

DELEGATED

**AGENDA NO 8
PLANNING COMMITTEE**

DATE 30th January 2008

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

07/2984/EIS

Port Clarence Landfill Site, Off Huntsman Drive

Construction and operation of a waste recovery park for the recycling, recovery, treatment and storage of waste including the construction of buildings, the erection of plant, the construction of an extended access road and the construction of a screening bund.

Expiry Date 4 February 2008

UPDATE REPORT

This report updates the report for agenda item 8. It sets out final planning policy considerations, and the final response from the Urban Design Manager. Unfortunately ongoing negotiations, which have not yet been concluded, have prevented the production of a full set of conditions however those set out in the main report reflect generally those required.

Attached for information are plans showing nature conservation sites close to the site (Plan 1) and the proposed lorry routeing (Plan 2).

The final response of the Highways Agency has not been received, however the Health and Safety Executive has responded verbally confirming that there are no objections to the proposal.

Urban Design Manager

General Summary

Urban design has no objection to this application

Highways Comments

Following further discussions with the transport consultant for this application the figures for the TA are acceptable. The additional information supplied by the applicant, has indeed addressed the majority of issues highlighted previously, although a S106 agreement is required in order to ensure that all heavy goods vehicle traffic accessing / egressing the site does so via the A178, A1185, A689, A19 route, and not through the Clarence's, which has an environmental weight restriction placed upon it.

A section 106 contribution is also requested for the funding of a signing and lining improvement scheme at the A1185/A689/Wolviston Road roundabout, in the region of £10,000. This scheme will reduce potential conflicts on the circulatory system of the roundabout and collision risk.

Landscape & Visual Comments

No further comments

Built Environment Comments

No comments.

Planning Policy

That subject to no adverse comments being received from the Highways Agency and Health and Safety Executive, that the proposal accords with adopted and emerging national, regional and local plan policy and guidance.

Response to Andrew Gowing

The proposal has been assessed in respect of its impact on the local road network, and although Mr Gowing has concerns in respect of the junction of Huntsman Drive with the A178, these are not reflected in the assessment made by the Council's Highways Engineers.

CONCLUSION

That the comments received do not alter the recommendation of the main report.

RECOMMENDATION

It is recommended that subject to:

- ***No adverse comments from the Highways Agency and confirmation from the Health and Safety Executive***
- ***A legal agreement reflecting the Heads of Terms set out below***

That planning application 07/2984/EIS be approved with conditions relating to approved documents, time limits, working periods, phasing of development, piling, noise limits, no open burning, contaminated land, landfill gas, surface water drainage and infiltration, netting and sheeting of waste carrying vehicles, details of welfare/facilities building; the construction and operation of wheel wash, a scheme for dust control, construction of the access road, construction of the screening bund – details and timetable, landscaping, maintenance and management plan for species rich short turf vegetation, restoration and after use of the site once the development ceases, and other conditions as appropriate.

HEADS OF TERMS

Lorry Routeing

To use best endeavours to ensure that all Goods Vehicles transporting waste to and from the Application Site pursuant to the Permission ("Relevant Vehicles") shall only use the access road and public highway network shown in green on Plan HJB/246/10b attached hereto ("the Approved Route").

The Approved Route referred to in clause 1.1 above shall not apply where:- the Relevant Vehicles are required to make detours for local loading and unloading purposes or due to roadworks, accident or other emergency, or temporary or permanent traffic restrictions imposed by the relevant authorities; or

the prior written approval of the Council is obtained to an alternative route or routes (together "Exempt Vehicles").

To erect and maintain signs at the exit point to the Application Site informing drivers of Relevant Vehicles of the requirement to use the Approved Route (which shall be specified thereon) and to notify the drivers of Relevant Vehicles in writing of the Disciplinary Measures to be taken by the Owner in the event that the Approved Route is not adhered to. For the purpose of this Agreement the Disciplinary Measures shall comprise a written warning to drivers on occasion of a first breach and a ban on further access to and use of the Application Site by the driver in breach in the event of a second breach.

Except in the case of drivers of Exempt Vehicles, to take Disciplinary Measures against any of its own employees who fail to adhere to the Approved Route.

Vegetation Area

Notwithstanding the terms of the Landfill Planning Permission, no stockpiling of soils, clay lining materials or restoration materials shall take place on the Vegetation Area, unless otherwise agreed in writing by the Council. For the avoidance of doubt, nothing in this clause 2 shall prevent or preclude the installation on, in, under or over the Vegetation Land of any Conducting Media or any access thereto for such a purpose, by the Owner or otherwise.

The Vegetation Area shall be retained for the purposes of species rich short turf vegetation and no other use or development shall take place on that land.

Highway Contribution

Upon Commencement of Development the Owner shall pay to the Council the sum of £10,000 by way of a contribution towards highway improvement works to the Wolviston Roundabout

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Financial Implications

None

Environmental Implications

None

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

Application Files: TDC/94/065, 02/1987/P, 03/1368/P, 04/1066/ARC/, 07/1774/ARC & 07/2984/EIS

Waste Strategy 2007

PPS 1 "Delivering Sustainable Development"

PPG 4 "Industrial, commercial development and small firms

PPS 10 "Planning for Sustainable Waste Management"

PPGN 13 "Transport"

PPS 23 "Planning and Pollution Control"

PPG 24 "Planning and Noise"

PPS 25 "Development and Flood Risk"

Regional Planning Guidance for the North East to 2016

Regional Spatial Strategy: The Secretary of State's Proposed Changes to the Draft Revision submitted by the North East Assembly: May 2007

Stockton on Tees Local Plan (June 1997)

Alteration No.1 to the Adopted Local Plan Adopted Draft March 2006

Tees Valley Joint Minerals and Waste Core Strategy and Site Allocations Development Plan Documents (DPD's) Preferred Options and Sustainability Appraisal.

Ward and Ward Councillors

Ward	Billingham South
Ward Councillor	Councillor Mrs J. O' Donnell
Ward Councillor	Councillor M. Smith