

APPLICATION NO	PA/2009/0325
APPLICANT	Barton Cliff Quarry Limited
DEVELOPMENT	Planning permission for use of land for the recovery and recycling of materials brought onto the site for landfill
LOCATION	Barton Cliff Quarry, Far Ings Lane, Barton upon Humber
PARISH	BARTON UPON HUMBER
WARD	Barton upon Humber
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton-upon-Humber Town Council

POLICIES

North Lincolnshire Local Plan: Policy W1 (Applications for Waste Management Facilities) sets out criteria which state that proposals for waste management facilities will only be permitted if it can be demonstrated that:

- the proposed site has adequate access and the local road network and/or other transport facilities can accommodate the anticipated traffic;
- the siting, design and landscaping of the development are of the highest practicable standard;
- the engineering design of the development is technically feasible and accords with current best practice;
- provision will be made for gas and leachate control systems;
- measures are included to prevent unacceptable visual and other amenity aspects;
- the development includes measures to ensure there are no unacceptable ecological or archaeological impacts and no significant risks of pollution or danger to public health or safety;
- adequate restoration and aftercare management of the development is included; and
- there would be no adverse cumulative environmental effects.

Policy W2 (Groundwater Protection) – proposals for waste management facilities will only be permitted where they will not adversely affect groundwater protection zones, watercourses, lakes, ponds and reservoirs.

Policy W6 (Transportation of Waste) – proposals involving the transportation of waste by road will not be permitted where the potential for rail and river transportation exists.

Policy W9 (Handling of Waste) – proposals for the use of land and the erection of buildings for the recycling, transfer, storage and other treatment of waste will be permitted providing that:

- the site is located near to the likely sources of waste and/or the markets for the recycled materials;
- the site is located within an existing industrial site or on land which is permitted or allocated for industrial development, or within an area of land that has already been disturbed by permanent development;
- the proposal will not give rise to unacceptable impacts on local communities or the environment.

Policy LC4 (Development Affecting Sites of Local Nature Conservation Importance) states that any development or land use change which is likely to have an adverse impact on a local nature reserve, a site of importance for nature conservation or a regionally important geological site will not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation value of the site or feature. In all cases where development is permitted which may damage the nature conservation value of the site, such damage shall be kept to a minimum. Where development is permitted the use of conditions to ensure the protection and enhancement of the site's nature conservation value and other appropriate compensatory measures will be considered.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

CONSULTATIONS

Highways: No objections.

Environment Agency: No objections subject to conditions.

Lincolnshire Wildlife Trust: Object on the grounds that they are not satisfied that the proposed development would have no adverse impact on Far Ings Nature Reserve and the

Humber Estuary SPA, Ramsar site and SSSI, and important and protected habitats and species.

Natural England: No objection subject to conditions.

TOWN COUNCIL

Object on the grounds that the proposal will have a detrimental environmental impact on the area and that the proposal will lead to road safety issues as the road used to access the quarry is unsuitable for commercial vehicles.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. Letters of objection have been received on the following grounds:

- Far Ings Lane is too narrow and unsuitable for heavy goods vehicles. The roads in the area are narrow and an increase in vehicles will create a road safety hazard.
- The lorries travelling to and from the site will cause damage to the road and grass verges in the area.
- Loose debris from vehicles carrying waste is a common problem.
- The applicant cannot demonstrate a legal right of access to the site.
- While being used as a landfill there were numerous breaches of planning restrictions – will any restrictions put in place on this application be obeyed?
- The increase in lorries to the site will result in noise, dust and disturbance to neighbouring properties.
- The machines used for the recycling of the waste will result in noise disturbance to neighbours.
- Recycling a percentage of waste brought onto the site will allow more to be brought to the site overall and this constitutes an intensification of use.
- It is unclear as to whether the impact on wildlife has been considered as required in such a sensitive location.
- Existing landfill use is manageable, however the proposal represents an unacceptable increase in industrial processes on the site with large machinery undoubtedly becoming a fixture; this will affect the intrinsic nature conservation value of the site.
- The proposal will lead to disruption of the views and tranquillity associated with the area.
- The increase in vehicular movements to and from the site will result in damage to neighbouring properties due to vibrations from the heavy lorries.
- The design and access statement submitted with the planning application is inadequate as it fails to demonstrate how local development plan policies and documents have been taken into account.

ASSESSMENT

The application site is located within Barton Cliff Quarry to the west of Barton upon Humber and is accessed via Far Ings Lane. The site is designated as being of local nature conservation importance (LC4) and is close to Far Ings Nature Reserve and the Humber Estuary which is designated as a Special Protection Area (SPA), a Ramsar site and a Site of Special Scientific Interest (SSSI). Barton Cliff Quarry has an existing planning permission to be used as a landfill for the tipping of inert demolition, construction and excavation materials (7/1994/0616); this permission was granted in January 1995. Although the tipping of waste has been stopped for some time, the planning permission is still live and the landfill could start operations again at any time.

The current application seeks planning permission to use an area of the quarry covered by the landfill permission for the recycling and recovery of waste materials brought onto the site to be tipped. Incoming waste would be screened to determine whether it could be recycled; if so, it would then be taken from the site by vehicles leaving on their return journeys. Waste that cannot be recycled would be landfilled as normal. It is estimated that approximately 70% of the waste brought onto the site would be recycled. The proposal would involve the siting of a screening and crusher plant within the site on the quarry floor. The area to be used for the screening and crushing of the waste is approximately 3,500 square metres in size.

This application was previously presented to the Planning Committee on 16 September 2009 and was deferred whilst concerns over the impact on the public footpaths and pedestrian safety were explored. These issues are addressed in the report below.

The main issues to consider in the determination of this proposal are whether it would have an adverse impact on the wildlife and environment in the area and whether the amenities of nearby residents would be detrimentally affected.

Many concerns have been raised regarding the traffic that would be generated by the proposed recycling of waste and whether the proposed access road (Far Ings Lane) is suitable or able to cope with such traffic. Far Ings Lane is a narrow road with a gravel surface and several dwellings are accessed from it. However, the application site has an existing planning permission for use as a landfill for the tipping of inert waste. The landfill operations are stopped at present but there is no planning restriction to stop the landfilling from resuming.

The proposed development involves screening the waste when it arrives at the site and recycling as much of it as possible. The recycled waste would then be transported off the site by lorries that would normally leave the quarry empty on their return journey. Therefore the proposed recycling of the waste would create no additional traffic movements than the approved landfill use. As the vehicle movements would not increase as a result of the proposed development then there would be no additional impact on highway safety in the area than could be expected as a result of the currently permitted use. A condition has been recommended to restrict the number of vehicle movements to the site to 12 movements per day to ensure that the level of traffic generated by the site does not increase in the future.

As stated above, the proposed change of use will not generate additional traffic above and beyond the permitted landfill use and as such there would be no additional damage caused to the roads or verges in the area as a result of the proposed use. The proposal will also

have no additional impact upon the structural integrity of neighbouring residential properties.

The lorries delivering to the site would be carrying inert materials such as soils and aggregates and as such there would be the potential for debris and dust to be blown or dropped from the lorries, causing a nuisance for nearby residential properties. A condition has been recommended that requires all heavy goods vehicles entering and leaving the site to be covered (sheeted down). This would prevent a nuisance being caused by debris being blown about or deposited on neighbouring land or the highway.

As stated above, the proposed use of the site would generate no more traffic than the approved use on the site. As such there would be no additional disturbance caused to neighbours as a result of traffic movements to and from the site. However conditions have been recommended to limit both the number of HGV movements to and from the site and the hours of delivery which would ensure that there would be no unacceptable impact on the amenity of neighbouring properties.

The issue has been raised that the operators of the landfill site have, in the past, breached planning conditions regarding the level of vehicle movements to the site and that if similar restrictions are imposed for the current proposal what will prevent them from breaching the new conditions as well. The council's enforcement team monitor and enforce planning conditions with the help of information provided by neighbours to ensure that they are adhered to. Additionally, a condition has been recommended that would require the operators of the site to maintain an up-to-date record of all HGVs delivering to the site, their registration numbers and the times at which they enter and leave the site. This would allow the local planning authority to monitor the vehicles travelling to and from the site and help enforce the proposed condition regarding vehicle movements.

The machines that would be used for the recycling process would be located on the quarry floor and as such the noise generated by them would be attenuated by the quarry landform and surrounding trees. The council's Environmental Protection team have raised no objection to the proposal with regard to noise generated by machinery on the site. The nearest property to the application site is Blue Coat Charity Farm which is approximately 130 metres from the application site.

Recycling a large percentage of the waste that is brought onto the site would mean that the landfill could operate for longer. However the rate that the waste is brought onto site and the level of activity on the site would not change and as such the proposed recycling use would not lead to an intensification of the landfill operation. Indeed, recycling a percentage of the waste would lead to the landfill being more efficient as waste that could be re-used would not have to be landfilled. It is also considered that the two pieces of machinery required for the recycling use do not constitute an unacceptable increase in industrial processes on the site, which already has planning permission for the landfill operations. The proposed machinery would be located on the quarry floor and as such would not impact on the character or visual amenity of the area as it would not be visible except for within the quarry itself.

The Lincolnshire Wildlife Trust have objected to the application on the grounds that they are not convinced that the proposal would not have an adverse impact on Far Ings Nature Reserve and Humber Estuary. The impact on wildlife in the area surrounding the application site has been considered by the council's Environment Team as the site is located in an area which is sensitive and of conservation importance. The council's Environment Team

have carried out a Determination of Likely Significant Effect under the Conservation (Natural Habitats) Regulations 1994 and concluded that the proposal is unlikely to have a significant effect on the areas of conservation importance close to the site. Natural England have confirmed that they agree with the conclusions reached by the council's Environment Team. Noise levels produced by the proposed machinery will not be disturbing to birds in the area, and breeding bitterns, marsh harriers and wintering and passing water birds have all used areas of the nearby nature reserve whilst landfill operations, producing similar noise levels, have been taking place. As such the proposal is deemed to have no significant impact on wildlife in the area. However a condition has been recommended requiring the applicant to agree a biodiversity and geodiversity management plan to protect and enhance the features recognised as being of nature conservation and geological importance within Barton Cliff Quarry itself.

As explained above, the recycling machinery and operations would take place within the existing quarry and as such would be screened by the quarry landform and surrounding trees. Therefore the proposal would have no impact on views in the area. The use of the site and the associated activities would not differ significantly from the existing permitted landfill use and would have no additional impact on the character of the area.

The council's rights of way department has commented that this planning application affects three public rights of way, including the Viking Way. Objections to the proposed development due to the conflict between walkers using the public byways and the lorries accessing the quarry site were raised. The footpaths are narrow and should a walker meet a lorry then he or she would have to step off of the path to allow the lorry past. The public rights of way officers feel that this would be dangerous and intimidating. This problem has been exacerbated since the original landfill permission was granted as the number of public footpaths, and their importance have increased in recent years. However it still has to be considered that there is an existing planning permission on the application site, which allows land filling to take place. The proposed recycling operations will not increase vehicular movements to and from the quarry. Therefore the proposed change of use will have no greater impact on the public rights of way, or the pedestrians that use them than the existing permitted landfill use.

As a result of the above concerns a road safety assessment has been carried out by the council's Safer Roads team. This assessment concluded that, because an existing planning permission allows large goods vehicles to use the access and the proposal would not lead to an increase in the number of large goods vehicle movements, there is no objection on road safety grounds. However the assessment does suggest that consideration should be given to traffic management of the vehicle movements to ensure that two laden vehicles would not meet from opposite directions unless a passing place was present. A condition has been recommended which requires the applicants to agree a scheme of traffic management for the site, including any traffic calming measures (speed humps etc) that may be used to ensure pedestrian safety along the access. This condition should minimise any conflict between heavy goods vehicles and pedestrians and will make the situation safer than under the current extant permission.

As part of the access road to the site is a public byway it would be an offence to drive over it without lawful authority. If the operator of the site owned the land which the byway runs over then he would have the necessary authority to drive over it. The applicants do not own the land, therefore to ensure that the applicants are fully informed an informative should be placed on the decision notice informing them of the legal requirements for crossing a public byway and who to contact to discuss the matter, if necessary.

Design and access statements should explain how the proposal has been designed with regard to the application site and its setting. They should show how local development plan policies have been taken into account when designing the proposal. They do not, however, attempt to justify the principle of the development in accordance with local policies. The length, scope and level of detail in each particular design and access statement should be determined by the specific nature of the development, its size and context. This proposal is for a change of use and the siting of two pieces of machinery within an existing quarry and as such there are no design issues to consider when assessing the application. The applicants make reference to this within their design and access statement. The design and access statement submitted with the application is of sufficient detail to allow the local planning authority to fully assess the proposal and as such is acceptable.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The number of HGV movements to the site shall not exceed 12 per day.

Reason

In the interest of protecting the amenity of neighbouring residential properties and the amenity of visitors to the nearby Far Ings Nature Reserve.

3.
The operators of the site shall maintain a record of all HGVs entering and leaving the site. This record shall include the registrations of the vehicles and the times at which they enter and leave the site. This record shall be kept up-to-date at all times and made available at all reasonable times to the local planning authority.

Reason

To allow the local planning authority to monitor the level of HGV movements to the site, in the interests of protecting the amenity of neighbouring properties.

4.
All deliveries to the site shall be undertaken between the hours of 7:30am and 5pm on weekdays and between the hours of 7:30am and 1pm on Saturdays. There shall be no deliveries to the site on Sundays or Bank Holidays.

Reason

In the interest of protecting the amenity of neighbouring residential properties.

5.
All HGVs shall be covered at all times while entering and leaving the site.

Reason

In the interest of protecting the amenity of neighbouring residential properties.

6.

No development shall take place until a biodiversity and geodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

1. details of measures to enhance calcareous grassland, breeding bird habitat, bat roosting features and geological features at Barton Cliff Quarry;
2. monitoring procedures and remedial measures triggered by monitoring;
3. persons responsible for:
 - compliance with legal consents relating to nature conservation;
 - compliance with planning conditions relating to nature conservation;
 - implementation of the management plan.

The management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To protect and enhance features of recognised nature conservation and geological importance in accordance with policy LC4 of the North Lincolnshire Local Plan.

7.

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented as approved.

Reason

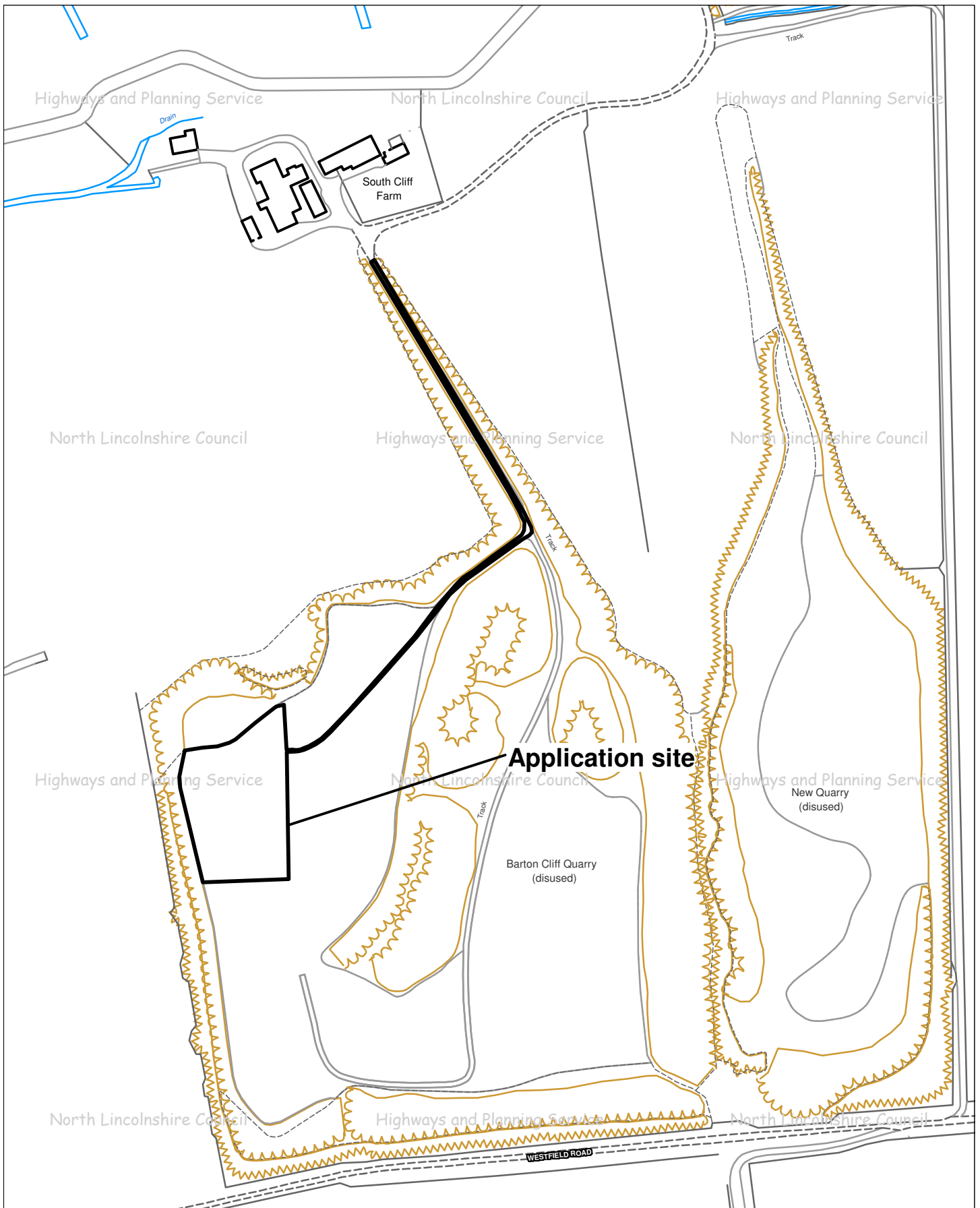
To prevent the contamination of controlled waters.

8.

The development hereby permitted shall not be commenced until details of a traffic management plan has been submitted to and approved in writing by the local planning authority. The plan should cover the methods of operation and should consider the installation of traffic calming measures and passing places. Once approved the traffic management plan shall be implemented at all times that the landfill site is in operation.

Reason

In the interests of pedestrian safety in the area.



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