

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE 10 January 2007

**REPORT OF THE DIRECTOR OF
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

04/3357/FUL

Eaglescliffe Service Centre, Durham Lane, Eaglescliffe

Continuation of works waste tipping to provide a landscape bund

Expiry date: 21 December 2004

Summary:

The application seeks permission to continue to tip factory waste at an existing waste tip at Marshall's Mono Limited. The waste comprises broken flags and concrete (where this cannot be recycled), waste paper, inert wastes and soils, cement slurry from on site settling tanks, and any internally generated construction/demolition waste. Gas and leachate control and monitoring equipment would be installed within the tipped material.

Waste would be deposited on the tip and compacted. The waste profile when completed will be capped and inert soils would be placed over the cap and any compaction alleviated in the subsoil layer prior to top-soiling. Restored areas would be seeded and cultivated for grass and haymaking and a belt of trees would be planted between the southern boundary fence to screen the works and tip. Environmental controls to address, landfill gas, leachate, dust and noise are proposed.

Local residents and occupiers have been individually notified the application which has also been advertised on site and in the local press. No representations have been received.

Preston on Tees Parish Council raises objections in respect of operating hours, landfill gas production and the use of the tip by others, as well as Marshalls Mono Limited.

Subject to conditions, no objections have been received from the Environment Agency and the Council's Environmental Health Unit. The current waste management licence was granted in 1989. This document controls the layout, day to day working of the site. The Council's Head of Integrated Transport and Environmental Policy has no adverse comments to make.

Given the scale and nature of the tip, the likely environmental impacts and controls available and the intended restoration benefits, in principle, the proposal would satisfy the tests for Best Practicable Environmental Option (BPEO) and Proximity Principle and would not conflict with national, regional and local planning policy documents, and is considered acceptable.

The submission of amended plans and an assessment of those plans is the cause for delay in reporting this application to Planning Committee.

The submitted planning application provides for new landfill capacity by landraise at, and solely for use by Marshalls Mono Limited. The disposal of waste in this way is considered acceptable in terms of BPEO and the Proximity Principle. The long-term benefit would be to secure a final proper restoration of the site.

The proposed environmental controls can be formalised by condition thereby offering proper planning control of tipping operations. With those conditions in place, it is considered that the proposed tipping operations would not have an adverse impact on the amenity of neighbouring occupiers, would accord with adopted policy and guidance and is therefore acceptable.

RECOMMENDATIONS

It is recommended that subject to the response from Preston on Tees Parish Council not raising any new planning issues that planning permission be granted subject to conditions covering the following matters:

- ***Development carried out in accordance with the approved plans***
- ***Noise monitoring and mitigation regime***
- ***Dust mitigation measures***
- ***Wind blown litter***
- ***Working hours***
- ***Restriction of use of the tip***
- ***Surface water drainage***
- ***Planting and landscape maintenance***
- ***Soil management***
- ***Any other condition as relevant***

The following development plan policies were relevant to the permission hereby granted:

Regional Spatial Strategy Draft (RSS)

Adopted Tees Valley Structure Plan (TVSP) Policies: W2, W5 and W6

Adopted Stockton on Tees Local Plan (STLP) Policies: GP1, IN2n

PPS 1 “Delivering Sustainable Development”

PPG 4: Industrial, Commercial Development and Small Firms

PPS10: Planning and Waste Management

PPG 24 “Planning and Noise”

BACKGROUND

1. The application site forms part of a former dolerite, basalt and clay quarry, where extraction works began prior to the introduction of planning system. On the wider site, there is some evidence to show that mineral wastes were tipped at the site, and map and other evidence reveals that working has taken place since at least the 1930's with excavations on quarry faces, 50 metres wide with some backfilling on the east side and to the west, evident at that time.
2. Photographs taken during the 1940's shows watered voids and in August 1957, planning permission was granted for waste tipping at the site. The local authority tipped the east side of the quarry in the 1950's and 1960's, and prior

to the mid-1970's most of the waste would have been ash, glass, tins detergent bottles, plastic bags, glass, broken tiles, bricks and concrete, with paper and wood burned until legislation prevented this practice under the Control of Pollution Act 1974.

3. The current waste management licence was granted in 1989. This document controls the layout, day to day working of the site as well as specifying the tipping methodology including the waste type and quantities, to ensure that disposal is carried out with no unacceptable risk to the environment and to public health, safety and amenity.
4. The applicant continues to tip factory waste at the site, and temporarily capped the already tipped waste. A permanent capping arrangement and the installation of venting pipes to control gasses are now required. This application seeks to do so and simultaneously produce a domed landform to facilitate surface water run-off and provide a landscape screen between the factory and the neighbouring industrial estate.

THE PROPOSAL

5. The application seeks permission to continue to tip factory waste at an existing waste tip at Marshall's Mono Limited. The waste comprises broken flags and concrete (where this cannot be recycled), waste paper, inert wastes and soils, cement slurry from on site settling tanks, and any internally generated construction/demolition waste. The quarry will be filled to the level of the surrounding land and then raised to a profile of 1 in 4. A gas migration blanket will be installed as the tip is raised in 2.5 metre layers. This blanket would comprise coarse recycled concrete waste to arrest any gases and waste mass venting pipes will be installed. Each gas-monitoring hole would be fitted with slotted pipe to permit any gases to vent from the waste mass to atmosphere or a collection system as required.
6. The quarry will be filled in working faces and waste would be deposited on the lower level and in accordance with waste management licence conditions at a rate of between 5 and 20 tonnes daily. This would be covered with inert material to the upper level. It is proposed to fill and restore the quarry in four sub-phases working from west to east. Plans show an initial bund in the far east of the tipped area, and waste would be tipped behind this bund.
7. In detail, waste would be deposited on the tip and compacted. All large articles of wood and containers would be crushed and placed at the base of the working face, and covered with waste arising from the factory. The flanks and faces would be graded and compacted. The waste profile when completed would be capped to a thickness of 1 metre with mineral waste such as clay, shale or subsoil, and a further 0.75 metres of inert soils would be placed over the cap and any compaction alleviated in the subsoil layer prior to top-soiling. Once top soiled, the restored areas would be seeded and cultivated for grass and haymaking and a belt of trees would be planted between the southern boundary fence to screen the works and tip.

Working Period

8. It is proposed that waste deposit would take place between 0800 hours and 18.30 hours Monday to Friday, and 0800 hours to 16.30 hours Saturday and Sunday.

Environmental Monitoring and Control

Gas and Leachate

9. Gas emission and liquid waste production (leachate) monitoring and control would take place as required. The applicant has stated that although wood and paper would be tipped and this may lead to gas generation, it is unlikely as the alkaline conditions within the tip are not conducive to bacterial activity. Nevertheless boreholes are proposed, and this would allow monitoring to take place and for collection as necessary.
10. In terms of leachate production, the old waste will be isolated from any water ingress by a clay liner placed between the old and new waste. A leachate drainage system and collection sump placed within the liner, to collect any leachate and to allow the liquid to be pumped from the site before authorised disposal into the foul water system.

Surface Water

11. Surface water points will be identified and agreed with the Environment Agency, and samples taken on monthly basis to give a background of water constituents. Remedial action would be taken as required and agreed.

Dust Suppression

12. Dust would be kept to a minimum by a programme of maintaining the haul road and suspending soil movements in windy weather. All haul road would be regularly maintained and damped down to minimise dust generation.

Noise

13. The applicant has stated that all machines will be well maintained and fitted with efficient silencers. Reversing alarms will be modern. The applicant has also proposes to undertake background noise levels prior to the commencement of operations

PUBLICITY

14. Local residents and occupiers have been individually notified of both applications which have also been advertised on site and in the local press. No representations have been received.

CONSULTATIONS

15. A number of statutory persons and bodies have been consulted on the proposal.
16. No objections or comments received from:
 - Landscape Officer
 - Egglecliffe Parish Council
 - Ward Councillors

Environment Agency

17. The Environment Agency has no objection to the height of the waste tip being raised provided that the final form was domed with contours no steeper than 1 in 4 or less than 1 in 25 to aid stability and water run-off.
18. Waste operations will continue to be covered by the Waste Management Licence and subsequently by PPC authorisation if the application is successful.

Head of Integrated Transport and Environmental Policy

19. No adverse comments to make.

Environmental Health Unit

20. No objection in principle subject to a scheme for the suppression of dust and noise emissions from the operation and a to limit the working hours to 0800 hours to 1830 hours Monday to Friday and 0800 to 1300 hours on Saturday with no Sunday working.

Preston on Tees Parish Council

21. Members are concerned at the application and its implications but feel that they are unable to offer a proper opinion without some matters being clarified which are unclear from the application as presented.

Firstly, at 5.0 the application talks about depositing between 5 and 20 tonnes daily, yet at 6.0 mentions the tip working for 10 ½ hours a day Monday to Friday and 8 1/2 hours on both Saturday and Sunday. Members have received a large number of unfavourable comments about the proposed hours of operation and their impact on life in the community. Members wonder how the deposit of one lorry load a day can take all those hours of operation.

Secondly, at 9.0 the application states that the waste streams are basically inert concrete based wastes. At 10.0 the application talks of methane gas production because of the wood being tipped.

The Council is very concerned that the tip is going to be used for general waste tipping and not just for waste from the processes of the works itself. This leads to the general worries implied from the first of the queries – the overall impact of the apparently increased operating levels.

At the moment the Members are opposed to the plans presented by await clarification of the above points before making a fully considered judgement.

PLANNING POLICY CONSIDERATIONS

National Planning Policy

22. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).

Relevant to this application are:

PPS 1 “Delivering Sustainable Development”
PPG 4: Industrial, Commercial Development and Small Firms
PPS10: Planning and Waste Management

PPG 24 "Planning and Noise"

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Regional Spatial Strategy (RSS), Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

Adopted Tees Valley Structure Plan (February 2004)

24. Policy W2 sets out the best practical environmental option and states that this is the overarching principle to be established when considering proposals for waste management facilities and that a suitable range of facilities maintained in the Tees Valley for the effective handling, treatment and disposal of waste. The proximity principle will be applied to discourage the movement of waste over long distances unless movement by rail or water can be shown to be the best BPEO
25. Policy W5 relates to new landfill facilities, which should only be developed in locations, which minimise the environmental impact of the operation. In assessing the proposals, the Tees Valley Authority will have regard to, the proximity of the site to the waste material to be deposited, the need to restore degraded landscapes, quality of the existing environment, proximity to residential areas and the potential for receiving waste by rail, water or pipeline.
26. W6 states that landfill sites should be restored and landscaped progressively, and have a positive after-use sympathetic to the surroundings.

Adopted Stockton on Tees Local Plan (June 1997)

28. There are a number of policies within the adopted Stockton on Tees Local Plan, which are relevant to the present proposal.
30. Policy IN 2n allocates the site for B2 (General Industrial) and B8 (Distribution) uses.
31. Also relevant are policies EN34 and EN35, which deal with development and contaminated land.
32. Policy GP 1 requires proposals for all development to be examined in relation to policies in the structure plan and a number of criteria. The criteria include:
- The external appearance of the development and its relationship with the surrounding area
 - The effect on the amenities of the occupiers of nearby properties
 - The provision of satisfactory access and parking arrangements.
 - Need for a high standard of landscaping
 - Effect upon wildlife habitats
 - Effect on public rights of way network

MATERIAL PLANNING CONSIDERATIONS

33. The main planning considerations are set out below:

Planning Policy

34. The development would provide extended landfill or landraise capacity at an existing site. It is required for waste, which is not suitable for recycling and is specifically for use by Marshalls. The tip would allow on site disposal without the need for transportation to landfill elsewhere. In principle, the proposal would satisfy the tests for BPEO and Proximity Principle and would not conflict with national, regional and local planning policy documents, and in this respect is acceptable. However, the detailed impacts will need to be considered to make a full assessment and they are set out below.

Impact on Amenity of Neighbouring Occupants

35. The tip site is located some 180 metres to the west of the nearest residential properties on Beechwood Road, Eaglescliffe. The railway line intervenes. Battle House Farm lies 150 metres to the north of the site. To the south, land is allocated under Policy IN2n for general industry and distribution. The remaining boundaries are internal ones to Marshalls. The main impacts on amenity arising from this type of development relate to visual disturbance, dust, noise, and windblown litter.
36. The applicant proposes that the tip and workings are screened in views from the east (Eaglescliffe) by a clay bund, which would be soiled and seeded. Tree planting is proposed adjacent to the eastern boundary of the site. Although the works cannot be screened entirely, the bund would assist and although any planting would take some time to mature, the visual impact of the continued works would be limited as the tip forms a relatively small part of the wider views of the works and industrial estate.
37. A range of environmental controls is proposed and outlined in paragraphs 9 and 14. These are the normal range of controls to be found at waste tipping sites, which will give adequate protection and can be secured by condition.
38. Whilst no physical protection from the impacts of the tipping is proposed for the occupants of Battle House Farm, the formalisation of a control regime through conditions in respect of operating hours, dust, and noise has to be acknowledged as an improvement to the existing situation, and planning permission should not be refused for this reason alone.
39. Given the controls available and screening intention of the bund, although the tipping operations would be perceptible, it is unlikely that the continued tipping operations would have an unacceptable adverse impact on the neighbouring occupants of the industrial estate. Overall, it is considered that the proposal would have a long-term restoration benefit, which would outweigh the short-term disturbance.

Landscaping and Appearance

40. The site at present is disturbed land, and works are required to ensure a proper final restoration. It is considered the proposed landform respects and would blend with the adjacent contours and that the detail of soil handling, planting, seeding and aftercare and matters that can be adequately controlled by condition.

41. The likely impacts of the works and resultant on the visual impact aspect of residential amenity are considered in paragraph 36 above and given this and that the resultant landform is complimentary, it is considered that subject to conditions as outlined above that proposal accords with adopted policy in this respect and is therefore acceptable.

Access and Highway Safety

42. All traffic movements are internal within the wider Marshall's site. No movements to the public highway are proposed. The Head of Integrated Transport and Environmental Policy has no adverse comments to make and as there are no impacts upon the road network it is considered that the proposal accords with Adopted Stockton on Tees Local Plan Policy GP1 and is therefore acceptable.

Residual Matters

Preston on Tees Parish Council

43. The tipping hours are proposed by the applicant and are to suit the hours of working at the factory. Whilst agreeing in the main with those hours, the Environmental Health Unit does not support Sunday working, and this is to minimise noise and disturbance to adjacent users and residents.
44. The applicant proposes to establish background noise levels and this can form the basis of a noise management regime insofar as it relates to tip operations. Given that there are no restrictions on operating hours at the factory and that the site has operated without complaint, it is considered that on balance the longer hours can be supported, but only subject to conditions limiting hours to those proposed and a noise management regime.
45. In respect of landfill gas, the history of the site reveals that previous tipping has resulted in gas production and this may continue into the future. The Environment Agency via other legislation has the primary control of landfill gas through the waste management licence, which sets out the steps required of the operator in its monitoring and collection. There are no objections from the Environment Agency in this respect, and provided that the appropriate measures are in place and the monitoring and control regime implemented correctly, it is the planning view that there would be little impact on adjacent users and air quality.
46. The tip is proposed for use by the factory and a condition can be attached restricting operations in this respect.
47. Further information has been sent to the Parish Council, and a response requested by the 10th January 2007.

CONCLUSIONS

48. The submitted planning application provides for new landfill capacity by landraise at, and solely for use by Marshalls Mono Limited. The disposal of waste in this way is considered acceptable in terms of BPEO and the Proximity Principle. The long-term benefit would be to secure a final proper restoration of the site.

49. The proposed environmental controls can be formalised by condition thereby offering proper planning control of tipping operations. With those conditions in place, it is considered that the proposed tipping operations would not have an adverse impact on the amenity of neighbouring occupiers, would accord with adopted policy and guidance and is therefore acceptable.

Corporate Director of Development and Neighbourhood Services

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Financial Implications

None

Environmental Implications

As Report

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety implications

None

Background Papers

Adopted Tees Valley Structure Plan (February 2004)

Adopted Stockton on Tees Local Plan (June 1997)

Application files 04/3357/FUL

PPS 1 "Delivering Sustainable Development"

PPG 4: Industrial, Commercial Development and Small Firms

PPG 24 "Planning and Noise"

PPG 25 "Development and Flood Risk"

Draft Regional Spatial Strategy (RSS)

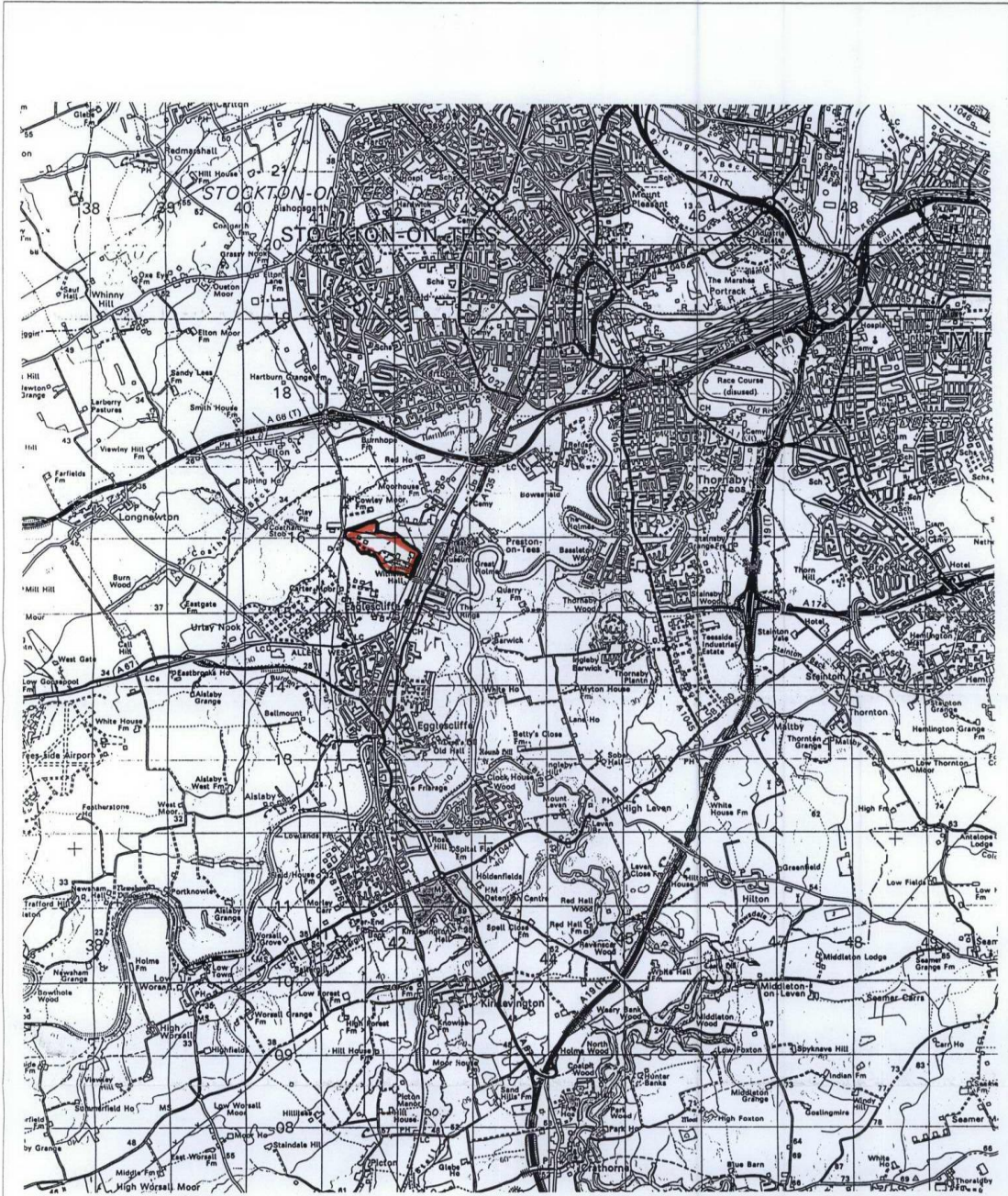
Ward Eaglescliffe

Ward Councillor(s) Councillor M. F. Cherrett

Councillor J. A. Fletcher

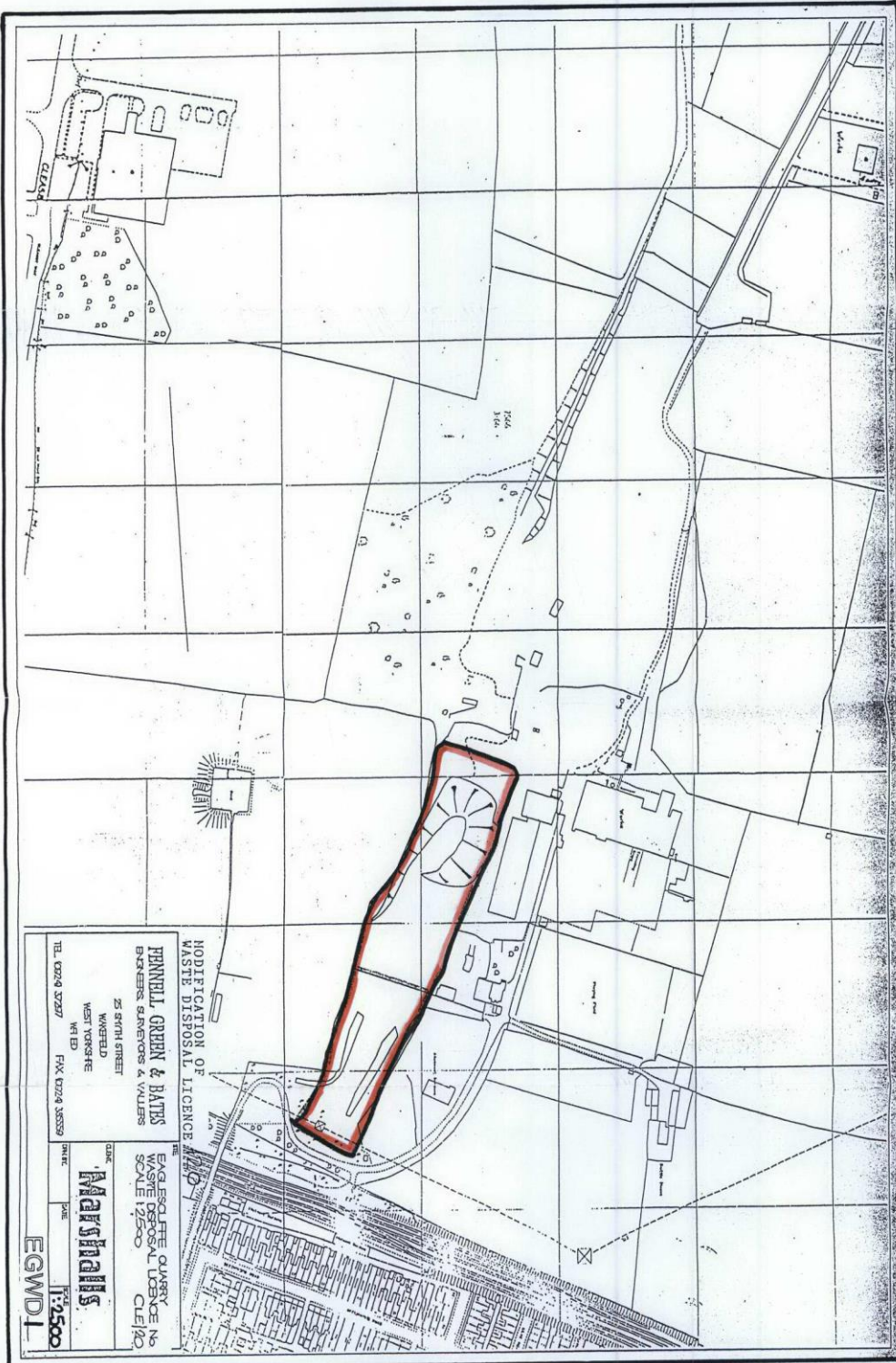
Councillor Mrs M. Rigg

04/3357/FUL
 Appendix 1
 Site Location Plan



Location Plan.		NTS
Marshalls Mono Ltd Eaglescliffe.	Fennell, Green & Bates	MM/EC/PPC/ESID 1A
	25, Smyth Street WAKEFIELD	drawn by HS

STOCKTON-ON-TEES
 PLANNING
 20 OCT 2001
 DATE REVISIONED



04/3357/FUL
Appendix 3
Waste Placement Plan



04/3357/FUL
 Appendix 4
 Screening Bund and Factory Tip – Red line boundary

