. Based on the information provided by the Client, up to 50 daily HGV movements would be expected to travel on Tom Pudding Way through Goole. This is a new link road supported by East Riding of Yorkshire Council and the Humber Local Enterprise Park to link the M62 with the industrial/manufacturing businesses in the Goole area, and with the A161 continuing to the south, specifically designed to accommodate HGV movements.

Old Goole

- 6.2.12 From a search of the Royal Mail's Postcode Finder search, there are approximately 100 residential and commercial properties in Old Goole which have direct frontage to the A161. Based on the routing information provided by the Client, up to 50 daily HGV movements are expected to travel through Old Goole. Mitigation measures are set to be implemented in order to minimise noise, dust and odour impacts of the HGV's, as outlined in Section 5.3 of this SoC.

Swinefleet

- 6.2.13 There are approximately 84 properties (36 Kings Causeway & 48 Low Street) in the village extents of Swinefleet which have direct frontage to the A161 and are predominantly residential in nature, although it is acknowledged that Swinefleet Primary School is accessed directly via the A161. Based on the routing information provided, up to 50 daily HGV movements are expected to travel through Swinefleet village which represents an approximately 50% increase in HGV movements and 3.5% of all vehicles. However, it should be noted that no HGVs would arrive/depart the site during school opening and closing times and mitigation measures are also set to be implemented in order to minimise noise, dust and odour impacts, as outlined in Section 5.3 of the SoC.

South (via the A161 and M180 Junction 2):***Eastoft***

- 6.2.14 There are approximately 66 properties (19 Yorkshire side, 12 Sampson Street and 35 Crowle Road) in Eastoft village which have direct frontage to the A161 and are predominantly residential in nature, although it is acknowledged that Eastoft C of E Primary School is accessed directly via the A161. Based on the information provided by the Client, up to 6 daily HGV movements would be expected to travel through Eastoft village which is an increase of approximately 0.4% all vehicles and 6.1% in HGV movements. No HGVs would arrive/depart the site during school opening and closing times (as discussed further in Section 5.3 of the SoC).

Crowle

- 6.2.15 There are approximately 248 commercial/residential properties (56 Eastoft Road, 102 High Street, 11 Woodland Avenue and 79 Wharf Road) in Crowle village which have direct frontage to the A161, although it is acknowledged that Axholme Academy is accessed directly via the A161. Based on the information provided, up to 6 daily HGV

movements would be expected to travel through Crowle village which is an increase of approximately 0.4% all vehicles and 6.1% in HGV movements. No HGVs would arrive/depart the site during school opening and closing times (as discussed further in Section 5.3 of the SoC).

- 6.2.16 The TMP concludes in Paragraph 4.9.2 that the development would not be expected to have a detrimental impact on residential amenity due to the low level of daily HGV movements that would travel through the villages of Old Goole, Swinefleet, Eastoft and Crowle respectively. As previously agreed with ERYC Highways, a number of measures are proposed to mitigate the impact of the development on the local villages of Old Goole, Swinefleet, Crowle and Eastoft. Furthermore, the site currently has consent for use as a composting facility which is an activity that has the potential to generate similar levels of HGV movement to the proposed recycling facility.

Reading Gate

- 6.2.17 Vehicular access to and from the site will be provided via the existing access junction from Reading Gate which served the former peat works. Reading Gate is an unclassified road which is a two-way single carriageway that runs in a general north-south alignment and is subject to a derestricted (60mph) speed limit. The road has a mostly straight alignment, apart from a dog-leg section, approximately 260m north of the existing site access. Details of the route, including photographs are set out in Chapter 3 of the TMP (Appendix C).
- 6.2.18 During the discussions with LTP (traffic consultants) and the Highway Development Management Team in the consideration of access routes to the site from the A161 it was acknowledged by both parties that the preferred route was along Reading Gate which is a two way single carriageway for the majority of its length.
- 6.2.19 There are seven signed passing places currently provided between the Reading Gate/King's Causeway (A161) junction and the existing site access. In addition to this, there are five informal passing places formed from wide, surfaced, existing accesses or from marginal verge widening which has taken place previously. Vehicle swept path assessment provided as part of the TA (LTP, 2018) has determined that these can readily be utilised by large vehicles in order to pass. However, some improvement works on Reading Gate at the applicant's cost have been identified between the company and ERYC Highways in order to facilitate additional locations for HGVs passing.

6.2.20 The Reading Gate improvement works drawings (ref: LTP 3295/C1/02/01 to LTP/3295/C1/02/06) are provided in Appendix 2 of the TMP (Appendix C) with a summary of the proposed works outlined below :

- Widening works on Reading Gate at the junction with the A161 (Location A);
- Three new passing places (location B,C and E); and
- Carriageway widening (Location D)

6.2.21 The agreed improvements have taken into consideration the presence of existing formal (signed) and informal passing places, the spacing and inter-visibility of the passing places for drivers of HGVs, the physical requirements, available verge width to carry out any improvements and swept path assessments for two large vehicles meeting on the route

6.2.22 In conjunction with the above, it has also been agreed that the existing flag direction signing indicating “Peat works” will be updated at the Reading Gate/King’s Causeway junction, and at the Crossmoor Bank junction, to ensure that any drivers unfamiliar with the site use the recommended access route via Reading Gate. The proposed signing scheme (Ref: LTP/3295/TS/01.01 REV C and LTP/3295/TS/01.02 REV A) is attached in Appendix 3 of the TMP (Appendix C)

6.2.23 The staggering of arrivals and departures of HGVs at the site as outlined in Section 5.2 of the TMP will also minimise the possibility of passing vehicles.

6.2.24 The Transport Assessment (paragraph 3.1.2) confirmed that a large section of Reading Gate which has recently been re-surfaced by ER Council between the junction with the A161 and the Quart lane crossroads following a period of increased vehicle use during the recent highway improvement scheme on the A161. During the consideration of the Planning Application, in the discussions with the Highways Development Management Team, it was agreed that that a Section 106 Agreement will be entered into between the Council and the Applicant, with the Applicant paying a yearly contribution of £5,000 towards the maintenance of Reading Gate. The draft Section 106 Agreement is attached as Appendix D. The Applicant is prepared to enter the Section 106 Agreement if the Council is prepared to sign the document prior to the determination of the Appeal.

Highway consultee response

6.2.25 The Consultee response of the Council Highway Development Management Team is attached as Appendix E. The concluding paragraph of the response states “the application should not raise any significant road safety implications and consequently

meets with the criteria set down in the NPPF that states development shall only be refused or prevented on transport grounds where the residual cumulative transport impacts of development are severe. This is not the case with this proposal. Also, the Highway Agency have not objected to this application.

Industrial development

- 6.2.26 With regard to the reference of “industrial development” in the reason for refusal, the application site is situated within an existing waste management site and will re-use existing buildings, hardstanding and infrastructure on site (Paragraph 7.5 of the Council’s officer Committee Report). A Certificate of Lawful Development (reference 05/06145/CLP) was issued in October 2005 for storage and treatment of substrates and production of compost. There are currently no restrictions in planning terms regarding the amount of material composted as the site, hours of operation or associated network movements. This represents the “fall-back” position at this site if Planning permission is not granted for the recycling facility.
- 6.2.27 Originally, the site was used in connection with the Swinefleet Peat Works as a peat processing and packaging plant with associated storage. At its height, between 250,000 to 300,000m³ of material was processed annually generating 28,000 HGV movements per annum. A letter from the Peat Supply Manager of the Scotts Company (UK) Ltd in July 2001 sets out the total lorry movements to and from the Swinefleet works at that time. There was an average of 175 HGV movements per week. This letter is attached as Appendix F.
- 6.2.28 It is proposed as part of this proposal that a maximum of 100,000 tonnes would be imported and exported generating 16,000 HGV movements (8,000 in and 8,000 out) with a worst-case scenario of 28 daily two-way HGV movements. Based upon an 11-hour working day, this equates to between 2-3 two-way HGV movements per hour.
- 6.2.29 The above analysis shows that the increase in traffic to and from the appeal site will not be significant and would avoid peak hours when school children are being dropped off and picked up. Generally, the same haulier’s bring materials to site from the same production sites so after delivering the first load of the day they would then return and collect a second load. The TMP (Appendix C) will be implemented to ensure that the site receives deliveries throughout the day rather than all deliveries arriving in the first hour. In any case, this would not be efficient for the company or the haulage vehicles bringing material into the site. Furthermore, if Planning Permission is granted, this will be a new merchant facility and so it will take time to build up to the maximum proposed tonnage. Initial operations will be low key which will allow the traffic

management measures to be fully introduced and monitored at the beginning of the scheme before the site becomes fully established.

Countryside

- 6.2.30 Reference is made in the reason for refusal to the associated traffic generated by the proposal in the open countryside which would have a detrimental impact on residential amenity.
- 6.2.31 However, no reference is made in the refusal notice to Policy S4 of the East Riding Local Plan (ERLP) which considers land outside of the development limit which should be regarded as countryside. The site lies within the countryside but the proposal fully complies with this policy which supports the conversion of buildings for economic development as well as employment use with Policy EC1 of the ERLP. The fact that the recycling facility is located in the open countryside in this area should be considered as beneficial in accordance with Paragraph 170 of the NPPF which states that Planning Policies and decisions should contribute to and enhance the natural environment with the protection and enhancement of soils. This proposal is supportive of this principle and a countryside location is considered appropriate for the immediate delivery of replacement fertilisers which will protect and enhance soils.
- 6.2.32 Currently, the large arable farms in this locality have to import large quantities of fertilisers which involve HGV vehicles. The recycling facility at the former Peat works will reduce the requirement for the importation of these products.
- 6.2.33 The Company have produced a note on East Yorkshire Soils which is attached to this statement as Appendix G. This note explains that one of the key challenges facing the UK agricultural industry at present is the declining amount of soil organic matter in arable soils. The site is located in the heart of East Yorkshires prime arable production region. The fields surrounding the site rarely have animals present in them meaning that most farms don't have a source of organic matter from their own livestock. The site is surrounded by over 15,000 hectares of accessible arable land within a 5-mile radius. Census data from 2016 shows that over 109,000 hectares of cereals were grown in the East Riding of Yorkshire and Humber with a further 35,000 hectares in neighbouring countries of North East and North Lincolnshire (see Appendix G).
- 6.2.34 The fertilising properties of the products produced from the recycling operation are widely recognised in the agricultural sector. This saving to the agricultural community relates to savings in fertiliser and leads to the replacement of manufactured Nitrogen fertiliser and the mining of phosphate minerals.

Point 1 Conclusions

- 6.2.35 The majority of trips (90%) are expected to arrive/depart from the north of the site via the M62 Junction 36 and utilise the A161 to access Reading Gate. A new link road funded by the Homes and Communities Agency (HCA) and the European Regional Development Fund (ERDF), supported by ERYC and the Humber Local Enterprise Partnership (LEP) was opened in 2016. The road officially named Tom Pudding Way has been constructed to link the M62 motorway with the industrial/manufacturing businesses in the Goole area with the extents of the road shown in Figure 3 of the TMP. The link road has been specifically designed to accommodate HGV movements and therefore it is considered that Tom Pudding Way can adequately accommodate the low number of additional daily HGV movements expected to be generated by the recycling facility.
- 6.2.36 The TMP concludes in Paragraph 4.9.2 that the development would not be expected to have a detrimental impact on residential amenity due to the low level of daily HGV movements that would travel through the villages of Swinefleet, Eastoft and Crowle respectively. As previously agreed with ERYC Highways, a number of measures are proposed to mitigate the impact of the development on the local villages. Furthermore, the site currently has consent for use as a composting facility which is an activity that has the potential to generate similar levels of HGV movement to the proposed recycling facility.
- 6.2.37 Improvement works on Reading Gate at the Company's cost have been identified by ERYC Highways in order to facilitate HGVs passing in some places. The agreed improvements have taken into consideration the presence of existing formal (signed) and informal passing places, the spacing and inter-visibility of the passing places for drivers of HGVs, the physical requirements, available verge width to carry out any improvements and swept path assessments for two large vehicles meeting on the route. It was also agreed with ERYC Highways that annual financial contribution of £5,000 towards the maintenance of the local roads in the area would be provided.
- 6.2.38 The proposed location of the facility within the East Yorkshire prime arable production region represents a sustainable countryside location in terms of the delivery of an important source of soil organic matter.
- 6.2.39 Based on the Transport Assessment and the TMP it is considered that the proposed development should not have a significant impact on the operation of the local highway network. No objections have been raised by the Highways Agency or the Council's Highway Development Management Team.

6.3 **Point 2 - Noise, dust and Odour impacts on amenity from Traffic Movements**

6.3.1 Notwithstanding the insignificant impact of the HGV movements to and from the site, it is proposed to include the following measures within the TMP for HGV vehicles travelling to and from the site to further reduce the noise, dust and odour impacts of HGV movements:

a) The company propose to restrict working hours to between:

7:00 to 19:00 Monday to Friday

7:00 to 13:00 Saturday

No operations on Sundays or Bank Holidays. During the peak summer season, the company would welcome the flexibility to export soil products to adjacent farmland via agricultural machinery outside of the above hours;

b) It is proposed that no HGV's will be allowed to leave the site during the opening and closing hours of Swinefleet School (i.e. 8:30 am to 9:00 am and 3:00 pm to 3:30 pm) , Eastoft primary School and Axholme Academy. These times could be varied subject to the school requirements;

c) As part of the TMP, it is proposed that all HGV's visiting the site from the M62 will be asked to park up in the service area off Junction 36 of the M62 to avoid travelling through the village during the opening and closing hours of Swinefleet School;

d) There will be a site induction for all HGV drivers using the site reminding them to be courteous to other road users when travelling to and from the site;

e) If any driver incurs three warnings for breaches of the TMP then the driver will be banned from site;

f) The same hauliers will bring deliveries to the site from the same production site. Therefore, after delivering the first load the driver will return to the production site to pick up the second load, ensuring a steady flow of vehicles during the day and staggering delivery times;

g) Liquids will be transported in sealed tankers and solid materials in sheeted/covered vehicles with sealed doors to prevent spillage and odours. All vehicles will be washed out when switching between different products;

- h) Annual Highway Maintenance Contribution of £5,000 will be made by the company which will allow carriageway repairs on road surface to minimize noise from HGV movements along Reading Gate.
- 6.3.2 All of these measures are included within the TMP which will remain in force throughout the operation of the site. All hauliers transporting materials to permanent or temporary storage areas have to be registered waste carriers using suitable vehicles that adequately cover and contain the biosolids to avoid spillage and minimise odour nuisance (Controlled Waste Regulations Code of Practice).
- 6.3.3 As well as their own vehicles, a number of hauliers used by the company have been contacted regarding the issue of complaints on residential amenity during the transportation of biosolids and other similar materials. None of the hauliers had received any complaints with regard to noise, dust and odour. A letter from Clwyd Transport Services Ltd is attached as Appendix H and a letter from Henzell Enterprises Ltd as Appendix I. The letters confirm that no complaints have been received with regard to the transportation of biosolids.
- 6.3.4 Furthermore, Clwyd Transport Services confirm that in order to minimise impacts to other road users and neighbours, their current specification vehicles have 5'8" high aluminium bodies equipped with a side to side electrically operated sheeting system, sealed watertight tailboards and on board weighing equipment to measure the weight of material being loaded. This specification eliminates any potential spillage due to vehicle sides not being high enough to contain the biosolids and the tailboard seal and sheeting system seal the vehicle apertures where the loading and offloading is undertaken.

Biosolids Assurance Scheme

- 6.3.5 The Biosolids Assurance Scheme (BAS) has been prepared by the Assured Biosolids Ltd in consultation with water industry. The BAS, in conjunction with aspects of the Audit protocol, provides the basis of the Standard that will be used to audit Scheme Applicants and Scheme Members.
- 6.3.6 Scheme Applicants, like the company, that treat sewage sludge and recycle it to agricultural land on behalf of the sludge producer. Scheme Applicants and Scheme Members are not only responsible for meeting the standards on source materials, treatment, **transport** (emphasis added) and storage for biosolids, but also for soil testing and biosolids application to agricultural land.

6.3.7 The BAS Standard (Issue No.4 November 2017) page 17 makes reference that loads should be covered to minimise risk of spillage and odours (Appendix J). At present all of the water companies are accredited under the BAS scheme and as such ensure all their contractors (including the company) comply with the requirements of the scheme.

4R Group

6.3.8 The 4R Group is currently responsible for recycling 750,000 tonnes of waste *per annum* diverting waste from landfill and incineration across England and Wales. The 4R Group transport, process and spread the wastes to land in accordance with our ISO accredited operating procedures and regulated by environmental permits.

6.3.9 The Group operate across approximately 500 farms, receiving and spreading waste materials for agricultural benefit or environmental and ecological improvement. Five of the Group's permits are rated as compliance band A – leading to a 5% reduction in our regulatory fees as we are classed as a low risk operator. One of the Group's permits has a compliance band rating of B. For this the operator pays 100% of the regulatory fees as it rates us as a good operator. Permit holders are charged a percentage more than the 100% regulatory fee if their compliance band rating falls to C or lower as they would be considered 'higher risk'. Regulatory fees are proportionate to how good an operator is.

Public Protection Consultee response

6.3.10 The Consultee response of the Public Protection Team (PPT) to the Planning Application is attached as Appendix K. There is no objection to the operation of the waste recycling facility. One condition is requested regarding delivery times to and from the site which the Applicant has accepted and is prepared to extend to avoid HGV movements during school opening and closing times.

6.3.11 The PPT in their response state that they are familiar with the site due to a history of being notorious fly tipping area and acknowledge the efforts of the applicants in placing concrete blocks on the site entrance to prevent more fly tipping occurring. Other anti-social activities have taken place over a number of years at the site. Now that the applicants have recently acquired the ownership of the site, they are proposing to undertake further security measures at the site to avoid a re-occurrence of these anti-social activities.

Point 2 - Impacts on Amenity Conclusions

- 6.3.12 Notwithstanding the insignificant impact of the HGV movements to and from the site with regard to noise, dust and odours, the proposed measures set out in Paragraph 5.3.1 within the TMP further reinforce the fact that harm to residential amenity by HGV's is likely to be minimal.
- 6.3.13 All hauliers transporting biosolids to permanent or temporary storage areas have to be registered waste carriers using suitable vehicles that adequately cover and contain the biosolids to avoid spillage and minimise odour nuisance (Controlled Waste Regulations Code of Practice). This is further regulated by members and operators of the Biosolids Assurance Scheme who are responsible for meeting the appropriate standards for transporting biosolids.
- 6.3.14 A number of haulage operators used by the Applicant have been contacted and there have been no complaints of noise, dust and odour received during the transportation of biosolids
- 6.3.15 The applicant and its contractors have a good track record in the operation of their treatment facilities with a good compliance record in the operation of their Environmental Permits.
- 6.3.16 No objections to the proposal have been received from any of the statutory consultees including the Council's Environmental Protection Team.

6.4 Point 3 - Planning Policy

- 6.4.1 The following policy references have been used in the reason for refusal notice with regard to the associated traffic generation by the proposed development which would have a detrimental impact upon residential amenity.

Joint Waste Local Plan for Kingston Upon Hull and the East Riding of Yorkshire November 2004 – Saved Policy W2 part i)

- 6.4.2 Policy W2 states that "*development complying with specific policies of the Joint Waste Local Plan will be allowed if detailed planning considerations are acceptable. Detailed Planning Considerations include i) impact on local amenity.*"
- 6.4.3 A comprehensive assessment of national and local planning policy and guidance has been undertaken in Section 4 of this SoC. It is clear in my opinion that the proposal is in accordance with these policy tests. The reason for refusal does not make any reference to the impact on amenity of the operation of the recycling facility on the appeal site. There are no objections from the statutory consultees on any grounds with national and local planning policy supporting the principle of development. The

matter of dispute relates to impact on residential amenity from the associated traffic generation to and from the site.

- 6.4.4 The LTP has considered the number of vehicle movements, the routes that the vehicles will take and the potential impacts of noise, dusts and odours from the HGV movements and has concluded that the development would not be expected to have a detrimental impact on residential amenity due to the low level of daily HGV movements that would travel through Old Goole and the villages of Swinefleet, Eastoft and Crowle respectively (paragraph 6.1.7). I agree with these conclusions.
- 6.4.5 King's Causeway (A161) is a two-way single carriageway located to the north of the proposed development site, which provides strategic connection to/from the M62 to the north-west and M180 to the south. The A161 runs between Goole and Beckingham in Nottinghamshire where it connects with the A631. For the most part it is subject to a derestricted (60mph) speed limit, however approximately 140m east of the junction with Reading Gate, the speed limit reduces to 30mph. A strategic "A" road route which connects two motorways would expect HGV movements along its route.
- 6.4.6 It is acknowledged that the movement of HGV's will travel through Old Goole and the villages of Swinefleet, Eastoft and Crowle but the mitigation measures set out in Chapter 5.3 of this SoC reflects the importance on how 4R wish to operate the site and become a good neighbour which is in complete contrast to the anti-social activities which have been taking place at this site in recent years before the company acquired the site. Therefore, rather than diminish the overall character or enjoyment of this area, if permitted the site will deliver a recycling facility that accords with key government objectives set out in the NPPF by utilizing previously developed land, supporting the rural economy, diverting waste away from landfill and producing a valuable product for soils directly replacing chemical fertilisers to be spread on agricultural land in an environmentally acceptable way.
- 6.4.7 This proposal does not conflict with any element of Policy W2 of the Joint Waste Local Plan for Kingston Upon Hull and the East Riding of Yorkshire.

East Riding Local Plan Strategy Document 2016- Policy ENV1 part B4

- 6.4.8 *Policy ENV1 part A requires all development to be of high quality, respecting the character and appearance of the area through design, layout, construction and use and seeking to reduce carbon emissions and make prudent and efficient use of natural resources, particularly land, energy and water.*

Part B states that development will be supported where it achieves a high quality of design that optimizes the potential of the site and contributes to a sense of place. This will be accomplished by (inter alia) :

4. having regard to the amenity of existing or proposed properties

- 6.4.9 The proposal is consistent with the Development Plan for East Riding which consists of the East Riding and City of Hull Joint Waste Local Plan (2004) and the East Riding Local Plan Strategy Document (2016). The proposal has received no objections from statutory consultees with regard to impact upon residential amenity or the environment. Noise and air pollution emanating from the operations at the Recycling facility would be satisfactorily controlled. Odours will be effectively controlled through a comprehensive Odour Management Plan (OMP), which must be approved by the Environment Agency before operations commence.
- 6.4.10 This policy states that development will be supported where it achieves a high quality of design that optimizes the potential of the site and contributes to a sense of place. This will be accomplished having regard to the amenity of existing or proposed properties.
- 6.4.11 If Planning Permission is granted for the recycling facility the visual appearance of the buildings will be improved and made secure.
- 6.4.12 Improvements to the landscape in terms of tree planting and increasing the size of the water body which in the short term will enhance the ecological and visual interest in this part of the site.
- 6.4.13 The site at present is in a dilapidated state with anti-social activities taking place causing nuisance and a detrimental impact on the amenity of properties along Reading Gate from vehicles travelling to and from the site. The proposed improvements to the building and utilizing the site as a recycling facility will optimize the potential for the site and, in my view, contribute to a sense of place.
- 6.4.14 The impact on amenity of existing and proposed properties of dust, odour and noise from HGV movements has been considered in Section 5.3 of this Statement of Case, where it was concluded that harm to residential amenity will be minimal.
- 6.4.15 If policy ENV1 is considered as a whole it is my view that the proposed is compliant with all relevant elements, particularly part A1 and part A2 of the Policy.
- 6.4.16 Part A1 of the policy states that development proposals will contribute to safeguarding and respecting the diverse character and appearance of the area through

their design, layout, construction and use. The proposal will assist in safeguarding the buildings and land whilst respecting the character and appearance of the area.

- 6.4.17 Part A2 seeks to reduce carbon emissions and make prudent and efficient use of natural resources, particularly, land, energy and water. Although it is accepted that HGV movements to the site will result in carbon emissions, the transfer of these waste materials would have to take place and would result in material being transferred directly to landfill sites. This proposal would recycle these waste materials, avoid landfill and provide soil, organic matter and/or lime which benefits soil PH. Everything recycled to land or agricultural fertiliser directly replaces use of chemical and synthetic fertilisers. Therefore, reducing the consumption of natural resources.

Point 3 – Development Plan Conclusions

- 6.4.18 The proposal will result in improvements to the appearance and use of the existing buildings. The proposed bays and tanks are considered as “agricultural type” structures and would be in keeping with the locality.
- 6.4.19 All products from the facility will be recycled to land as agricultural fertiliser, directly replacing use of chemical and synthetic fertilisers. Therefore, reducing the need for natural resources.
- 6.4.20 The movement of HGV’s as a consequence of this proposed through Old Goole, Swinefleet, Eastoft and Crowle will not diminish the sense of place and will not impact on the amenity of existing and proposed properties.

National Planning Policy for Waste Appendix B Part G (air emissions including dust) part H (odours)

- 6.4.21 In testing the suitability of sites in determining planning applications, Waste Planning Authorities should consider a number of locational criteria including part G (air emissions, including dust) and part H (odours).
- 6.4.22 Section 5.2 and 5.3 of the Statement of Case have clearly set out that the impact of dust and odour upon residential amenity of the traffic generated by the proposal will be minimal.
- 6.4.23 The Council’s Public Protection Team have not raised any objection and the Environment Agency Permit will regulate emissions coming from the site. The proposed measures set out in the TMP will further reduce the impact on amenity of HGV’s travelling to and from the site.

Point 3 – National Planning Policy Conclusions

- 6.4.24 The proposal has been considered against the National Planning Policy for Waste as part of the Statement of Case (paragraphs 4.2.37 to 4.2.49) and, in my opinion, is clearly in compliance with this national guidance.

7 OTHER MATTERS

Planning Committee Meeting 20th June 2019

- 7.1.1 The application was considered at the East Riding of Yorkshire Council Planning Committee meeting on the 20th June 2019. The application was recommended for approval subject to the Applicant entering into a Section 106 Agreement to make an annual contribution of £5,000 for the maintenance of Reading Gate. The elected Members did not follow the Officer recommendation for approval and refused the application by 7 votes to 5.
- 7.1.2 The debate to consider the application was, in my view, unprofessional and chaotic. The local member, who was on the Planning Committee, declared that she had not come to a view on the Planning Application despite submitting a letter of objection to the application in December 2018. This is a clear case of predetermination and bias. The Member who proposed the motion to refuse the application quoted a number of planning policies during the debate but when questioned by officers, could not explain how the proposal conflicted with these policies. When asked for clarification of the conflict in policy by the Head of Planning, the Member stated that “she didn’t understand planning policies!”.
- 7.1.3 As discussed, the consideration of the Planning Application by Members was very disappointing and reflected the fact that around half of the Committee are new Members. However, the Company has demonstrated that the proposal will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy.
- 7.1.4 The Local Government Association endorses the good practice of many councils which ensures that their councillors receive training on planning when first appointed to the planning committee or local plan steering group, and regularly thereafter. We question the efficacy of the Council to undertake a robust decision-making process.

8 OVERALL CONCLUSIONS

- 8.1.1 I have examined the reason for refusal in the Decision Notice issued for the proposal.
- 8.1.2 In my view, I can see no evidence to support the view that the associated traffic generation of the proposal in the open countryside would have a detrimental impact on residential amenity.
- 8.1.3 The majority of trips (90%) are expected to arrive/depart from the north of the site via the M62 Junction 36 and utilise the A161 to access Reading Gate. A new link road funded by the Homes and Communities Agency (HCA) and the European Regional Development Fund (ERDF), supported by ERYC and the Humber Local Enterprise Partnership (LEP) which was opened in 2016. The road officially named Tom Pudding Way has been constructed to link the M62 motorway with the industrial/manufacturing businesses in the Goole area. The link road has been specifically designed to accommodate HGV movements and therefore it is considered that Tom Pudding Way can adequately accommodate the low number of additional daily HGV movements expected to be generated by the recycling facility.
- 8.1.4 The TMP concludes in Paragraph 4.9.2 that the development would not be expected to have a detrimental impact on residential amenity due to the low level of daily HGV movements that would travel through the villages of Old Goole, Swinefleet, Eastoft and Crowle respectively.
- 8.1.5 Improvement works on Reading Gate at the Company's cost have been identified in order to facilitate HGVs passing in some places. The agreed improvements have taken into consideration the presence of existing formal (signed) and informal passing places, the spacing and inter-visibility of the passing places for drivers of HGVs, the physical requirements, available verge width to carry out any improvements and swept path assessments for two large vehicles meeting on the route. It was also agreed with ERYC Highways that annual financial contribution of £5,000 towards the maintenance of the local roads in the area would be provided.
- 8.1.6 No objections to the proposal have been raised by the Highways Agency or the Council's Highway Development Management Team.
- 8.1.7 There is no evidence to support the view that the movement of HGV's to and from the site will give rise to noise, dust and odour impact upsetting the ambience of this rural location. Notwithstanding the lack of evidence, the proposed measures set out in Paragraph 5.3.1 of the TMP will further reinforce the fact that harm to residential amenity by HGV's is likely to be minimal.

- 8.1.8 All hauliers transporting biosolids to permanent or temporary storage areas must be registered waste carriers using suitable vehicles that adequately cover and contain the biosolids to avoid spillage and minimise odour nuisance (Controlled Waste Regulations Code of Practice). This is further regulated by members and operators of the Biosolids Assurance Scheme who are responsible for meeting the appropriate standards for transporting biosolids.
- 8.1.9 A number of haulage operators used by the Applicant have been contacted and there have been no complaints of noise, dust and odour received during the transportation of biosolids
- 8.1.10 The applicant and its contractors have a good track record in the operation of their treatment facilities with a good compliance record in the operation of their Environmental Permits.
- 8.1.11 No objections to the proposal have been received from any of the statutory consultees including the Council's Environmental Protection Team.
- 8.1.12 A full audit of national and local planning policy has been undertaken with regard to the proposal and is set out in Chapter 4 of this SoC. It is my view that the proposal is compliant with the aims and objectives of this policy and guidance. In particular, it is considered that the proposal meets and accords with key government objectives set out in the NPPF by utilising previously developed land, supporting the rural economy, diverting waste management up the waste hierarchy away from landfill, producing a valuable product for soils directly replacing chemical fertilisers to be spread on agricultural land which can be carried out in an environmentally acceptable way.
- 8.1.13 The proposed location of the facility within the East Yorkshire prime arable production region represents a sustainable countryside location in terms of the delivery of an important source of soil organic matter
- 8.1.14 The proposal will result in improvements to the appearance and use of the existing buildings. The proposed bays and tanks are considered as "agricultural type" structures and would be in keeping with the locality. The existing anti-social activities on the site would be eliminated
- 8.1.15 The site currently has the benefit of a Certificate of Lawful Development which allows the storage and treatment of a range of substrates for composting purposes. With regard to the composting operations, there are currently no restrictions in planning terms, regarding the amount of material which could be processed at the site, the hours of operation or associated vehicle movements. This represents the "fall-back"

position at this site. The recycling operation, if permitted would operate under a set of up to date modern planning conditions.

8.1.16 Therefore, it is respectfully requested that Planning Permission is granted for this proposal.