

5 DCNW2009/0819/N - PROPOSED DEVELOPMENT OF A HOUSEHOLD WASTE SITE TO SERVE KINGTON AND THE SURROUNDING AREA ON LAND TO THE SOUTH OF KINGTON OFF A4111 ADJACENT TO ARROW PLANT HIRE. KINGTON, HEREFORDSHIRE, HR5 3HB.

For: Mercia Waste Management, Per Axis 5, Camellia House, 76 Water Lane, Wilmslow, Cheshire, SK9 5BB.

Date Received: 1st May 2009 Ward: Kington Town Grid Ref: 30187, 55932

Expiry Date: 31st July 2009

Local Member: Councillor TM James

1. Site Description and Proposal

1.1 The application site lies approximately 500 metres south of the roundabout junction between the A44 and the A4111 at Kington. A plant hire premises adjoins the site to the north. The site and land adjoining it to the south is currently under pasture. Banley Farm is the nearest residential property, to the west. Beyond, approximately 200m from the site boundary, is a group of houses in Kingswood Road.

1.2 The proposal is to construct a dedicated 'bring site' for householders to deposit unwanted items for recycling or disposal. The capacity of the site would total about 4,000 tonnes of Municipal (household) Waste per year. The overall site area is 0.8 ha. The operational area would be approximately 0.5 ha with the remainder forming necessary landscaping. The development would comprise the following:

- Hardstanding process area;
- Internal roadway and capacity for up to 20 visiting cars for unloading;
- Brick-built office/welfare building, 7.6m x 3.4m x 3.6m high (to the ridge)
- Staff/visitor parking: 3 spaces including 1 for people with disabilities;
- Two compactors: 1 for green waste management and 1 for mixed waste;
- Containers and bays for a wide range of recyclable and other wastes;
- Internal site lighting and signage;
- Perimeter fencing and landscaping
- Infrastructure including drainage.

The segregated waste types that would be accepted include the following:

Scrap metal	Card	Wood
Soil/rubble	Glass	Paper
Cans	Plastics	Electrical goods
Shoes and textiles	Batteries	Phones
Gas cyclinders	Oils and fats, paint	Fluorescent tubes
Green waste	Mixed waste	Furniture

1.3 Access would be from the A4111, utilising an existing modern road junction and creating a new internal road system with split-level unloading bays and a one-way system. There is also existing pedestrian/cycle access to the site from Kington.

- 1.4 The site would be open to the public from 8 a.m. to 6 p.m. on three days per week; Saturdays, Sundays and one weekday (Friday has been suggested). It would be operational seven days a week for waste management processes, site cleaning and maintenance.
- 1.5 The application was given the required publicity by press notice in the Hereford Times on 14th May 2009; by site notice on 7th May 2009, and written notification to neighbours on 2nd May 2009.
- 1.6 Prior to making the application, the applicants requested a determination as to whether the development would fall within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Council's formal Screening Opinion was issued on 15th December 2008 and stated that a full Environmental Statement (ES) would not be required because the proposal would fall below the thresholds set and the site would not be in a 'sensitive location'.
- 1.7 Nevertheless the submitted application includes a full and comprehensive Supporting Statement. This comprises a number of environmental and other assessments, to the same extent and level of detail that would have been required if a formal ES had been necessary. These are summarised as follows:
- Design and Access Statement : Clarifies the design parameters, in terms of traffic management within the site, the scale and size of the proposal, methodology for waste management, landscaping, general details for security, fencing and lighting, and equitable access arrangements taking account of the needs of people with disabilities.
 - Non-technical summary : Summarises the proposal, including its background and history, in non-technical language.
 - Supporting Statement: Gives full details of the project's background, detail description of the proposal, results of pre-application consultations, policy context and appraisal, alternatives considered and the criteria used, and a series of sections on the key environmental considerations.
 - Figures and Appendices: Wherever further data or technical details are necessary to provide an evidence-base for the environmental and other topics discussed in the Supporting Statement, this is referred on to the appendices. This technique allows the main points to be kept succinct and together, whilst allowing for the further information that would be needed by different professional consultees in considering the case. For example, the supporting statement includes an archaeological evaluation based upon a preliminary field and desk-based assessment, the report of which is contained within the appendices.
- 1.8 The applicant held a two-day public meeting and exhibition at the Burton Hotel, Kington, on 9th and 10th December 2008 to explain the proposals and plans and engage with neighbours. The applicant publicised the event through local notices and press advertisements, and about 60-70 visitors attended. Comments on the day are reported as generally positive, acknowledging the need for such a facility in Kington. The applicant has undertaken to follow up any concerns with further dialogue as necessary. This accords with the Council's Statement of Community Involvement.

2. Policies

National Planning Policy:

- 2.1 PPS 1 - Delivering sustainable development
PPS 7 - Sustainable development in rural areas

- PPS10 - Sustainable waste management
- PPS23 - Planning and Pollution Control
- Waste Strategy 2007

Regional Planning Policy

- 2.2 West Midlands Regional Spatial Strategy adopted June 2004:
- WD1 - Targets for waste management in the Region
 - WD2 - The need for waste management facilities by Sub-Region
 - WD3 - Criteria for the location of waste management facilities;
- Emerging Policies W1, W2, W5, W6, W7 in the phase two revision draft preferred options paper December 2007 as yet unadopted.

Herefordshire Unitary Development Plan 2007

- 2.3
- S1 - Sustainable Development
 - S2 - Development requirements
 - S6 - Transport
 - S7 - Natural and Historic Heritage
 - S10 - Waste
 - DR1 - Design
 - DR2 - Land use and activity
 - DR3 - Movement
 - DR4 - Environment
 - DR6 - Water resources
 - DR7 - Flood risk
 - DR9 - Air quality
 - DR11 - Soil quality
 - DR13 - Noise
 - DR14 - Lighting
 - E7 - Other employment proposals, Hereford and the market towns
 - E8 - Design standards for employment sites
 - E11 - Employment proposals, smaller settlements and open countryside
 - E15 - Protection of greenfield land
 - T8 - Road hierarchy
 - T9 - Road freight
 - T11 - Parking provision
 - LA2 - Landscape character
 - LA5 - Protection of trees, woodlands and hedgerows
 - LA3 - Settings of settlements
 - LA6 - Landscaping schemes
 - NC1 - Biodiversity and development
 - NC5 - European and nationally protected species
 - NC6 - Biodiversity Action Plan priority habitats and species
 - NC7 - Compensation for loss of biodiversity
 - NC8 - Habitat creation, restoration and enhancement
 - NC9 - Management of features of the landscape important for fauna and flora
 - ARCH1 - Archaeological assessments and field evaluations
 - ARCH6 - Recording of archaeological remains
 - W1 - New waste management facilities
 - W3 - Waste transport and handling
 - W9 - Reclamation, aftercare and after-use
 - CF2 - Foul drainage
 - CF5 - New community facilities

Other material considerations

- Herefordshire and Worcestershire Joint Waste Management Strategy 2004-2034
- Herefordshire Council Corporate Plan 2008-2011
- Community Strategy for Herefordshire 'A Sustainable Future for the County' – Herefordshire Partnership, 2006
- DETR Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development

3. Planning History

- 3.1 None recorded on the site. Three applications, in 1994, 1995 and 1998 relating to the Arrow Plant Hire site adjoining and previous uses.

4. Consultation SummaryStatutory Consultations

- 4.1 **Environment Agency:** No objection in principle, subject to recommended conditions being imposed. Comments are summarised as follows:

- The site lies within flood zone 1 (lowest risk) and is not within a Source Protection Zone.
- Arrangements for foul drainage must be confirmed prior to determination of the application, in accordance with Circular 03/99 and PPS23.
- On surface water, standing advice for sites of less than 1 ha and in flood zone 1 would apply.
- The Agency would be the regulating body for this development, through the Environmental Permitting Regulations (EPR). PPS10 and PPS23 state that unnecessary duplication of control by the planning system should be avoided.
- Conditions recommended to prevent pollution and protect ground/surface waters from liquid wastes and run-off, through sealed, impermeable surfaces and containment
- The site would be controlled by the Environment Agency through an Environmental Permit (EP). The Supporting Statement adequately confirms the likely requirements of an EP, for example on dust and odour emission, in terms of mitigation and applying Best Available Techniques to reduce impacts.

- 4.2 **Herefordshire Primary Care Trust:** Were consulted in accordance with PPS10, with regard to any possible health risks from the development. Any response will be reported to the Committee.

- 4.3 **Hereford & Worcester Fire Service:** Any response will be reported to the Committee.

Internal Council Advice

- 4.4 **Head of Environmental Health and Trading Standards:**

Environmental Services Manager: No objection.

Petroleum and Explosives Officer: Does not wish to comment on this application.

- 4.5 **Transport Manager:** The proposal is acceptable. Conditions are recommended, to secure the access, turning and parking areas in accordance with appropriate specifications.

- 4.6 **Conservation Manager:**

Landscape Officer: The need for such a facility and the difficulties in identifying a suitable site are recognised. The loss of open land should be mitigated as far as possible, through submission of a suitable landscaping and biodiversity enhancement scheme. This should cover all the available land within the site boundary, include appropriate screening to reduce visual impact, and specify the scheme's implementation. The submitted indicative landscape design should be built upon, to create agreed/specified habitats in consultation with the Council and conservation consultants.

Planning Ecologist: The submitted ecological report is acceptable, and its recommendations should be secured by condition. Submission of a full habitat enhancement and management scheme should be required, along with details for its implementation, in accordance with policies NC6, NC7, NC8 and NC9 of the UDP.

4.7 **County Archaeologist**: No objection, subject to an initial site investigation scheme.

4.8 **Waste Services Manager**: Supports a Household Waste Site in Kington. Currently there is no such amenity in the area so it will benefit residents who currently have to travel to the nearest site in Leominster. A new facility will also divert more waste from landfill through increased recycling & recovery.

5. Representations

5.1 Kington Town Council: General support to the proposed development.

5.2 Kington Rural Parish Council: No objections; the Council believes the proposal will serve residents in Kington and surrounding areas.

5.3 Lyonshall Parish Council: Is supportive of the provision of a local waste facility.

5.4 Two letters from local residents have been received and are summarised below.

i) Mr P Jones, Director of Arrow Plant and Tool Hire Ltd, Eardisley Road, Kington raises the following concerns:

- Our property would be devalued
- The site would attract illegal fly-tipping at the gate
- The site would attract vermin
- We will be adversely affected by obnoxious odours.

ii) Mr S Dudhill, Mount Pleasant, Kingswood, Kington strongly objects for the following reasons:

- Lack of need - proposal is based on policies which evolved more than five years ago; the site would only be open for three days a week. No evidence to support the idea that Kington residents have to take their waste to Leominster.
- Inappropriate location - greenfield site outside of Kington; this breaches policies to protect the countryside; alternative sites exist closer to the centre of Kington; the site does not provide an incentive for people to visit the town and shop as part of a linked trip.
- Scheme is car-based - The 15-minute catchment overlaps with Leominster.
- Visual impact - the site would be lit during hours of darkness; it would have significant visual impact to passers-by on the A4111. This is not the image that ought to be presented as visitors approach the town.

- No guarantee of retention of the current recycling arrangements at the Co-op carpark.
- Suggestions offered for changes to the site size, opening hours, landscaping etc.

5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The concept of providing a local facility at Hereford and each of the market towns has long been accepted as a desirable element of the county's waste management strategy. Kington is the final such town to receive a proposal. There is currently no such provision in the west of the county and householders in this area must travel to Leominster or Hereford to recycle or dispose of bulky items and those waste types not accepted at local skip banks or by kerbside collections.

6.2 This proposal requires an Environmental Permit from the Environment Agency – which could only be granted if the site were capable of complying with the appropriate Regulations. The Agency would control the site with full enforcement powers and the site could not be operated if compliance were not achieved. On this basis, Committee Members are invited to determine the application entirely on its planning merits. In this regard, the key issues are:

- Principle of the development and need for the facility;
- Site choice and alternatives considered;
- Land use and policy issues;
- Access and traffic;
- Air quality (including odour, dust and litter);
- Biodiversity;
- Landscape and visual impact;
- Archaeology;
- Drainage, water quality, pollution prevention and flood risk;
- Lighting and noise;

6.3 As with any proposal, this application must be determined in accordance with the provision of the current Development Plan unless material considerations indicate otherwise. Government policy statements PPS10 and PPS23 are in force and currently carry most weight; the waste element of the Regional Spatial Strategy (RSS) is relevant but under review; the Herefordshire Unitary Development Plan 2007 (UDP) remains in force but is under review with the preparation of the Core Strategy for the Local Development Framework (LDF); the waste section is at a very early stage. The Joint Municipal Waste Strategy (with Worcestershire) is also under review.

Principle of the development and need for the facility

6.4 The Waste Strategy 2007 translates EU legislation into UK requirements, currently seeking phased significant reductions in the amounts of waste going to landfill, reducing the amounts sequentially until 2020 using a baseline of 1995 published figures. Reducing quotas set the amount of waste going to landfill, as landfill tax increases - estimated as rising to £72 per tonne by 2011. The applicant seeks to complete the suite of existing similar sites across the county and contribute to the required reduction of landfill through re-use, recycling and composting. In this respect, the proposal constitutes a strategic environmental gain.

6.5 The Joint Municipal Waste Strategy represents Herefordshire and Worcestershire's framework for waste management until 2034 and includes a commitment to establishing a site at Kington (paragraph 5.5.4). The application states that in the year ending August 2008, a combined total

of around 28,000 tonnes of household waste was received by the other sites, of which 71% was recycled or composted.

6.6 PPS10 explicitly dropped the concept of Best Practical Environmental Option (BPEO), although it partially survives, as 'Sustainability Appraisal' (SA). RSS policy WD3 and UDP policy S10 refer to it but PPS10 postdates them. Nonetheless, the proposal would accord with the three key principles of BPEO, namely the Waste Hierarchy, the Proximity Principle and the contribution to regional/local self-sufficiency, in that:

- It would contribute to waste reduction and recycling
- It would be close to Kington and local villages, with good access to a major road
- It would improve Herefordshire's waste management credentials

6.7 In relation to the principle of, and need for, the development proposed your officers consider that this matter is satisfactorily addressed by the application.

Site choice and alternatives considered:

6.8 Planning permission was granted in 2000 under reference NW2000/1991/N for a Household Waste Site (HWS) at Hatton Gardens, within Kington but on its eastern fringe. The permission was renewed in 2006 (reference NW2006/0030/N) but has not been implemented due to site inadequacy in terms of size, changing legislation, site requirements and traffic implications. The applicant has also cited insurmountable commercial difficulties relating to site acquisition. There was considerable local opposition to that site from residents. The Hatton Gardens/Sunset area is the only allocated industrial land in Kington, apart from Hergest Camp in open countryside some 3 kilometres from the town centre.

6.9 The applicant set a series of search criteria. For consideration, a site should be:

- Within or near to Kington
- For preference a brownfield or industrial site, if available
- About 1 hectare in size and of a regular shape
- Readily accessible to the main road network
- Outside of flood plain or flood risk areas
- Away from designated heritage/conservation/protected sites, areas and landscapes
- Commercially available (bearing in mind the public cost)

The Hatton Gardens site fulfils some of these criteria but at 0.23 ha it fails on size, and also on availability. Hergest Camp fails on access and road network issues. The applicant has not found any other sites that fit with all the above criteria. In particular, matters of availability and the preference for a brownfield site have proved negative.

6.10 In relation to site choice and related criteria, your officers accept the applicant's reasoning and consider that this matter is satisfactorily addressed by the application.

Land use and policy issues:

6.11 The site comprises previously undeveloped agricultural land in open countryside. The application includes a detailed policy appraisal and your officers consider that a brief analysis of selected relevant policies would be helpful in this instance.

6.12 **PPS10: Sustainable Waste Management**, is a key consideration for this application. Paragraph 5 stresses that in determining planning applications local authorities should work effectively with pollution control authorities and avoid duplication of controls under planning and

pollution control regimes. The Companion Guide to PPS10 makes it clear that proposals on sites not previously allocated for waste management facilities should not be lost on that basis, provided they can comply with PPS10 and current local policies. PPS10 therefore requires a favourable consideration where proposals accord with policy.

- 6.13 **PPS23: Planning and Pollution Control**, offers further advice on the relationship between the various regulatory agencies and the role of the planning system in determining suitable locations for development. Paragraph 15 states: *'Local planning authorities must be satisfied that planning permission can be granted on land-use grounds taking full account of environmental impacts. This will require close co-operation with the Environment Agency and/or pollution control authority, and other relevant bodies, to ensure that the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework'*
- 6.14 **PPS7: Sustainable development in rural areas:** Key principles are mainly concerned with buildings, focussing on sustainability including social inclusion, environmental protection, prudent resource use and economic growth. In principle the proposal would be supported by several of these points.
- 6.15 **Regional Spatial Strategy (RSS):** Policies **WD1(Targets for waste management in the Region)** and **WD2 (The need for waste management facilities by Sub-Region)** both support the proposal. **Policy WD3 - Criteria for the location of waste management facilities**, is the principal relevant regional policy. It sets criteria for the location of waste management facilities, having regard to proximity, environmental and amenity principles and consistency with Best Practicable Environmental Option (BPEO). It also requires that *'consideration should be given to the potential advantages of making provision for waste management in the form of small scale facilities ... integrated into the local setting'*. The applicant considers that the proposal would be a considerable improvement in services for residents of Kington and surrounding villages. As Members are aware, the RSS is currently under review; however the proposal would not conflict with the draft revision policies W1, W5, W6 and W7.
- 6.16 **Herefordshire Unitary Development Plan 2007 Policy S10, Waste:** requires proposals to conform to BPEO. It sets targets for increasing recycling and reducing landfill and allows for flexibility in considering particular proposals. The proposal complies with these.
- 6.17 **Herefordshire Unitary Development Plan 2007 Policy W1, New Waste Management Facilities:** applies to 'Planning applications for new waste management facilities which do not fall into Class B1 or B2'. This policy carries the most weight in consideration of the proposal, and does not require waste management facilities to be sited within settlement boundaries. It uses a sequential test involving primary and secondary constraints. In this case, there are no primary constraints and just one secondary constraint, namely the use of best and most versatile (BMV) agricultural land. To assess the site's land classification the applicant carried out physical surveys which found part of the site to be Subgrade 3a, the lowest grade to be included as BMV land; the balance was Subgrade 3b. Since policy W1 accepts up to two secondary constraints the proposal is compliant.
- 6.18 **Herefordshire Unitary Development Plan 2007, Policy E15 Protection of greenfield land:** Although presuming against development, this policy allows for flexibility if (a) no suitable brownfield/urban sites exist, or (b) the poorest possible quality is chosen. The applicant has demonstrated that both points apply. On amenity grounds there is a need for separation from residential development. Officers do not consider that the loss of 0.5 ha of Grade 3a land would be strategically significant. Therefore in your officer's view there would be no conflict with policy E15.

- 6.19 **Herefordshire Unitary Development Plan 2007, Policies E7 (Other employment proposals within and around Hereford and the market towns) and E11 (Employment in the smaller settlements and open countryside):** Paragraphs 5.4.4 to 5.4.7 of the submitted Supporting Statement identifies that the proposal does not entirely accord with the criteria set by these policies. However, both contain an exception clause relating to a demonstrable lack of alternatives, which the applicant has shown. A Household Waste Site is not technically a commercial 'employment' site since its prime purpose is waste management. In the light of this officers consider that policies E7 and E11 carry little weight in this case, but are in any case addressed through the exception clauses.
- 6.20 The above policies are a selection of those which are material to the proposal. The submitted Supporting Statement includes a policy matrix which assesses a wide range of relevant national, regional and local policies (table 5.1, page 62). Officers generally concur with its findings.

Access and traffic;

- 6.21 The application includes a Traffic Assessment compiled in accordance with government guidance. It includes: a contextual description of the site and existing local highway conditions; an appraisal of the possibilities for alternatives to car use when visiting the site; a review of the site layout and design in terms of access to the public highway network; trip generation and traffic distribution analysis; impacts on the immediate highway network.
- 6.22 The site has access to an existing modern junction on the A4111 (Kington by-pass), with good visibility. The applicant points out that many items likely to be taken to the site would be bulky, making car use inevitable even if the facility were located within the town centre. Nonetheless there is good pedestrian and cycle access to the site, and there would be scope for staff and visitors to avoid car use. The facility would also serve a number of outlying villages, and would be more readily accessible from these than a town centre site. The site layout would include an internal roadway and split-level unloading bays, designed to avoid any queuing on the A4111. The report assesses likely trip generation using traffic surveys carried out at comparable HWS elsewhere. Weekday traffic is estimated at 193 visits, Saturdays at 322 and Sundays at 266. These figures need to be doubled for return journeys. Maximum hourly traffic demand at weekends would be around 88 movements (44 in and 44 out). For HGV traffic (removing deposited waste and returning empty containers) the estimate is 3 or 4 visits in any day, but only on 3 or 4 days per week (not necessarily those days when the site would be open to the public). Using DfT modelling software, the technical assessment demonstrates that the estimated traffic levels could be comfortably accommodated by the highway network.
- 6.23 The proposal would not conflict with policies DR3 and T8 of the Herefordshire Unitary Development Plan 2007. Conditions are recommended to ensure compliance with highways specifications and requirements. Officers accept that visits to any HWS would be primarily made by car and that the site's location outside the town could alleviate congestion within Kington. Officers are inclined to agree with the applicant's observation that there are no material transport issues that would call the development of the site as a HWS into question.

Air quality and pollution (including odour, dust, fly tipping, vermin and litter etc);

- 6.24 Section 7 of the Supporting Statement assesses air quality, considering potential receptors within 250m of the application site. In the context of air quality issues it explains the proposed activities at the site, summarised as follows:
- The site would accept mixed waste and garden waste, but reception/storage facilities would be enclosed to prevent any odours, dust or litter and would be regularly removed.

- The site would be designated for local householders only and no trade waste would be accepted.
- No materials sorting or processing would be carried out.
- Open containers around a central yard would receive non-odorous bulky materials such as rubble, glass, paper/card, cans, wood, metal.
- A compound would receive electrical items, batteries, textiles and shoes.
- Tanks would receive oils.
- HGVs would remove full containers and deliver empty ones on a regular basis.

6.25 The report assesses possible adverse effects from dust and emissions generated by vehicles. Technical details of the existing and likely future conditions are given. The evidence-base concludes that the most significant source of dust would be during the construction phase, due to the amount of soil to be remodelled. However this would clearly be temporary and measures to suppress dust would be undertaken. Vehicle emission assessments are presented in spreadsheet form, concluding that pollutants from the increased traffic would be 'very small' or 'extremely small' and would not exceed national air quality specifications. The significance of the increases is described as 'negligible'. Mitigation measures are proposed in the Supporting Statement on:

- Airborne dust during construction;
- Operational airborne dust;
- Vehicle emissions.

6.26 The entire site would be regulated by the Environment Agency through an Environmental Permit, and matters of air quality, dust and odour would be included. If the site were not up to standard, the Agency would take enforcement action. On this basis, the evidence-base presented by the submission is accepted; conditions are recommended to secure the proposed mitigation and ensure that the site would be capable of compliance with a Permit. Officers accept that air quality could be adequately monitored and protected and there would be no conflict with policies S2, DR4 and DR9 of the Herefordshire Unitary Development Plan 2007. Planning conditions are also recommended requiring a scheme for fencing to the site and for all transfer vehicles to be covered or sealed, to ensure compliance with UDP policy W3, having regard to PPS23. The Environment Agency has not raised any objections and recommends further conditions to prevent pollution and from oil and dirty water through a sealed drainage system and interceptors.

6.27 The applicant has responded to the matters raised by Mr Jones of Arrow Plant Hire. The reply points out that fly tipping is not a problem at similar sites but continual monitoring and warning notices act as a deterrent. There is active liaison with the Environment Agency to prevent this type of anti-social behaviour. A HWS receives little biodegradable waste, but what is deposited is placed in enclosed containers and removed regularly. This removes any potential bad odours and lessens the likelihood of vermin – which are not normally an issue. However, specialist contractors are employed to monitor sites and lay traps wherever necessary. The environmental Services Manger has not raised any concerns and your officers' conclusion is that on these factors the proposal would be (i) capable of adequate environmental control, (ii) closely monitored, and (iii) regulated under legislation other than planning.

Biodiversity

6.28 The Supporting Statement includes an ecological assessment of the existing site undertaken by Marches Ecology. The site was found to be dominated by poor semi-improved grassland. The survey concludes that the existing site is of limited ecological value. However the proposal offers an opportunity for habitat and biodiversity enhancement in the area outlined for the deposit of excavated material that would be displaced by the site levelling. Officers accept the

findings of the survey and conditions are recommended to secure schemes for biodiversity improvements and subsequent management, in accordance with policies NC1, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

Landscape and visual impact

- 6.29 In planning terms these are probably the foremost factors in consideration of this proposal. The Supporting Statement includes a full section on these separate issues. On landscape, the methodology follows a structured approach to establish baseline conditions, assess sensitivity to change in the particular landscape, predict the likely magnitude of change (taking mitigation into account), and calculate the significance of effect. An assessment matrix is used to indicate whether there would be significant adverse effects, to a similar degree as if the EIA Regulations applied.
- 6.30 The adopted Herefordshire Landscape Character Assessment 2002 places the site on the boundary between 'Ancient Timbered Farmlands' and 'Timbered Plateau Farmlands'. However, the site lies on the extreme southern edge of Kington, with the industrial character of the adjoining plant hire premises and housing development to the north, including land allocated for future housing. The town's cemetery lies further to the south and the land along the recently improved A4111 is marginally agricultural with a distinctly urban feel. The assessment (paragraph 9.6.3, p 120) considers the sensitivity of the site to be 'low to medium'. It goes on to evaluate the magnitude of change to be 'medium', with an effect of 'minor to moderate' significance. In the short term, while the site and its landscape was becoming established, there would be temporary 'adverse' change but this would improve to 'neutral or beneficial' once vegetation and tree cover increased.
- 6.31 On visual impact, the application identifies properties having direct or oblique views towards the site. Their sensitivity to change is assessed, and a summary of the likely effects. More distantly, some properties on Bradnor Hill, including the golf course, would have wider panoramic views towards the site. Banley Farm would have clear views of the site, however the operational activities would be cut in at a much lower level than the present field surface and dense woodland planting is proposed in the north-western corner of the site. On the eastern side, nearest to the A4111, an existing tree belt would be retained. Security fencing hedgerows and intermittent trees are proposed for the remaining site boundary. The assessment concludes that with planting the site would have a slight visual impact which would diminish over time. Views into the site from the A4111 would be limited/transient.
- 6.32 The applicant has provided structured assessments of landscape and visual impacts, and concluded that, although visible changes would undoubtedly occur, mitigation is possible and those changes would not be objectionable. The application site is not affected by any designated landscapes or areas and lies on an unremarkable modern road. There is no reason why such a facility should not be accepted as integral to the sustainable function of a market town. In terms of orientation, design, landform and planting proposals, the applicant has demonstrated consideration of the existing topography. The application site has been carefully chosen and designed so as to be as unobtrusive as possible taking into account the general character of the area. Objections on visual impact grounds are not therefore supported by your officers, and no conflict with policies LA2 and LA3 of the Herefordshire Unitary Development Plan 2007 is indicated. Officers acknowledge the need for such a facility; the difficulties of finding a suitable site override other considerations to some extent, provided mitigation is properly implemented. A condition is recommended for a landscaping scheme under policy LA6 in accordance with the Landscape Officer's comments.

Archaeology

6.33 The proposal includes 'cut-and-fill' measures to level the sloping site and provide landscape screening and remodelling. Prior to submitting the application, the applicant undertook an initial archaeological assessment consisting of a desk-based study and field evaluation. The Archaeological Advisor has confirmed that the report is acceptable and recommends a standard condition requiring a scheme of investigation to an agreed brief, in accordance with policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Drainage, water quality and flood risk

6.34 The site falls within flood zone 1 (low risk) and at less than one hectare falls below the threshold in PPS25 for requiring a Flood Risk Assessment (FRA). The application states that run-off from surrounding land would be provided with a perimeter soakaway on the western side of the site. The geotechnical report suggests there are known limited and infrequent groundwater issues, which can be adequately mitigated through surface water drainage solutions. These would be designed to incorporate SUDS in accordance with Environment Agency requirements.

6.35 The Environment Agency has drawn attention to the requirements of DETR Circular 03/99 in establishing foul drainage arrangements prior to determination of an application. The applicant has been in negotiation with the statutory undertaker for sewerage, and two alternative schemes are included in the application. To date that choice has not been finalised although the Agency has not suggested that either would be unacceptable.

6.36 Officers are satisfied that drainage matters would be satisfactorily addressed by the applicant and that the site is capable of adequate provision. The Agency would not be able to issue an Environmental Permit without this, and in such circumstances the site could not operate. No objections have been raised on this topic. No conflicts with policies DR13 and DR14 of the Herefordshire Unitary Development Plan 2007 are indicated.

Lighting and noise

6.37 The application states that lighting would be needed only during operational hours at times when natural light fell below safe working levels. It would be designed to be angled downwards, to prevent glare and light spillage beyond the site boundary. This accords with policy DR14 of the Herefordshire Unitary Development Plan 2007 and could be secured by a condition.

6.38 On noise, the application includes a full survey and assessment. Appendices 12-1 to 12-6 give the technical details including equipment used, methodology, weather conditions at survey times, survey results, and an explanation of basic acoustic terminology. The following noise sources were considered:

- Road traffic on the highway network
- The deposit of waste items into the various containers
- Movement of containers to and from the site
- Movement of vehicles within the site

Baseline noise surveys were undertaken to establish existing background noise at the boundary of the nearest receptors. This process involved the sites being chosen in consultation with the Council's Environmental Health Officers (EHO). The nearest receptors are stated to be between 65 and 70 metres away (to the north and north-west of the site). The survey results suggest existing background noise is high, and dominated by road traffic. The applicant has used figures from a comparable existing site to establish the likely future impacts.

6.39 On road traffic noise, the survey concluded that the nearest receptors would experience a slight increase in noise, to a maximum of + 1.1 dB(A). Government guidance indicates a margin of +3

dB(A) before triggering any concerns. On site operations, using other comparable sites to assess change, the report estimates there would be some increase in noise from the deposit of waste into containers, but the site would be specifically designed to avoid excessive dropping of items into skips. Acoustic fencing is proposed to ensure that operational noise emanating from the site would be kept to a minimum. The report offers an Assessment of Significance and mitigation measures are proposed, which could be secured by condition in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007 and which would be further covered by the Environmental Permit. The Environmental Services Manager has not raised any objection but would in any case have independent enforcement powers over any noise nuisance.

7. Conclusion

7.1 In your officers' opinion the application is well-detailed and brings forward a proposal which is fully in accordance with strategic waste and local planning policies. It would provide a valuable contribution to the wider waste disposal facilities in the County and in a sustainable way.

7.2 This application includes comprehensive assessments on relevant topics. The proposal has been assessed against National policy, the Regional Spatial Strategy and the Herefordshire Unitary Development Plan 2007 (UDP). The site is on unallocated green field land in open countryside. However the proposal complies with policy W1 of the UDP, which is the key policy in this case and is not tied to settlement boundaries. Officers take the view that with regard to the many relevant national, regional and local policies, the proposal has been shown to be either supported, compliant or capable of mitigation in each case. Several other factors are material considerations:

- There are currently no allocated sites in Herefordshire for waste management
- Unallocated sites should not be lost, if they can comply with other policies (PPS10)
- The site is not affected by any environmental designations
- The proposal is relatively small-scale
- It meets all current waste policies and the Joint Municipal Waste Strategy
- It meets BPEO principles, which remain relevant to regional and local policy for the time being

According to professional advice, the proposal is capable of meeting environmental and highways standards on design and management. Officers accept that there is a need for such a facility and this site fulfils the special site criteria.

7.3 All relevant matters have been considered, and additional information requested from the applicant and consultees where necessary, in order to establish an evidence-based view. Management of the site would be controlled by the Environment Agency through other legislation including the Environmental Permit regime and other means of pollution control.

RECOMMENDATION

That, subject to receipt of satisfactory arrangements for surface and foul drainage to the site and in consultation with the Environment Agency and statutory sewerage undertakers, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B01 (Development in accordance with the approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Pre-commencement Requirements:

3 No development shall take place until a scheme and plans showing final details for all surface and foul drainage have been submitted to and approved in writing by the local planning authority. This scheme shall include details of appropriate infrastructure, storage, filtering and interceptors and be generally in accordance with the details indicated by either Option 1 or Option 2 in the submitted Supporting Statement date stamped 27th April 2009, or such alternative scheme as may be prepared in consultation with and agreed by the Environment Agency, statutory sewerage undertakers, and/or the local authority Land Drainage Officer. The agreed arrangements shall be installed and implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent pollution of the water environment and to ensure compliance with the requirements of DETR Circular 03/99 and policies S2, DR1, DR4, DR6 and CF2 of the Herefordshire Unitary Development Plan 2007.

4 G04 (Protection of trees/hedgerows that are to be retained)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

5 C01 (Samples of external materials)

Reason: To ensure the materials harmonise with the surroundings and to ensure the development complies with the requirements of policy DR1 of the Herefordshire Unitary Development Plan 2007.

6 G09 (Details of Boundary treatments)

Reason: To ensure site security and in the interests of visual amenity, in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007.

7 E01 (Site investigation - archaeology)

Reason: To ensure that any archaeological interest of the site is recorded and to comply with the requirements of policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

8 No development shall take place until a detailed method statement for the routine assessment or air quality including monitoring and control of dust and windblown litter has been submitted to and approved in writing by the local planning authority. The scheme shall reflect the findings of the submitted Supporting Statement (April 2009) and include, in particular, evaluation of and/or provision for:

i) Measures to assess, prevent and control dust and mud during the construction phase;

- ii) The use of specified dust suppression measures as and when necessary during the operational phase;
- iii) The regular review of the methodology for dust and litter control;
- iv) Assessment of the need for and specification of litter-proof fencing, and measures to install if and when necessary;
- v) Monitoring and control of vehicle emissions;
- vi) Timescales for implementation of each element of the scheme.

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure that in the event that dust, mud and/or litter would affect either the site or the surrounding area it would be promptly and adequately controlled, in accordance with policies S1, S2, S10 and DR4 of the Herefordshire Unitary Development Plan 2007.

9 I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

10 I02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of Herefordshire Unitary Development Plan.

11 No development shall take place until a revised/finalised Habitat Enhancement and Landscape Scheme within the non-operational area of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) A large scale revision of the submitted plan reference 807-01-02 dated April '09, to scale 1:200 or 1:500, to include details of new provisions for wildlife, and all planting and seeding proposals specifying locations, species, sizes, densities and planting numbers.
- ii) Integrated and detailed proposals for specified wildlife habitat creation or enhancement for specified and agreed target species through planting, landform and other measures as appropriate.
- iii) Specific details for screening to protect visual amenity.
- iv) Details of cultivation, management and other operations associated with plant and habitat establishment, including provision for remediation and or replacement in the event of any plant failures.
- v) Detailed timescales for implementation and completion of the entire scheme, and future management arrangements for these measures, in consultation with the Council's Planning Ecologist.
- vi) Provision for review and a flexible approach in order to meet changing circumstances where necessary.

Reason: In the interests of the amenity of the area, to improve biodiversity, ensure a satisfactory form of development, and to ensure compliance with policies S1, S2, DR1, LA5, NC1 and NC6-NC8 of the Herefordshire Unitary Development Plan 2007.

12 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 13 No development shall take place until a scheme for hard and soft landscaping within the operational area has been submitted to and approved in writing by the local planning authority. The details submitted should include:

- i) Details of all proposed finished levels, contours and gradients for the final landform including sections and soil depths
- iv) Specifications of materials and construction methods for all hard surfacing, including the proposed access road
- v) Details and specifications of ancillary equipment including compactors
- vi) Details and specifications of the car parking layout and other vehicular and pedestrian areas, including construction methods, materials and marking out
- vii) Location of proposed functional services above and below ground (e.g. drainage, power, communications, pipelines etc)
- vi) Timescales for completion of the scheme

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to maintain the visual amenity of the area, ensure a satisfactory form of development and to ensure compliance with policies S1, S2, DR1, LA5 and NC8 of the Herefordshire Unitary Development Plan 2007.

- 14 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 15 The development hereby permitted shall not be brought in to use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained, and otherwise constructed in accordance with final details including revised road markings, to be submitted to and approved in writing by the local planning authority. These areas shall thereafter be retained and kept available for those uses at all times during the life of the development.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of the Herefordshire Unitary Development Plan 2007.

Restrictions:

- 16 F02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 17 F03 (Restriction on hours of opening)

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

18 I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

19 K4 (Nature Conservation - Implementation)

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

20 M13 (Pollution prevention)

Reason: To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

21 M15 (Car park drainage)

Reason: To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

22 No waste materials shall be transported from the site unless they are contained within sealed or covered vehicles.

Reason: In the interests of highway safety, to safeguard the amenity of the area, and to comply with policies S1, S2, DR1, DR4, T8 and W3 of)

23 Unless otherwise agreed in writing by the local planning authority, within 6 months of the site permanently ceasing to be used as a Household Waste Site, the applicant or his successor shall submit proposals for the restoration of the site. The restoration scheme shall include in particular:

i) Details of any structures or works that are to be retained, and a reasoned justification for retaining them.

ii) The dismantling, removal and sustainable disposal of all other introduced materials, hardstandings, buildings, tanks, containers, bays and equipment that are not specified for retention.

iii) Re-profiling of all bunds and other earthworks.

iv) Reclamation of the site to agriculture or nature conservation.

Reason: To ensure the site is capable of future beneficial use, in accordance with policies S1, S2 and W9 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES**1 N15 - Reason(s) for the Grant of Planning Permission****2 N19 - Avoidance of doubt - Approved Plans****3 Operation of an HWS would be controlled by an Environmental Permit. The requirements of this permit would include comprehensive measures to prevent pollution of the environment, for example from dusts and odour emissions.****4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**

- 5 N11C - Genera
- 6 ND03 - Contact Address
- 7 HN01 - Mud on highway
- 8 HN04 - Private apparatus within highway
- 9 HN05 - Works within the highway
- 10 HN10 - No drainage to discharge to highway
- 11. HN16 - Sky glow
- 12 HN28 - Highways Design Guide and Specification
- 13 **Developers should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency has produces a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPGs) targeted at specific activities. These can be viewed at:**

[http@//www.environment-agency.gov.uk/business/topics/pollution/39083.aspx](http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx)
- 14 **With regard to the requirements of condition 3, priority should be given to the consideration of Sustainable Urban Drainage Sysems (SUDS), and take account of the likely impacts of climate change, in consultation with the Environment Agency.**

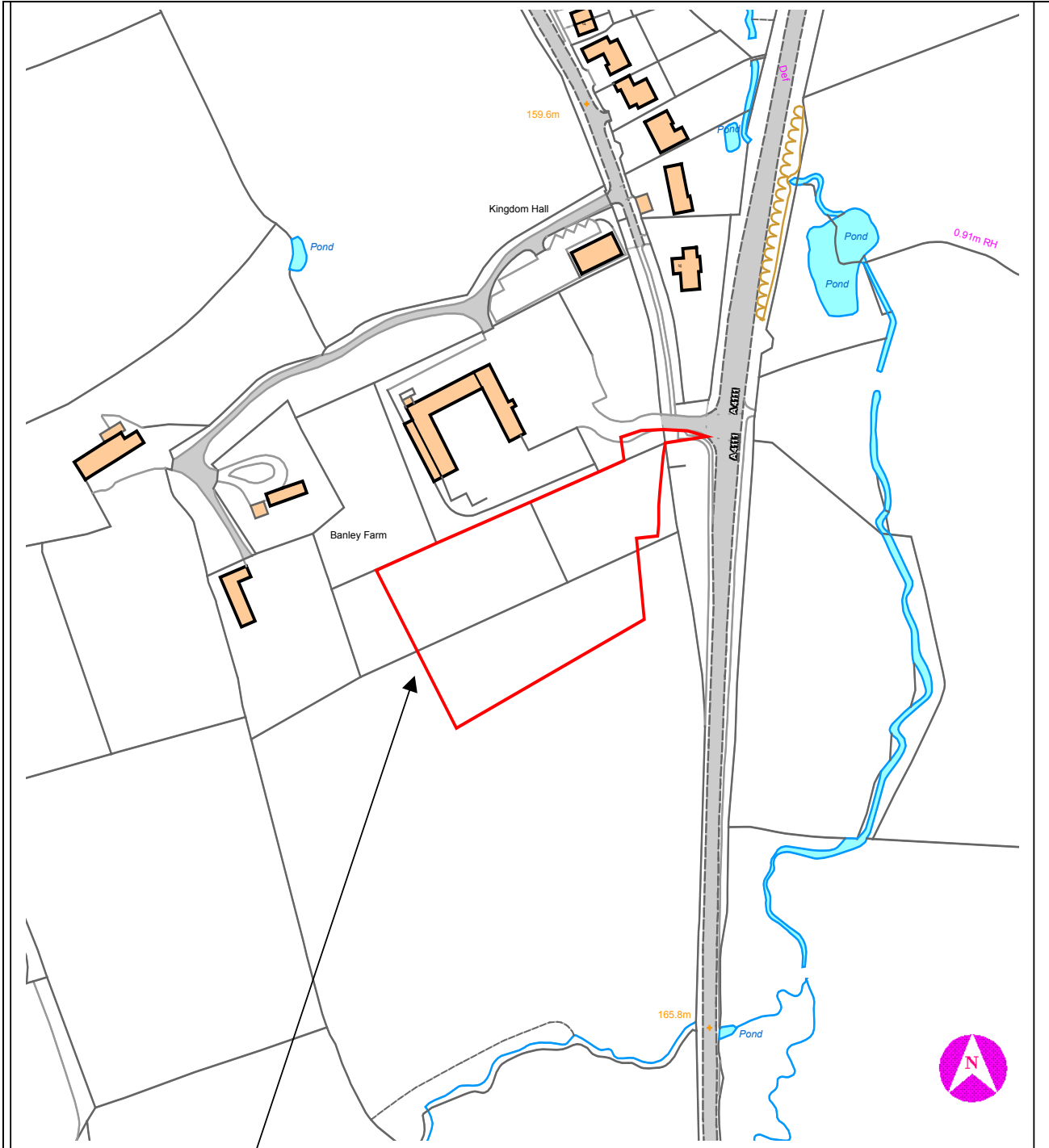
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2009/0819/N

SCALE : 1 : 2500

SITE ADDRESS : Land to the South of Kington off A4111 adjacent to Arrow Plant Hire, Kington, Herefordshire, HR5 3HB

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